

more money elsewhere and could probably have spent their time doing other things.

Ms. Jewett: So what?

Mr. Lewis: The "so what" is that if we are to have the best advice of the professionals of the country, then we should bring them to Parliament and not castigate or smear them for political purposes. I take objection to that as a professional.

Mr. Riis: Make the list public.

Mr. Lewis: I will deal with the Hon. Member for Kamloops—Shuswap (Mr. Riis) in a minute. If Members of Parliament want the best advice, whether it is at committee level or at the ministerial level, I think we must treat people properly.

My hon. friend, the former finance critic of the New Democratic Party, has suddenly discovered that on the night and the day after the presentation of a financial paper, accountants and lawyers hold meetings with clients to discuss it.

Mr. Riis: Before his speech begins?

Mr. Lewis: One might have a cup of coffee or a cocktail or even dinner before it happens. I cannot believe that my friend spent two years as finance critic of the NDP and did not realize that those meetings went on shortly after or even during the budget presentation.

Mr. Orlikow: How about before?

Mr. Lewis: Welcome to the world of finance. While we heard an outpouring of emotion over the question of a breach of privilege, there was one thing missing from the presentations across the way. That missing element was precedent. Unfortunately, it has fallen to me to give the Chair the precedents.

First, let me quote from a paper that was written by Mr. Joseph Maingot, Q.C., Law Clerk and Parliamentary Counsel, House of Commons. He states:

Furthermore, parliamentary privilege is concerned with the special rights of members, not in their capacity as ministers or as party leaders, whips, or parliamentary secretaries, but strictly in their capacity as members in their parliamentary work.

Therefore, allegations of misjudgment, or mismanagement, or maladministration on the part of a minister in the performance of his ministerial duties do not come within the purview of parliamentary privilege. And neither does an allegation that a minister permitted a budget leak constitute a matter of privilege.

In November, 1981, when a budget leak was raised as a possible question of privilege, the Speaker stated, "I will not pass judgment on whether it is or is not a leak or whether the words chosen were wise or cautious". The Speaker went on to state, "I do not feel that in this particular case I can make any kind of pronouncement or judgment on the fact that the secrecy of the Budget may have been breached".

Privilege—Mr. J. Turner

Let me refer to another precedent by Speaker Jerome on April 17, 1978. It is a reference to a question of privilege raised by the Hon. Member for Oshawa (Mr. Broadbent) regarding a leak of budget information.

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After allowing a brief discussion, the Speaker intervened to defer the matter. He said, "It awaits the presentation of the Budget this evening and will be subject to further discussion at this time tomorrow". The following day the matter was raised and there was a finding that there was no question of privilege. One of the comments of the Chair was, "The Chair has serious doubts as to whether the convention of budgetary secrecy falls within the area of privilege at all".

The Opposition has, in an effort to smear the whole question of the White Paper, tried to raise a question of privilege. I think the argument has gone well beyond *prima facie* and I have no difficulty with that. I submit to you, Mr. Speaker, that based on the precedents which have been decided in this House and elsewhere there is absolutely no question that the allegation of a budget leak does not constitute a question of privilege.

Mr. Speaker: I wonder if I could ask the Parliamentary Secretary a question. It seemed to me that at least part of the alleged question of privilege which was raised was that some information which was to be given to all Members tomorrow night had been given to some people outside this place earlier. It seems to me that there was some suggestion that that in itself is a breach of privilege. I am not for one minute putting aside the other issue. However, I wonder if the Parliamentary Secretary could address that. I am familiar with the precedents he has helpfully cited on the other matter, but perhaps the Hon. Parliamentary Secretary could just address that particular point because I would like to hear his view.

Mr. Lewis: I suppose, Mr. Speaker, given the time of day and what my hon. friend is quite rightly basing his case on, that is, comments in the newspaper, I think at that point then the Chair is in a position of having to decide for itself as to whether or not the evidence brought forward in support of the *prima facie* case of privilege is sufficient for the Chair to decide that those individuals had an advantage over Members of Parliament.

I guess you could go beyond that, Sir, to suggest whether or not that position of privilege is being exercised to the detriment of any Member of Parliament. I just raise that in answer to your question. I appreciate that it is sometimes difficult to make a *prima facie* case at this point. One has to lead the best evidence one has to lead, and my right hon. friend obviously did that.

Based on the precedents, if the issue is a question of budget secrecy being breached, which is what has been suggested, then it seems to me the precedents say that no matter how annoyed one might be, it is a question for another forum, and not a question of a breach of privilege to be sent to the Committee on Privileges, Elections and Procedures.