

Privilege—Mr. Nielsen

We cannot, Madam Speaker, carry on business as usual. The Minister's lack of prudence and his own conduct in this self-seeking drive for publicity has caused this leak of such huge proportions that the House must deal with it and must deal with it in a traditional way, in the same way that the leak was dealt with in the case of Hugh Dalton.

Therefore, if you find that there is a prima facie case of privilege affecting Members of this House, I would propose to move:

That a special committee be appointed to inquire into all the circumstances relating to or associated with the disclosure of budget information by the Minister of Finance on Monday, April 18, 1983, that the committee consist of 11 Members of the House, and that the committee have power to send for persons, papers and records.

That would be the motion that I suggest you should put to the House, Madam Speaker, upon reaching the conclusion that there has been a prima facie breach of the privileges of the House.

I want to emphasize once again that if there ever was, if you have ever considered in your three-year-plus term now as Speaker of this Chamber, a breach of the privileges of the Members of this House, this is it. I urge, Madam Speaker, that you can come to no other conclusion than the very compelling one that that breach exists prima facie, that it must be dealt with by the House, and that the House certainly cannot proceed as though nothing has happened.

Some Hon. Members: Hear, hear!

Madam Speaker: I would just like to know, for the enlightenment of the Chair, whether the Hon. Leader of the Opposition (Mr. Nielsen) could answer a question for me. The Hon. Leader of the Opposition quite rightly said that it is not up to the Chair to determine whether there was a leak or to chastise the Minister in case there would be ample proof that there was a leak, but that the only question before us, of course, is to decide whether in appearance, prima facie, there is a breach of the privileges of the House.

The Hon. Member referred to several resignations of Ministers in the United Kingdom and of one Minister in the Government of Canada. Could the Hon. Member tell me whether these Ministers resigned as a consequence of the matter of a budget leak being referred to the Committee on Privileges and Elections? I do not believe it is so.

Now, he referred to the Dalton case where a motion was considered by the British House. Could he make it clear to the House whether that motion was a motion to submit the case to the Committee on Privileges and Elections or if it was a motion of another nature?

Mr. Nielsen: Madam Speaker, I can read from the transcript of *Hansard* from Westminster, but at the outset let me follow the sequence of the Hugh Dalton case. I have described how he was walking into the lobby when a question was put to him by a journalist and he answered it in such a fashion as to enable the London evening papers to print what later was discovered to have been in the budget that he delivered. He resigned before the striking of a special committee to consider

the circumstances simply because he realized upon the publication of his answer in response that the imposition of that cigarette tax was a premature leak of budget information. That did not stop the House, notwithstanding his resignation—which is the proper thing for the Minister of Finance to do now—indeed, in that case with the consent of the Government, from striking that committee to examine all the circumstances that brought about that premature leak.

● (1130)

With respect to Canadian precedents, the closest I have discovered—there may be others—is the case of Walter Gordon, who felt that his resignation was in order because he had offended the rules in having discussions, not of the completed budget but in the preparation of his budget, with outside economists. That is a “no-no” under our practices. That compelled him to consider his resignation. I read to you the extract from his memoirs with respect to his consultation with the Prime Minister.

The actual motion that was moved in the British House of Commons, as reported at page 1467 of the British *Hansard*, is as follows:

That a Select Committee be appointed to inquire into all the circumstances relating to or associated with the disclosure of Budget information by Mr. Dalton, then Chancellor of the Exchequer, on Wednesday 12th November:—

The motion goes on to name the members of the committee. You will find, Madam Speaker, that the wording of the motion I would move, should a prima facie question be found, is almost exactly the same as in the British precedent.

I am in total accord that you do not sit there in judgment over the rectitude or otherwise of the Minister's conduct; you sit there only to determine whether there is sufficient evidence to constitute a prima facie case, which the House then considers and decides whether or not it should go to committee.

I might say that committee would have the power to call for persons, papers and things, including videotapes—the original that was made as well as my own copy—which, once viewed, would convince beyond any doubt of the magnitude of the leak.

Madam Speaker: Order. I do not think the two motions are exactly the same but they need not be, although some similarities would have to occur. The motion the Hon. Member is referring to was on striking a select committee to investigate all the circumstances surrounding that particular case. I believe the Hon. Member's motion deals with privilege and requests that the matter be sent to the Standing Committee on Privileges and Elections. I just take note of that because I should like to examine—whether or not a Minister resigns on his own volition—whether the House would want to examine the matter of breach of privilege, regardless of the fact that even if a Minister had resigned, perhaps the House would find it still has the responsibility to determine whether privilege had been breached. The two things do not necessarily follow but they might.