

*Privilege—Mr. McGrath*

been that no detail of the budget should be revealed by the Minister of Finance or by anyone who had knowledge of it as a result of a briefing to anyone outside of the cabinet in advance of the budget being publicly presented. I suggest that although, in a technical sense, it may be very difficult to find the exact privilege which is being offended, there is no doubt in my mind that if that information was, in fact, given—and certainly the statement of the minister responsible for housing would indicate that it had been given—to people who were not sworn to any oath of secrecy by virtue of their position in the government, then a very serious wrong has occurred. That wrong must be remedied.

I would ask Your Honour to consider whether, in remedying that wrong, it may not be possible to find that there is a privilege which has been historically accepted, namely, the privilege of Members of Parliament to be the first to hear the budgetary proposals of the government before the government makes them available to any other individual in the land.

**Madam Speaker:** Could the hon. member help the Chair by explaining whether he feels some information has been divulged which would affect the country? I can very well see that if there had been a breach of secrecy of the budget, the country might have been damaged. Perhaps that is one of the reasons we have this convention to which the hon. member has referred. If someone did not follow that convention, I can very well see that the country, the economy, or someone out there might have been damaged by the fact that secrecy had been breached. However, where was the privilege of an hon. member breached in this particular circumstance, if it has occurred at all? In what way has an hon. member been prohibited from functioning as a Member of Parliament in this House? That is exactly the answer I would need. Evidence of this particular situation would help me to find a prima facie case.

**Mr. Deans:** If I may, I would suggest to the Speaker that perhaps consideration must be given to the rights of an hon. member to have the information made available to him or to her in the House of Commons at least no later than it is available to a private citizen, inasmuch as each individual Member of Parliament has a responsibility to protect the interests of the constituents who have elected that Member of Parliament to sit in the House of Commons. Therefore, each constituent of every hon. member is entitled to believe, and to have held as true, that his Member of Parliament has the information available to give to him at the same time as every other citizen of the land is given that information.

I believe that in fact it is my privilege as a Member of Parliament to be in a position to inform my constituents of matters which can and do affect their day to day lives at the same time as every other hon. member is made aware of that same information; and that if that information is inadvertently or deliberately given to one single individual who can benefit from it to the exclusion of all other individuals whose rights are protected by virtue of electing an hon. member to the House of Commons, that privilege has then been breached.

**Hon. Erik Nielsen (Yukon):** Madam Speaker, I wish to refer the Chair to some precedents which I think will be of assistance in coming to a judgment on this very serious and very important question. Perhaps not since this Parliament began has there been a need to exercise such great care as that required in coming to a decision on the question which has now been put before the Chair by the hon. member for St. John's East (Mr. McGrath). Because it will arise during the discussion of the precedents I intend to cite, it might be well to refer to the motion that the hon. member for St. John's East read to the House in his closing remarks which reads:

That the advertisement which appeared in the Brockville *Recorder and Times* on the morning of November 13—

The following are important words with respect to specificity:

—over the authorization of the minister responsible for housing—

That is quite specific. It goes on to state:

—contains budgetary information—

That is quite specific.

—which was in the hands of the said Brockville *Recorder and Times* prior to the reading of the budget in the House on November 12, 1981.

That is quite specific.

**Mr. Cosgrove:** No, no. Wrong!

**Mr. Nielsen:** It may well be wrong. There has been an interjection from the hon. member in the back bench there. I forget his riding.

**Mr. Hnatyshyn:** No, it is the minister.

**Mr. Blais:** It is the minister.

**Mr. Nielsen:** Was it the minister? Oh, well, it was the minister himself. It may well be wrong, but I will make submissions with respect to the need to be specific. I believe the Chair made a reference to that necessity yesterday. Those specifics are in the motion, and I want to preface my remarks by making that submission to the Chair.

In my submission, I think there might be some confusion developing. Certainly, it seems to be apparent in the mind of the Parliamentary Secretary to the President of the Privy Council (Mr. Smith), and I hope that I might be helpful in clearing up that confusion.

In order to put the matter into proper perspective, may I refer the Chair to *Hansard* of December 6, 1978, at page 1857, where Mr. Speaker Jerome was ruling on a submission by the hon. member for Northumberland-Durham (Mr. Lawrence) that a contempt of Parliament had occurred as a result of an obstruction of his individual right to perform his responsibility as a Member of Parliament, and hence the collective right of all Members of Parliament. That case revolved around the presentation, in response to a question by that hon. member, of misleading information, to say the very least. Mr. Speaker Jerome on that occasion, in discussing what was a prima facie case had this to day: