

*Privilege—Mr. Nielsen*

precedents that could have some relevance to the situation and which are, however, entirely different, because in those two cases, the resignations took place after the budget was brought down, so that there was one basic element in the picture. A budget speech had been pronounced, and it was possible to compare what the Minister said with what his budget contained, and that we cannot do here. Second, the Ministers resigned after they brought down their budgets. They revealed fiscal measures verbally to someone, and the effect was to enable certain people to profit by this privileged information, which has yet to be proved here.

Therefore, Madam Speaker—

[English]

Madam Speaker, we are not at all dealing with this in the traditional way when we compare this case with the Dalton case since, as I have just indicated, in the Dalton case there was an essential element that we do not find here at this time in the discussion. They had a budget. We do not have a budget yet, and the Opposition knows that very well. All they are doing is trying once again to prevent the Government from dealing with the important substance, to create jobs, just because of their paranoia when they realize they have an opportunity to create systematic obstruction in this place.

**Mr. Mazankowski:** It is the stupidity of the Minister.

**Mr. Pinard:** That is why they are still trying to do it today, and I can assure you that they will not succeed because the people of this country will not let them prevent this Government from creating jobs in Canada.

[Translation]

Finally, Madam Speaker, it is clear that there is not a single factor that would justify the Chair's determining that there is a *prima facie* question of privilege. Once again, the only two precedents, which go back to the 30's and the 40's and which took place in another country, are not at all comparable to the present situation, and besides, the present case is about a leak from something that does not officially exist and cannot be checked because we do not have this budget before us. It is one of the recognized principles of parliamentary procedure and of the rules and practice of Parliament, that we are absolutely free, the Minister of Finance is absolutely free, whatever the consultations he may have held before his budget speech, whatever their form or the circumstances that might indicate that he intends to act in such and such a way, there is nothing in our parliamentary procedure to prevent the Minister of Finance from making a speech that differs from the consultations that may have taken place or indiscretions that were committed inadvertently.

The Minister of Finance is free to seek advice, and pursuant to our parliamentary practice and rules, the budget is not a budget until such time as the Minister makes his budget speech in the House, and that is the crux of the whole debate, Madam Speaker. It is a fact, it is there, plain for all to see—in latin we say: *patet*.

[English]

**Right Hon. Joe Clark (Yellowhead):** Madam Speaker, I have only been Member of this House for ten years but I cannot recall an occasion on which there has been a matter of this gravity, touching not only the roots of the ability of individual Members of Parliament to accept the word and support the behaviour of Ministers of the Crown, but also dealing with fundamental traditions of the House of Commons and our parliamentary democracy as they relate to budget secrecy.

Let me deal first of all with remarks that I was quite surprised to hear come from the mouth of the Government House Leader. First of all, he was suggesting, Madam Speaker, that in order for you to find a *prima facie* case of privilege, in order for you to accede to the request made by the Leader of the Opposition (Mr. Nielsen), you would have to judge the proof of the contents publicized last night as a direct result of the Minister of Finance (Mr. Lalonde) inviting television cameras into his room. That was the argument of the Government House Leader. He said it was your job to judge that the reports published last night are true.

With all respect, Madam Speaker, that is not your job at all. You are not here as a judge of the contents of what was published last night. You are a judge only as to whether there is a *prima facie* case of a breach of the privileges of the House of Commons. I regret that the Government House Leader did not seem to seize on or understand that difference in function. You are not here to judge the contents of the budget; you are here to decide if there is a *prima facie* case that would allow a committee to be established to look into this matter.

Secondly, and very quickly, the Minister suggested that no one in Canadian history has resigned as a result of a budget leak. Well, he misquoted Walter Gordon. Walter Gordon, in his own memoirs, made it clear that Walter Gordon believed that he was obliged to resign as a result of the budget leak. He did not consummate that resignation, but it was his view of his duty as a Liberal of that era that he, having breached budget secrecy, was obliged to resign. That is clear on the record in Mr. Gordon's own words.

● (1220)

In regard to the standards of this Government, we saw its standards when it comes to resignation not long ago in relation to its own conflict of interest guidelines. In that case the conflict of interest guidelines were in effect until they were breached; but once the rules are broken, the rules no longer apply to the Government of Canada when it is within the exclusive decision of the Prime Minister (Mr. Trudeau). This is not within the exclusive decision of the Prime Minister. This is within the power of decision of the Speaker of the House of Commons, who has to judge whether or not there has been a *prima facie* breach of longstanding traditions, not simply respecting budgetary secrecy, but also respecting the oath which was taken by a Minister of the Crown. I will come to the question of the oath in a moment.