

Privilege—Mr. W. Baker

am sure, take the form of an application by a member to this House. This House will then and there decide whether that reality has, in fact, constituted an interference with the real or essential functions of a member.

Therefore I find, first, that the Chief Justice was asked to make a declaratory judgment which required a response from him, firstly, on the general nature of a member's privilege and, more particularly, on the general nature of the relationship between a member and the press in the question of privilege.

Second, I find that nothing which was said by the Chief Justice alters in any way the privileges, the powers and rights possessed by members in the relationship with the press in respect of proceedings in the House.

Third, I find that nothing said by the Chief Justice alters these privileges and relationships in respect of activities of elected members which are outside of proceedings of parliament. But even if my opinion is wrong in this respect regarding activities outside parliament, in the first place the Chief Justice was dealing in abstract terms, by his own description, and in the second place he had gone beyond the basic reasons for judgment to *obiter dicta* and, therefore, did not make an addition to the law.

Finally, the Chief Justice was, I think, quite correct in indicating to us all the dangers that are inherent in attempting to deal with an academic situation. I feel strongly that this house should not—I have said so in the past—and cannot deal with this question in the same abstract form. On that ground, as well, I find that the matter ought not to go further.

I say, again, that this House remains the master of its own practice, particularly on the question of privilege, and this House will exercise its own judgment on our practices and precedents if and when the matter is raised in a real way before this House. At that time, this House will decide whether or not it qualifies and ought to be dealt with under the heading of privilege, and no other body.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, I wonder whether it would not be appropriate that the judgment in question be placed on record in *Votes and Proceedings*. Otherwise, it will be very difficult to follow the several points that you have enunciated, however clearly you did so.

Second—and this is just an observation—any infraction or invasion of the rights of parliament must be opposed strongly in the House.

I tell you, sir, that the ruling you have just given shows a Solomonesque capacity. It will be read in future years as upholding the rights of parliament, making it clearly understood that declarations outside parliament shall not in any way impede, interfere with or diminish the rights of parliament or, indeed, the rights of the press, for those rights were determined under the Bill of Rights passed by this House in 1960.

Mr. Speaker: I thank the right hon. gentleman for his suggestion. I want to say, in passing, something I intended to say during the course of my ruling, namely, that the contribu-

[Mr. Speaker.]

tions made by all hon. members to this very important point were, first of all, in agreement, because every member of the House who participated in the discussion rejected the idea that our procedure could be determined externally. However, I thought it was incumbent upon me, in respect of all these arguments—all of which were very valuable—to reject as firmly as I could that idea, and indicate that I did not think it was necessary to go further, for the deliberation of the House, in order to make that rejection.

● (1522)

I thank the right hon. member for his remarks. With respect to his precise suggestion, I have the copy of the judgment to which I referred during my study of this matter. It is rather marked-up with my own notations, but it is the only copy which would relate to my remarks. I cannot think of any reason why it should not be tabled forthwith as part of *Hansard*, since the reasons I have just given will not make much sense without it. In any case, I am more than happy to comply with the suggestion made, and table it forthwith.

MR. BEATTY—LEAKING OF PERSONAL AND CONFIDENTIAL TAX INFORMATION

Mr. Perrin Beatty (Wellington-Grey-Dufferin-Waterloo): Mr. Speaker, during question period for the past couple of weeks I have raised the question of leaks of personal and confidential tax information to an unauthorized individual. I have cited a number of cases in the House concerning the possibility of an individual, posing as a chartered accountant, getting this information without producing proper authorization to the tax authorities.

Last Friday the minister asked me to substantiate my claim that chartered accountants have said publicly that they are able to get this information without having specific authorization. I cited to the minister an interview on "As It Happens" a couple of weeks ago by Mr. David Ingram of CEN-TA Tax Services, of Vancouver. Also, I could have cited a similar interview on radio station CFNY in Brampton two weeks ago last Friday. In that interview, a chartered accountant indicated that it was possible for him to receive confidential tax information about individuals without showing the proper authorization.

Today, the minister delivered to me a letter, as the House opened, in which he reported on his study of the transcript of Mr. Ingram's remarks on the CBC. The minister quoted one or two sentences from the letter. However, he did not quote from the operative paragraphs of the letter in which the minister confirms what Mr. Ingram said about the facility with which chartered accountants, or people posing as chartered accountants, can get information from the Department of National Revenue without showing any authorization whatsoever. Instead, the minister extracted one sentence from the letter in which he concluded that Mr. Ingram's allegations were general in nature and that his examples were so hypothetical that it made his observations meaningless.