

*Privilege—Mr. Deans***PRIVILEGE**

Mr. Speaker: The Chair has had two notices of privilege and would hear the Hon. Member for Hamilton Mountain and then the Hon. Member for Burnaby.

MR. DEANS—PROVISION OF ADVANCE COPIES OF BILL TO PRESS

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, as you will recall, yesterday I began to raise what I consider to be a serious breach of privilege. I drew to your attention, Sir, and to the attention of the House, two references in the Fifth Edition of Beauchesne which deal directly with privilege. I would like to put them on the record so the record will be clear when this matter is considered by yourself. The first reference is under the definition of "Privilege" and Citation 21, on page 13 of Beauchesne's Fifth Edition, states as follows:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them.

In that same edition of Beauchesne, on page 221, Citation 718, which deals with Public Bills, states:

The purpose of first reading is to allow any bill to be introduced, printed and distributed so as to give Members an opportunity to study it.

The practice in the House of Commons over the years—and I contend that that practice has been broken—has been that a Bill in its final form would not be distributed for public scrutiny in advance of that Bill having received first reading in the House of Commons. It has even been the practice, as my colleague said, that no Bill, without prior agreement, would even be distributed to Hon. Members in advance of its having received first reading.

Yesterday, as I mentioned, the Solicitor General (Mr. Kaplan) in his wisdom decided to invite the press to what was called for the purpose a "press lock-up" in order that he could bring to the attention of the press the contents of a Bill which was to deal with the setting up of a security force for Canada. Members of the press attended in a committee room and they were briefed extensively both on the Bill itself and on the purposes of the Bill, and they were given copies of the Bill. I point out that they were given those copies in advance of the Bill having been presented for first reading in the House of Commons.

The Minister made two mistakes, in my judgment, which constitutes a breach of my privileges as an Hon. Member. The first mistake he made was in giving out that Bill in its final form in advance of its having received first reading. The second mistake he made was that he did not make adequate provision to secure that those individuals who were given access to the information were in fact kept in that room until after the Bill had been properly presented to Parliament and the Bill had received first reading after the Hon. Members present voted in the House of Commons.

It is known to me and to others that members of the press—perhaps others, but certainly members of the press who were present for that briefing—were able to leave the briefing room prior to the time the Bill was given first reading approval by

the House. I suggest to you, Mr. Speaker, that there is no doubt in my mind, taking into account the two citations which I mentioned, that a breach of my privileges as an Hon. Member certainly did occur yesterday afternoon.

I will repeat the second of the two citations which states as follows:

The purpose of first reading is to allow any bill to be introduced, printed and distributed so as to give Members an opportunity to study it.

The distribution of a Bill cannot and must not take place in advance of that Bill having been given first reading in the House of Commons. It is to that I address myself.

The distribution of a Bill in its final form must not be distributed to others in advance of Hon. Members of the House of Commons having received it, and that occurred yesterday. That Bill was part of the package given to the press. The press were not properly locked up, as is the custom and requirement. The press left the room in which the briefing took place prior to the Bill having received first reading. The press in point of fact were able to leave the room on a number of occasions during the time the briefing was taking place. In fact, around the hour of 4.30 yesterday afternoon most if not all of the members of the press who had been present at the so-called lock-up left the room.

I suggest to you, Mr. Speaker, that it is a serious breach of my privileges that the press, or anyone else who has access to the contents of legislation, should receive such legislation in advance of Hon. Members of the House of Commons. The reason I raised the question with you, Sir, is not to exact retribution but to try to establish some reasonable ground rules with which we could live in this House around how a Minister should conduct himself or herself in advance of legislation having been properly put before the House.

I suggest that one of two things could happen. If you were to find that there has indeed been a prima facie case of breach of privilege, the matter could be referred to the Privileges and Elections Committee, and I would be prepared to agree to that. However, that is not what I seek. I seek that the matter be referred to a committee. Whether it would be the Privileges and Elections Committee or the procedural affairs committee is, in my judgment, immaterial. I would be prepared to accept it if the Government would be prepared to offer that that be done. That would be a suitable way of coming to grips with what kind of conduct we in the House of Commons expect from Ministers of the Crown in the performance of their duties.

I therefore ask you, Sir, to take into account what I said yesterday and what I have briefly put before you today. I also ask you to take into account that this is not an entirely new matter but is a matter which was put before Mr. Speaker Jerome on November 27 of 1978, at which time he admitted that the practice which was growing up was a practice which really did deserve some consideration with regard to its appropriateness. Consideration ought to be given to establishing some rules surrounding the practice of lock-ups and the way they would take place, and if lock-ups were appropriate, where and under what sort of circumstances they would be allowed.