

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.

That precedent was established on June 23, 1977, but it is not the only precedent. I was able to discover two other precedents. All three cases dealt with draft reports which were under consideration by standing committees or special committees of the House of Commons. The difference, I would suggest to you, Mr. Speaker, is that we are dealing with a committee report in its final form, which was published by the two newspapers in question prior to its presentation in the House of Commons. Indeed, that report is currently before the House of Commons and is, therefore, out of the hands of the committee and in the hands of the total House.

There is a well known and well established understanding among Members of the House of Commons, and I believe the understanding extends to the press, that reports are to be treated as confidential prior to their presentation in the House. If there is any doubt about that, Beauchesne's makes it clear. That is the general case.

The specific case of this particular standing committee, and the way in which it approached its task, I believe has to be identified for all Members. Indeed, this may be the first committee of the House of Commons that has utilized the new rules in terms of deciding what it wished to investigate and the way in which it wished to investigate. The committee went through the investigation procedure and actually made a report to the House, which brings us to the last step, which requires the Government to respond within 120 days. If it is not the first, it is certainly one of the first to take advantage of the new power.

The committee wrestled in the beginning with a lot of issues about how best to do it.

Mr. Speaker: The Hon. Member, I suspect, is now entering into what is very clearly becoming the argument which he wishes to put on the floor should the matter be found to be a prima facie case. I suggest that the Hon. Member has probably by now put forward the precedents he wishes the Chair to consider. The Chair is prepared to hear any further precedents on that matter, but I believe the Hon. Member knows that he should restrict himself to arguments with regard to the prima facie case and not make a speech about the importance of the matter should the matter be placed before the House for debate.

• (1510)

Mr. Hawkes: Mr. Speaker, I may indeed be straying—I had hoped I was not—but in the minutes of the committee, which are before the House, the Speaker will find a deliberate set of orders, if you like, ways in which the committee ordered itself to behave. That includes a series of *in camera* meetings to deal with the subject matter of the report, and an *in camera* meeting to decide to make the report to the House of Commons. Therefore, the committee has ordered the confidential-

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ity. I think that is perhaps an important point to make in terms of establishing—

Mr. Speaker: I repeat my comments: does the Hon. Member have anything further to say with regard to a prima facie case as opposed to the case he wishes to make should a prima facie case be found? Otherwise, I would have to suggest that the Hon. Member has finished.

Mr. Hawkes: Thank you very much for your advice, Mr. Speaker. Can I draw to your attention the two newspaper articles which I have presented to you and quote from the second paragraph of each of these quite different articles? *The Toronto Star* states, "In a report to be presented today in the House of Commons and obtained by the *Star* yesterday". In *The Citizen*, the second paragraph of the article states, "To be tabled in the Commons today". That particular wording, I suggest to you, Mr. Speaker, tells all readers and tells Hon. Members of the House that the newspapers in question, the reporters and their editors, did indeed know that the report had not yet been presented to the House. Therefore, they did a deliberate act in terms of publishing it and, in committing that deliberate act, they showed contempt for this Chamber and contempt for the privileges of Hon. Members.

Mr. Speaker: With great respect, the Hon. Member is still making the speech he wishes to make should the matter be ruled appropriate for debate. Does the Hon. Member have any further matters with regard to—well, I take it the Hon. Member does not.

Hon. Herb Gray (Windsor West): Mr. Speaker, the Hon. Member, in attempting to prove a prima facie case of breach of privilege, has made reference to a number of sections of Beauchesne. He first quoted Citation 606 which reads as follows:

Disobedience to the orders of a committee, provided those orders are within the scope of the committee's authority, is a contempt of the House by which the committee was appointed.

However, I submit he did not bring before the House specifically, first, what orders were formally and properly adopted by the committee, second, how they were breached and, third, exactly by whom they were breached. The Hon. Member went on to refer to Citation 628 of Beauchesne's Fifth Edition, which reads as follows:

A committee, having the right to exclude strangers at any time, it may be inferred, has the right to sit in private and have its proceedings protected by privilege. The publication of its proceedings in that case would be an offence which the House could deal with upon receiving a report from the committee.

I submit, Mr. Speaker, that the report referred to in this citation is a report that any of its proceedings were improperly disclosed prior to the proceedings being tabled in the House. Ordinarily, the House deals with matters in committee on receipt of a report from that committee about them. This citation does not deal with the submission of a report by a committee on the substance of its deliberations but rather a report about what the committee feels has been a breach of its orders or of its proper rules of good conduct. Therefore, I