

whether the Attorney General of Canada has given his advice to the director and/or the minister, but particularly to the director, as to the appropriateness of the action. If he has not, will the minister undertake to look into this matter and report to the House so that we can have the whole picture?

● (1500)

**Mr. Ouellet:** Madam Speaker, the director has decided to refer the matter to the Restrictive Trade Practices Commission under Section 47 of the act and the hon. member should know that it is a proper course of action for him to take. That is his own decision. That does not preclude the possibility of referring some aspect of his findings to the Department of Justice at a later date.

**Mr. Nielsen:** Nor does it now.

**Mr. Ouellet:** It does not preclude this at all. But the decision of the director to go before the Restrictive Trade Practices Commission at this time is a decision which I respect, and I support him in his decision. If at a later date it is decided to refer the matter to the Department of Justice, it will then be the decision of the Attorney General of Canada to decide whether or not prosecutions will be laid before the courts.

**Mr. Clark:** Why has that not been done?

**Mr. Ouellet:** I am not going to intervene on this question in advance. It is a matter possibly to be dealt with at a later date.

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### PRIVILEGE

MR. BAKER (NEPEAN-CARLETON)—PREMATURE RELEASE OF ESTIMATES—RULING BY MADAM SPEAKER

**Madam Speaker:** I have before me from Wednesday and Thursday last a question of privilege raised by the hon. member for Nepean-Carleton (Mr. Baker) alleging that the premature release of information from the 1981-1982 estimates constituted breaches of privilege of the House.

I want to be clear on this point. The hon. member was not referring to the fact that the estimates were released to the press in a lock-up held on the morning of February 25, 1981, because that was the subject of another question of privilege by the hon. member for Capilano (Mr. Huntington) upon which I ruled that day. Nor was the hon. member referring to the minister's briefing of opposition critics, which I understand took place at the luncheon also on Wednesday. The premature release to which the hon. member refers is a wire story which was available on Canadian Press wire at about 17.30 on Wednesday which, in turn, derived from a press advance which was annotated for release "possibly at 3.45 p.m. eastern standard time on the same day."

I do not think we need go into arguments with respect to the facts. There was a lock-up; there was a press advance; there were print and electronic media stories on the contents of the estimates for some hours prior to those estimates having been

tabled in the House. These things are not really at issue. What is at issue is whether or not the premature release of the estimates constitutes a contempt of the House and, therefore, a breach of parliamentary privilege.

In the course of the consideration of the matter on Wednesday and Thursday last, many assertions were made, particularly to this effect. Much argument was offered on the substance of the issue. Analogies were drawn between the estimates, on the one hand, and the budget, on the other. The issue of cabinet secrecy was discussed. There was also reference made to one of our own precedents of December 12, 1979.

Certain hon. members drew attention to the Dalton case, now a well-known British precedent on the issue of budget secrecy. The House should note that while an inquiry was undertaken by a select committee, the issue was not dealt with at Westminster as privilege.

Again, the hon. member for York-Peel (Mr. Stevens) offered an argument based on the conventions of cabinet secrecy. I have examined that argument carefully but I could not find in it any link between those very important conventions and the law of privilege. No matter how important the principle of cabinet secrecy may be—and I acknowledge the force of the hon. member's argument in that regard—the Chair has no duty to uphold that principle as it has to uphold the law of privilege.

Furthermore, the hon. member for Saskatoon West (Mr. Hnatyshyn) asked me to consider the consequences of a situation in which estimates were never tabled but simply published in the press. I do not know that I can consider that hypothetical case, except to refer the hon. member to his own assertion that—and I will quote his words—"until the estimates are formally filed, they are nothing more than a mere document. People who act on information in documents before they are filed do so at their own peril."

Finally, it was alleged that the President of the Treasury Board (Mr. Johnston) failed to take proper precautions in connection with the lock-up to guard against premature release. I cannot become involved in that argument. The minister must take his own responsibilities as, I am sure he does, and I do not sit in judgment upon the manner in which he or any other member fulfils his responsibilities.

In conclusion, I have simply dealt with the arguments offered by members in attempting to assist the Chair in finding whether or not a prima facie case of contempt had been committed. No argument was offered relating to the specific privileges set out so clearly in Chapters V, VII and VIII of the nineteenth edition of Erskine May, or those citations in Chapter X dealing extensively with breaches of privilege and contempt.

Therefore, I must conclude that a prima facie case has not been established as a result of which I could allow priority to the motion offered by the hon. member for Nepean-Carleton.

### Privilege—Mr. W. Baker