

*Privilege—Mr. W. Baker*

**PRIVILEGE**

MR. BAKER (NEPEAN-CARLETON)—PREMATURE RELEASE OF ESTIMATES

**Hon. Sinclair Stevens (York-Peel):** Madam Speaker, if it is in order I would like to proceed with my comments concerning the question of privilege raised yesterday by my colleague, the hon. member for Nepean-Carleton (Mr. Baker). Hon. members will recall that he indicated that if Your Honour found a prima facie case of privilege, he would move:

That the matter of the dissemination of details of the estimates through the news media before tabling of the estimates in this House be referred to the Standing Committee on Privileges and Elections.

My arguments today will be designed to show that there is in fact such a prima facie case which would warrant you referring this matter to the House for a vote on whether it should be sent to the Standing Committee on Privileges and Elections. Yesterday, during the course of the debate, members of the government raised the question that perhaps what we were talking about was not in fact published.

Surely there will be no serious suggestion today that many of the essential ingredients of the estimates which we in this House have not yet seen, have been published; in fact, they have been on the front pages of various national newspapers. In short, I do not think I need plead that there is any question about publication. In fact, during question period, the Minister of Indian Affairs and Northern Development (Mr. Munro) assured us that in his estimates there was a certain expenditure item amounting to some \$5 million about which the hon. member for Yukon (Mr. Nielsen) had inquired. So clearly it is a public document now, but it still has not been tabled in the House.

First of all, what is the nature of this privilege? What has been of such a nature that it has affected the ongoing operations of each member of this House? What breach has been committed by the President of the Treasury Board (Mr. Johnston) whom I see walking out of the House now? Has he been guilty of gross negligence in the way he handled this secret document?

In short, Madam Speaker, my remarks will be designed to show the degree of secrecy that is required with respect to such budgetary papers. I will be showing the nature of the impropriety that has been committed by the President of the Treasury Board. I have used those words very deliberately, Madam Speaker, because from the precedents it appears to be very clear that if that type of situation can be shown, then there is indeed a question of privilege that should be put to the House.

Having said that very clearly, there can be no question that these matters have now been published. However, the specific detail that has been published may not be as clear to certain members.

For example, let me draw the attention of hon. members to the fact that a local television station, the CJOH "Newline" program aired last night around midnight, gave specific details with respect to estimates which contemplated expenditures in the national capital area. These details were certainly not

known to me and, I presume, were not known to any member on this side of the House. Certainly none of us have been able to see the blue book which all of us are waiting to see. It included comments to the effect that the estimates contained an innovation, an additional \$26.2 million allotted under the government's accommodation program. It went on to say:

There's a submission already before the cabinet to review the government's needs over the next five years. It means new government buildings so that the purchase and renovation of existing buildings in the country's major centres including Ottawa but there are no details. Among the projects definitely set for this year is a \$730,000 letter carrier depot in Orleans.

The reason I am reading this into the record, Madam Speaker, is that this is partly what the question of privilege is about. The reason that these documents are to be kept secret before tabling in the House—and I shall read the precedents into the record subsequently—is to avoid the possibility of an unfair profit being made. Yet here is specific knowledge going out about buildings that are going to be built in the Ottawa area including a \$730,000 letter carrier depot in Orleans.

The newscast went on to say:

Numerous energy improvements, what the government likes to call retrofits. The construction of a new virus lab at \$1.9 million. A public information centre, \$1.7 million, \$6.8 million for the Rideau Centre, \$12.8 million for the construction of a RCMP services building and \$1.3 million for the rehabilitation and retrofit of the Rideau Falls generating station.

● (1510)

All of those items are a breach of cabinet secrecy rules. That is what occurred. Certainly those items, which presumably will be found in the blue book when we see it eventually, are not secret, they are openly being disclosed to members of this House generally. In reviewing the background as to the nature of this question of privilege I would suggest, Madam Speaker, that you consult a brief prepared in 1975 by the research branch of the Library of Parliament when the Standing Committee on Privileges and Elections was considering a certain reference concerning one of the members of the House. This brief is entitled "Background Information on Government Secrecy, Financial Measures and Parliamentary Secretaries", prepared by Mr. Hugh Finsten, dated August 8, 1975. I will not read into the record all of the background research which this employee of the library has put into his brief, but I think it is very significant how much he has dramatized the importance of what we are speaking about today, which is this whole question of government secrecy. The author writes:

In the process of developing government policy and legislation, it is a general rule that information on specific matters is not to be disclosed until it is made public, either by the introduction of a bill in Parliament or a public statement by the minister concerned. This permits the government to make its revelations at the most opportune moment.

One aspect of this secrecy which pervades the decision-making process is the principle of cabinet solidarity. The deliberations of the cabinet are held in private and its proceedings are considered confidential. The theoretical basis for this is that "a cabinet decision is to advise the Queen, whose consent is necessary to its publication."

The quotation given is from Ivor Jennings' book on Cabinet Government, Cambridge, third edition, 1959, found on page 267.