

separate question of privilege, that is, the question of who has the right to summarily dismiss Members of Parliament from the precincts of this Hill. I suggest, with respect, that a servant of the Solicitor General has no business whatsoever in usurping that role from the Speaker and from the employees of the Speaker.

In conclusion, what has transpired constitutes, in my view, a breach of the privileges of the House in that it was an unprecedented—and I emphasize unprecedented—attempt to shape and manipulate the press' perception of this legislation. The Government did not want any opposition Members of Parliament in there because they might take exception to what is being said by the Minister's servants. That kind of attempted press management may reek of 1984 but certainly you, Mr. Speaker, as the guardian of the House, in effect, have an obligation to ensure that this does not happen again.

As I indicated, the second question of privilege is a breach of my privileges as a member of this institution to have untrammelled access to the precincts of the House without some employee, a press assistant of the Minister, insisting that I have to be thrown out.

Those are the bases of the question of privilege and certainly I would be prepared to move the appropriate motions if Your Honour feels that this is a matter which should indeed be referred to the Committee on Privileges and Elections.

Hon. Bob Kaplan (Solicitor General of Canada): Mr. Speaker, I think that the NDP has revealed richly today and yesterday, when they delayed the proceedings of the House by forcing a vote on first reading, which is nearly unprecedented, why their support across the country is disappearing so rapidly.

What we have seen in the arguments presented in support of this question of privilege today I suggest fall apart when one recognizes that the Members opposite are, at the same time, riding two horses which are going off in two directions.

On the first horse, Members are arguing that the precedents, conditions and indeed the privileges of the House clearly establish that Bills may not be disclosed outside the House until they are tabled here first. Then, on the second horse, they are arguing that the lock-up rules were violated.

Well, recognizing that there are such things as lock-up rules indicates, I believe, that the first horse is going nowhere. Concerning the suggestion that there is a violation of privilege when a draft bill or proposed Bill which has not yet been first read is made public elsewhere, there is no such rule.

I look at the section referred to by the Hon. Member for Hamilton Mountain (Mr. Deans) at page 221 of *Beauchesne's Fifth Edition*, which he argues established that a Bill, draft Bill or proposed Bill may not be revealed elsewhere before first reading. The language that he cited says nothing of the kind. It simply says that the purpose of first reading is to allow any Bill to be introduced, printed and distributed so as to give Members an opportunity to study it. It says nothing at all about prior disclosure of a draft Bill on undertakings or indeed without undertakings.

Privilege—Mr. S. Robinson

Mr. Deans: Who could authorize distribution other than the House?

Mr. Kaplan: Yesterday, at page 527 of *Hansard*, he referred to a precedent of Mr. Speaker Jerome and said that Mr. Speaker Jerome found that prior disclosure in a lock-up "did violate the practices of the House of Commons". I am quoting the Member opposite. If that reasoning and statement appeals to you, Mr. Speaker, I urge you to read what Mr. Speaker Jerome really did say, because he said nothing of the kind.

On the second horse, about whether the lock-up was properly held or not, I do not see how one can argue that privilege was violated by prior disclosure and at the same time argue that a lock-up can exist provided that the Members' concept of proper rules are followed. If one looks at the situation in the lock-up, I do not think anything can be found therein that violated the established privileges or amounted to a contempt of Parliament. In fact, there was a lock-up. In fact, at noon yesterday draft copies, advanced proposed copies of what was proposed to be first read, were shown to parliamentarians.

I draw to your attention that the document given to them was not the document produced here following first reading. The document given to them showed clearly on it "Confidential until tabled in the Commons". That does not appear on the first read Bill, if the Hon. Member wants to make the argument that that is the Bill which should not have been disclosed anywhere in advance. But even on that point I see nothing in the rules or in the precedents he cited which would not allow that.

● (1530)

I want to refer also to the fact that the Hon. Member for Burnaby (Mr. Robinson) admitted, namely, that he himself was expecting to get an advance copy of the Bill on the basis of the mutual respect which exists across this floor, that he asked for it and he indeed got it. His colleague, the Hon. Member for Hamilton Mountain (Mr. Deans), was arguing against that practice and at the same time the Hon. Member for Burnaby was insisting on that practice. He was asking that he be given a copy before the Bill was made public here. In other words, I think the whole case which the NDP has put forward falls apart.

I would like to deal, and I think I must, with the other question of privilege raised by the Hon. Member for Burnaby. I think I wrote down accurately what he said. He said that "as a Member of Parliament he has an absolute right to go anywhere, to have full and untrammelled access to parliamentary precincts—

Mr. Robinson (Burnaby): Subject to the Speaker.

Mr. Kaplan: Subject to the Speaker. I would submit to you, Mr. Speaker, that that is a ridiculous proposition and that just a little bit of examination shows that. My office is in the parliamentary precincts. The Hon. Member's office is also. Is the Hon. Member suggesting that he has a perfect right of