

*Privilege—Mr. McGrath*

I might ease the hon. member's mind on that. There is no confusion on that point; that question is clearly settled. The question whether or not a charge has to be laid in order to get a matter before a committee is a totally different question; but there is no precedent at all which supports the thesis that a member, by making such a charge, puts his seat on the line or that he has to put his seat on the line in order to make such a charge.

That should dispose once and for all, of that particular point, at least in this session of Parliament.

The next precedent—and I do hope these precedents will be helpful to you, Madam Speaker—is to be found at page 742 of *Votes and Proceedings* for July 25, 1975. This is again a ruling by Mr. Speaker Jerome, I believe. I am not quite sure when the change of Speakers took place. This precedent deals with the matter of the specific charge. Indeed, there can be no doubt it seems, on the basis of the precedent, that a specific charge must be laid in order for there to be constituted a question of privilege and, more important, in order that the committee might be focused accurately on the work it has to do if the House should send the question to the committee. To quote very briefly, he said:

● (1540)

I do stress after all that it is in the final analysis a decision of this House which will say whether or not the matter goes to the Standing Committee on Privileges and Elections where the matters that have been discussed and raised by almost all Members who have participated will be possible.

That involved the question raised by the hon. member for Kenora-Rainy River (Mr. Reid). It is interesting to point out that the hon. member for York-Simcoe (Mr. Stevens) and the hon. member for Oshawa (Mr. Broadbent) also put forward motions to send that particular matter to the committee, as did the hon. member for Kenora-Rainy River.

The hon. member for St. John's East has already pointed out the importance of referring the Chair to the amendment to that motion which was moved by the hon. member for Oshawa, and that amendment too was accepted and included in the reference to the House.

Having referred the Chair to that precedent, may I once again refer the Chair to the specific nature of the motion moved by the hon. member for St. John's East. There are three very clear specifics in that motion: That the advertisement over the authorization of the minister responsible for housing—that is specific number one—contained budgetary information—that is specific number two—and that that information was in the hands of the newspaper prior to the reading of the budget in the House on November 12, 1981—and that is specific number three. Nothing, in my submission, could be more clearly specific, and more closely meet the criteria of which Mr. Speaker Jerome spoke in the precedent last cited.

Let me now bring to your attention another precedent taken from *Hansard* of April 17, 1978, at page 4549. Again that was a question of privilege raised by the hon. member for Oshawa-Whitby on alleged leaks of budget details. Again it was Mr. Speaker Jerome who was in the chair. Again that ruling focused on the need for specifics. I will just quote one short sentence from that ruling of Mr. Speaker Jerome where he said, as reported at page 4549:

General motions of that sort without specific accusations, have been rejected by the Chair. Therefore, even if I were to accept the fact that these precedents place this matter within the area of privilege—

He went on from there. In that case, even if he had found privilege, which he would not have, he found that the motion itself lacked the specific nature he and other Speakers before him had set up as necessary criteria to find a privilege. That, however, is not the case here in my submission, having regard to the three specifics mentioned a moment ago.

The last precedent I wish to cite with respect to the records of this House is in *Hansard* of December 12, 1979, at page 2283. I ask you, Madam Speaker, to take particular note of the date, because those who now argue against the submission we make on this side were then here. I want to quote a few remarks of some members who now sit over there; one is now the Minister of Justice (Mr. Chrétien). He has been here for some time and certainly is interested in justice, impartiality, truth and fairness in this place, and I do not say that in any insincere way. He said, as reported at page 2283:

The confidentiality in which the details of a budget are kept is a constitutional practice which forms an integral part of a parliamentary system. Such practice is based on the principle that no individual, whoever he may be, must know in advance the details of a budget which he could use for personal gain.

He went on at page 2284 to tell us he was at one time minister of finance and he appreciated the difficulties that would be encountered in keeping budget secrecy. He spoke of consulting with the provinces but at the same time ensuring that he maintained that constitutional practice of, as he called it, budget secrecy. He said:

—but I always kept in mind the responsibility which I had in terms of budget secrecy.

On the same page, a little further down in the right hand column, referring to the Minister of Finance and his responsibility, he said:

He is forced to conduct those consultations in order to have a budget document prepared. Sometimes he has to consult with the department and so on. He has the responsibility of making sure that there is absolutely no leak.

At page 2285 he said:

I have absolutely no choice but to raise this fundamental problem of parliamentary democracy. When we have a government that is responsible to this House, the Minister of Finance has to take all the necessary steps to ensure that there is absolutely no leak.

That is a responsibility the present Minister of Justice points out that the Minister of Finance owes to the House. Therefore I emphasize the nature of that opinion of the present Minister of Justice in terms of what the privileges of this House and its members are.

The Minister of Justice said also:

—I realize that the hon. minister has no choice but to reveal to the House what happened. In order to help him to clarify the question of whether there was a leak—

Note the words “whether there was a leak”; there is nothing specific about that. The quotation continues:

—and I think there was a leak—in my judgment he will have to take his responsibility in the best British tradition.