

### Privilege

language press on November 10 I have been contacted by several members of the media asking for my comments as well.

Citation 877(1) of Beauchesne's sixth edition states:

No act done at any committee should be divulged before it has been reported to the House.

It goes on to say:

"—the evidence taken by any select committee of this House and the documents presented to such committee and which have not been reported to the House, ought not to be published by any member of such committee or by any other person". The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to members will, however, constitute a breach of privilege.

Mr. Speaker, as a new member of this House I did not feel it would be appropriate for me to respond to the media's request for fear of being found guilty of contempt of this House. Citation 877(2) 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.

● (1510)

Where I would like to draw the attention of the House is to the words "did not attack members of the House for their attitude in respect of their own confidential documents".

Leaking of information seems to have become a way of life of this Parliament. This was evident in the case of the finance committee study on the GST tabled last June. At that time the hon. member for Willowdale rose in the House on a question of privilege and I refer to your ruling of June 1, 1994 on page 4702 of *Hansard* recommending that the finance committee investigate the matter itself.

I have spoken with the chairman of the committee, the hon. member for Ottawa—Vanier and I assure you I will be raising this issue at our next meeting.

The point I want to raise today is one of personal privilege. My privileges as a member of Parliament were breached in the sense that the media and other committee members had in their possession a copy of the report. They were making public statements in the media and referring directly to the content of the report. In fact, I had not even seen the minority report submitted by the official opposition until it was tabled today.

As a member of Parliament I recognize my obligations to keep reports confidential until they are tabled in the House. Unfortunately some MPs chose not to honour this convention and spoke to the press.

Through my silence and respect for the rules I am afraid I may have left a false impression that our party supports the government when we have in fact tabled a dissenting opinion. I believe we have come to a point where this House needs to establish clear and binding guidelines for MPs with respect to the release of confidential information. In the event that the rules are broken members must know that punitive measures will be taken.

I would argue that this is a clear breach of my personal privileges and shows a clear contempt of Parliament. Therefore I ask that this matter be referred to the Standing Committee on Procedure and House Affairs. Should you rule that there is a prima facie case I would be prepared to move the appropriate motion.

**Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the hon. member raises a valid point at least in respect of his opening remarks when he stated that the practice of this House has been that committee reports are confidential until they are tabled in the House. I believe he was also correct when he indicated it was a contempt of the House for any person to release the contents of such a report prior to its tabling in the House. Indeed that has been dealt with as a contempt of the House on past occasions.

I may say that if the hon. member could determine the malefactor in this case that person could be brought before the House and the contempt purged in the appropriate way. That would be entirely appropriate. It could be done either here or in the committee and the committee could bring in a report and the matter dealt with. Having said that, I assume he does not know who the malefactor is and given that we are in a position where I do not know that we can deal with that particular contempt of the House in this case, or indeed in some others that have occurred in the course of this Parliament.

However, the second point that his own personal privileges have been violated is another matter. I recognize that in refraining from making comments until the report was made public this afternoon he may have somehow found that his privileges have been affected. It is a matter that could be studied.

I would be happy to have the matter referred to the procedure and House affairs committee that I have the honour to chair for review. We may have something useful to say on it after hearing what he has to say, I do not know. Whether it is a fact of substantial interference with his ability to carry on his work as a member of Parliament I am not sure.