

Privilege—Mr. Hawkes

submit that the precedent in Citation 628, strictly speaking, does not apply to the circumstances in question.

The Hon. Member went on to quote at length from Citation 647 of *Beauchesne's Fifth Edition*, which reads in part as follows:

No act done at any committee should be divulged before it has been reported to the House.

Then the Hon. Member went on to quote what the citation says about a resolution of the House of Commons of the United Kingdom on April 21, 1937. I submit, Mr. Speaker, that a closer reading of the current edition of *May's Parliamentary Practice*—because the citation read by my hon. friend is based on a quotation from May's—will show that this resolution has been superseded by an amendment of the Standing Orders of the United Kingdom House of Commons which allows a greater latitude in disclosing in a number of ways proceedings and reports of committees before they are fully disclosed to the House of Commons. Therefore, I respectfully submit, Mr. Speaker, that the citation in question, Citation 647, based as it is on a reference to May's at page 146, which in turn quotes a resolution of the United Kingdom House of Commons on April 21, 1937, has been superseded by a later and more up to date change in the Standing Orders of the United Kingdom as put forward in the more up to date edition of May's and, therefore, does not apply.

Finally, Mr. Speaker, I want to say that ordinarily an Hon. Member, in seeking to establish a prima facie case of privilege, has to indicate his or her willingness to submit a motion in the proper form calling for the matter in question to be referred to the Standing Committee on Elections and Privileges, or for some other appropriate action to be taken. All the Hon. Member has done so far is to present to the House a number of interesting citations which, I respectfully submit, I have distinguished and shown not to apply. Therefore, Mr. Speaker, in the absence of any clear indication by the Hon. Member that, if you find a prima facie case of privilege, the Hon. Member will submit a motion in the proper form which clearly defines the nature of the breach of privilege, by whom the breach was made and when and what action he proposes should be taken; the Hon. Member, for this and all the reasons I have given, has not made a case for a prima facie finding of a breach of privilege. Therefore, the matter should not be accepted as a prima facie case of privilege, contrary to the submission of the Hon. Member.

Mr. Hawkes: Mr. Speaker, just to make one point of clarification, I have a written motion which I believe to be in appropriate form and I will be quite pleased to move it if you find, Mr. Speaker, that a prima facie case does exist.

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, I have some sympathy for the position being put forward by the Hon. Member. I can well understand why he would want to have the confidentiality of the report maintained until such time as the House of Commons received it. I can understand as well that Hon. Members of the House might feel aggrieved that the report, or certain contents thereof, were divulged through a

press statement in advance of the House itself having received the document. However, having said that, I am a little concerned that we are going on a wild goose chase or witch hunt which, in fact, may well be the case. Citation 647(2) of *Beauchesne's Fifth Edition* states:

In Canada, when a question of privilege was raised concerning the publication of a committee report before it was presented to the House, the Speaker ruled that the matter could not be resolved as in the British practice because the motion appeared to attack the press for publishing the confidential document but did not attack Members of the House for their attitude in respect of their own confidential documents,—

It goes on to say that that in fact, therefore, probably did not constitute a breach of privilege. I want to suggest, Mr. Speaker, that there is a risk to be taken by the press in publishing information—

Mr. Speaker: With great respect, could the Hon. Member please bring himself to the prima facie question of privilege, not to the argument he may want to make should the House be debating the matter?

Mr. Deans: Mr. Speaker, I thought in fact I was addressing whether or not there was a prima facie case. The case to be made has to fall within the context of the practice of the House of Commons and the practice of the House of Commons, as defined by Citation 647(2) of *Beauchesne's Fifth Edition* would appear to speak directly to the matter raised by the Hon. Member inasmuch as what the Hon. Member is suggesting is that the press is out of line in publishing information given to it in advance of the report being tabled in the House of Commons. That matter has been dealt with previously and, as I understand the ruling, the suggestion that it was out of order, although gaining sympathy, was not upheld.

• (1520)

Mr. Speaker: As Members would expect, I take seriously the arguments which have been made. I am particularly grateful to Members on all sides who have chosen to present their arguments by way of citations and references which will be helpful. Since it is significant and since there have been different rulings on matters of this type in the Canadian practice, it would only be appropriate for me to reserve judgment, study the matter and come back to the House.

I have two further questions of privilege, or is the Hon. Member rising on a point of order?

Mr. McDermid: On a point of order, Mr. Speaker.

Mr. Speaker: Then I have one remaining question of privilege, which I must hear because it is put to me that way, and then I will come to points of order.

This question of privilege apparently arises out of Question Period.

MR. RIIS—ALLEGED IMPROPER REMARK OF MR. THACKER

Mr. Nelson A. Riis (Kamloops-Shuswap): Mr. Speaker, during Question Period I referred to a trust company which