

Privilege—Mr. W. Baker

p.m. with publication. He has not said that he examined and attempted to discover whether there was one and finds none. He cannot say he was not responsible for one. He arranged the lock-up. The President of the Treasury Board arranged a lock-up for the press only at eleven o'clock yesterday morning in the precincts of this Parliament.

I point out that ruling to show Your Honour that we have an entirely different situation. The Speaker of the day went on to say:

I cannot find on the face of the motion, as I am being asked to find, that there has been a publication—

Your Honour can take judicial knowledge of the fact that it was in every paper of the country, that it was on television news broadcasts, radio broadcasts, and it appeared in *The Toronto Star* which was brought before the House this afternoon. So, there is no question about publication.

In conclusion, why is this important? Why does this have any importance, apart altogether from the fact that some people might have been able to take advantage of having some advance knowledge, a few hours of advance knowledge, before the rest of the public with respect to this matter? It is important for this reason. It is part of the pattern of conduct which Your Honour has observed in this Parliament since we came back here in the winter of 1980. It is part of the course of conduct by the government. If Your Honour does not stop it, then we on this side of the House cannot hope to have any effect whatsoever or to be treated with any of the normal parliamentary courtesies. We have seen this happen week after week. It is part of a process of making statements outside the House and refusing to make them in the House. It is part of a process which was brought out in a question of privilege by my hon. colleague the other day with respect to the Minister of Industry, Trade and Commerce (Mr. Gray). It is part of a process which was demonstrated in the question of privilege yesterday, which took up 1.5 hours, by the hon. member for Broadview-Greenwood (Mr. Rae) with respect to the rights of members of this House to represent their districts. One of the traditions of this House is that these financial measures should be introduced here first before they are given to any outside body.

It has become the custom in the last few years to have lock-ups for members of the press to help them inform the public, but it has also been the practice, when the media has been informed so that they can better inform the public, that the members on this side of the House are also informed so that we can carry out our function and respond to the estimates, the budget, or whatever it is, once it is tabled in this House and becomes public knowledge.

But if the President of the Treasury Board can decide that he will enlighten the news media, that he will give his version to the news media and the public of Canada, and he will not permit us to examine what he is doing until he actually tables it in the House, then surely it is a contempt of this House for him to be permitted to have a lock-up of the news media or anyone else in advance of this information being presented to the House.

It is part of a process whereby members of the House are treated with contempt. We are treated as nothing when we are treated as though there were no parliamentary tradition, when we are treated as though the government did not care so long as our question of privilege did not meet the technical qualifications of privilege. Of course, a question of privilege is extremely technical in any event, but as long as they can stay outside the narrow, technical confines of the laws of Parliament, it is in order.

Now we have the President of the Treasury Board, of whom we expect better, a gentleman learned in the law but already flawed by the arrogance of his government in his few short months in office, treating members of the House in that way.

All Madam Speaker has to find is that there is a *prima facie* case. In my opinion, this is clearly not an open and shut case. I would ask Your Honour to exercise your discretion and send this matter to the Standing Committee on Privileges and Elections. Let them establish the facts; let them decide what the rules should be. Otherwise, we can forget budgetary secrecy, we can forget that whole process, because anything will go and there will be no rules to deal with it at all.

Madam Speaker: I will now hear one speaker from the New Democratic Party, and then I will decide whether I have heard enough on this question.

Mr. Ian Deans (Hamilton Mountain): Madam Speaker, certainly I will be brief, given that this matter has taken a considerable length of time. I must say, like many members who have spoken, that I have been disturbed over the course of the time I have been here by the practice ministers have followed of making important statements outside the House. However, this does not constitute a breach of my privilege. Sometimes I wish it did, but it does not.

What Your Honour has before you is a difficult question. There are three questions to be dealt with, as I see them.

● (1610)

First, is the release of the estimates prior to tabling a breach of our privilege? If you were to decide, upon reflection, that it is a breach of our privilege, the second question then must be: Is the method currently in use to protect the secrecy of the statements adequate? If you were to decide, upon reflection, that the answer to that question is no, then what further action must be taken?

I think those are the three questions which must be answered.

First, I want to say that there is a distinction between a budget, on the one hand, and the estimates, on the other. The reason for the secrecy of the budget documents is to guarantee that no one can profit from prior knowledge of the content and changes in the budget. When you compare that with the estimates, there is some distinction. It is somewhat more difficult to see where profit could be made from prior knowledge of the estimates, since there is no requirement that the government move any bill or motion on the estimates as a