

● (1510)

Speaking for this Party, we would very much like to have those kinds of ground rules established once and for all. I therefore ask you, Sir, in the interests of achieving that, if you do in fact find there is a case for adequate consideration of this question as a breach of privilege, then I would move a motion I feel confident would be accepted by the House and would finally clear this matter up.

Mr. Speaker: The matter of privilege raised by the Hon. Member for Hamilton Mountain was raised previously, and these are supplementary remarks. There is a matter flowing from the same incident and the Chair is not certain whether it is the same matter of privilege or not, but it will hear this before ruling. Are there other Members rising to be heard on precisely the point raised by the Hon. Member for Hamilton Mountain?

Hon. Ray Hnatyshyn (Saskatoon West): Mr. Speaker, I will not be too long. I wanted to add some remarks I hope will be helpful to you and members of this House in determining whether or not there is a legitimate question of privilege here which should be reviewed by the appropriate committee of the House.

Let me put the proposition to you, Mr. Speaker, in a slightly different way. In my submission it was not a lock-up as such which occurred yesterday. Rather, it was a pure and simple release of the document prior to its being tabled in the House of Commons. There was provision made for an exclusive briefing of the press in the West Block by the Solicitor General (Mr. Kaplan), at which time he released the proposed Bill which, as you know, Mr. Speaker, is always marked "confidential" prior to being tabled on the floor of the House of Commons whenever it is in the hands of any of the Table officers or officials of the House. Furthermore, there was no undertaking given by any Member of the Press. It seems to me that the normal procedure in a so-called lock-up is that members of the press and, I underline, interested Members of Parliament or critics in the Opposition are obliged to sign undertakings with respect to the confidentiality of the documents they are about to receive.

This is important, Mr. Speaker, for these reasons. One can understand very clearly why confidentiality exists on budgetary matters, but the same principle applies with respect to any piece of legislation even though the royal recommendation in this particular instance may not have been of budgetary proportions. In a true and unfettered parliamentary system there is no suggestion that Members of the House will have the legislative intentions of the Government in final form brought before them prior to any press briefing or manipulation, or any attempt at such manipulation, by the Government of the press and hence of public opinion.

I want to draw to your attention another matter which I think is germane to your consideration of this matter. Not only did the Solicitor General release to members of the press, including Members of Parliament, proposed legislation that was to be tabled in this House; he also conducted at noon

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yesterday a briefing of members of the other place. I suggest that in addition to members of the press, the members of the other place received copies of the proposed legislation and the only commitment asked of them was that they keep the matter confidential until one minute past three. I am so informed by members of the other place and verily believe that that was the only commitment made by them with respect to this legislation. Again, there were no undertakings by them or specific constraints placed on them, except with respect to the Bill itself, that it be kept confidential by them until that time.

We know what the circumstances were, Mr. Speaker. First reading of the Bill took place at ten minutes past six approximately. I suggest that members of the press released a full account through the Canadian Press and other media. After three o'clock they left the briefing room, filed their stories and Canadian Press phoned the office of the Government House Leader, the President of the Privy Council (Mr. Pinard), concerning whether or not the Bill had been tabled for first reading. They were advised by the Minister's office that it had been tabled. Subsequently a call was made by the Minister's office to Canadian Press to tell them that the information was wrong, but the story had already been issued on the wire well in advance of the time at which first reading actually did obtain. There was premature disclosure, Mr. Speaker, contrary to well established rules, custom and traditions of this House.

There are good and valid reasons why legislative items should not be released—

Mr. Pinard: Where is the rule? What number?

Mr. Hnatyshyn: Mr. Speaker, the President of the Privy Council will know, because he had a small amount to do with the constitutional debate, about the concept of parliamentary custom and tradition.

Mr. Pinard: One example?

Mr. Hnatyshyn: He of all people should know. He has spent all his time in the small debt courts of Quebec, and he knows not of what he talks on this issue. I am not going to be deterred by the President of the Privy Council.

Mr. Pinard: Mr. Speaker, the Hon. Member, who is a lawyer, should know that in Quebec lawyers are not admitted in small claims court. He should know that. Maybe they are in his province but in Quebec a lawyer is not allowed to plead a case in a small claims court, so he should know better.

Mr. Hnatyshyn: I was only going on the basis of his reputation in the House of Commons. I just assumed that was the only place he had practised. However, I want to get back to this serious point.

Mr. Pinard: That is the second time I have told you that.

Mr. Hnatyshyn: The Fifth Edition of Beauchesne at Section 16 states that privileges are enjoyed by individual Members because the House cannot perform its function without unimpeded use of the services of its Members. It is for the