

Question of Privilege—Mrs. Sparrow

The proceedings of my Committee and, by extension, of all other Committees of the House have been jeopardized by this divulgence of *in camera* deliberations.

If you find there is a *prima facie* case of privilege, I will be prepared to move that the matter be referred to the Standing Committee on Elections, Privileges and Procedure.

Mr. Paul Gagnon (Calgary North): Mr. Speaker, I was going to address the last point, but I will address this one inasmuch as I was a member of the Committee. I can vouch for the facts as expressed by my colleague, the Member for Calgary South (Mrs. Sparrow).

I also want to point out to the Speaker that on May 5, at page 5777 of *Hansard*, the Member for Kamloops—Shuswap (Mr. Riis) raised a similar point of order on this very matter, bringing to the attention of the House deliberations that had taken place *in camera*. I want to emphasize to the Speaker that I find it ironic that the House Leader of the New Democratic Party raised his point on May 5 when the NDP had no member present at either of the votes.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, as a member of that Committee I do not disagree with what has been stated by the Member for Calgary South (Mrs. Sparrow) and the Member for Calgary North (Mr. Gagnon). However, I want to add some further information.

First, we are talking about two meetings. One meeting, at which certain questions were asked about inviting witnesses, occurred the week before. That was the sum and substance of the *in camera* meeting the week before and the *in camera* meeting of May 5.

These meetings were dealing with questions of Steering Committee and a matter of inviting witnesses. Those were the sole topics of conversation of those two meetings.

Shortly after the first meeting it became public as to who would be invited to appear as witnesses. Not only was information leaked from the second meeting, but obviously it became public from the first meeting.

My other point is that before the second meeting a reporter came to me and said, "I understand the witnesses will not be coming, that something else has been arranged". In the case of the second meeting, the press not only knew what might have been said at the first meeting and subsequently knew what was said at the second meeting, they knew what was going to be said at the second meeting before it took place. I believe that this is an embarrassment.

I also have two major concerns about this issue. The first is that the matters discussed were of a steering committee nature. The information from the first meeting about the witnesses to be invited having been made public, there would be a problem if we were just concerned that it became public that the witnesses would not be invited as a result of the second meeting? After all, how will witnesses know not to appear if they are not told not to appear? It is a difficult question.

My third point does not relate to what has been said but I think it is important. If there are to be Steering Committees, then that is what should take place. If there is to be information discussed in Steering Committees, that is where it should take place rather than in *in camera* meetings.

Holding *in camera* meetings any time one wishes to keep information private will only exacerbate the leakage of information. We have never experienced this type of situation before. It is unfortunate, but information that pertains to the Steering Committee should be discussed only in the Steering Committee rather than an *in camera* meeting.

Mrs. Sparrow: Mr. Speaker, the Standing Committee on Energy, Mines and Resources does not have a Steering Committee. There are only seven members present and when we began one and a half years ago it was moved and voted upon by all members present that the full committee would be the Steering Committee.

In addition, I want to refresh the memory of the Hon. Member for Cape Breton—The Sydneys (Mr. MacLellan). The meeting that was held two weeks ago was not just in regard to inviting witnesses. We discussed the full agenda in regard to our crude oil reserves and security of supply study.

If you require more information in regard to the two meetings that took place I would be glad to discuss it with you, Mr. Speaker. Obviously there is a leak of confidential information. We rarely hold *in camera* meetings, having had only three or four.

Hon. Herb Gray (Windsor West): Mr. Speaker, the Hon. Member has based her question of privilege on a precedent which she describes as something from Erskine May. I must admit that I may not have heard everything she said, but I presume she was talking about the resolution of the House of Commons of the United Kingdom in 1937 that, in effect, says that documents of the kind she mentions if prematurely disclosed could be a basis for a question of privilege.

However, I want to refer you to page 203 of *Beauchesne's Fifth Edition*, Citation 647(2) which cites a Speaker's ruling reported in the *House of Commons Journals* for June 23, 1977 at page 1209. The citation states:

In Canada, when a question of privilege was raised concerning the publication of a committee report before it was presented to the House, the Speaker ruled that the matter could not be resolved as in the British practice because the motion appeared to attack the press for publishing the confidential document but did not attack Members of the House for their attitude in respect of their own confidential documents, and in missing this point, it missed something most important with respect to the privileges of the House.

I do not have the complete ruling to which this edition of *Beauchesne* refers. There may well be other pertinent paragraphs in it that you may want to consider. However, it struck me, in listening to the Hon. Member, that her motion simply asked the House to refer this matter to the appropriate Committee. It did not contain the essential element apparently required, according to this citation, and that is that there be