

Beauchesne has been referred to previously. A leading case involving the *Economist* of London as recently as December 16, 1975, is worthy of note in this case. It also involves the leaking of confidential committee documents. An article in the *Economist* revealed the first draft report of the chairman of a select committee on wealth tax. As in this case before you, Mr. Speaker, the report was clearly marked "Confidential". The report before you also was a draft report, but not of any member of the committee. It was simply a staff compilation of evidence and thoughts we had expressed together toward determining what our report would ultimately be.

The British case recorded in the parliamentary debates of December 16, 1975, columns 1303 to 1356, dealt with the committee of privileges' judgment that two journalists were in contempt of parliament. As a penalty, the committee recommended that the parliamentary press privileges of the two individuals be suspended for six months. During that time the journalists would be allowed to come to parliament only to see their member of parliament on constituency matters.

Most members of parliament agreed that the journalists were in contempt of parliament. The three-hour debate in the British House of Commons centred on the penalty that was appropriate in the circumstances. The House regretted the leak of information, but declined to impose any penalty, even though the journalists knew they ought not to have published the information. It was stressed in that case that the basic reason for the existence of the privilege that condemns the publishing of confidential information is to ensure that parliamentarians are unhindered in their work. The select committee had been set up to study possible legislation that had not yet been introduced. The majority of the British House, in the *Economist* case, believed that the publication of the draft did not have any negative effect on the committee. The members acknowledged that the leak was an embarrassment.

However, in the case before you, Mr. Speaker, there could be serious repercussions and even some danger to those who gave evidence in camera. There could be ramifications which I cannot even predict, or none of us on the committee can predict, for those whose names were published as being subject to dismissal and retirement from the job. It would never have been in the public interest to publish those names.

If this motion is accepted, I hope it is not taken up by the committee until the penitentiaries subcommittee has had time to complete these confidential discussions and report back to the House. In this instance I must confirm that the material published in the *Globe and Mail* and elsewhere represents the following:

—publication or disclosure of proceedings of a committee conducted behind closed doors . . . before they have been reported to the House.

In other words, the facts I put forward here appear, on their face, *prima facie* on all fours with what I have just cited from May, Bourinot, Beauchesne and the *Economist* case. Accordingly, should Your Honour find there is a *prima facie* case of privilege, I would move, seconded by the hon. member for Toronto-Lakeshore (Mr. Robinson):

Privilege—Mrs. Holt

That the question of the publication of the in-camera proceedings of the subcommittee on penitentiaries of the Standing Committee on Justice and Legal Affairs which have not been reported to the House, be referred to the Standing Committee on Privileges and Elections.

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. The hon. member for Vancouver-Kingsway (Mrs. Holt) gave the House notice yesterday of her intention to raise this question. It is obviously a very serious matter and one to which she has evidently given very thorough preparation.

Some hon. Members: Hear, hear!

Mr. Speaker: It would be my intention to give hon. members and the Chair some time to reflect on the matter, particularly in view of its extreme importance; and also, at the request of the hon. member for Vancouver-Kingsway, that the matter be held in abeyance for at least enough time to allow the subcommittee to complete its deliberations. In any case, I would want some time, and I think hon. members would want some time, to prepare a possible submission in this regard. I would, therefore, propose to hold the matter under review until Tuesday, at which time hon. members might give some indication to the Chair on Monday if they intend to present any argument, and then I would attempt on Tuesday afternoon to make a determination.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, I certainly concur, and I think all members would concur, with the period of reservation which you propose. I hesitate to mention this, but I think I should: Tuesday is an allotted day for Her Majesty's Loyal Opposition, and I do not have to tell you the problems we have encountered. I wonder if it would be possible for you to put the matter over to Wednesday?

Mr. Speaker: That is certainly of no difficulty to me. I was thinking only that Monday was a very short period of time in order to give hon. members an opportunity to appear. I did not want to do it particularly on an allotted day. Wednesday would be quite agreeable to me. It gives hon. members more time to prepare a submission and it gives me time to prepare a decision on this matter.

Hon. Ron Basford (Minister of Justice): Mr. Speaker, in the absence of the President of the Privy Council (Mr. MacEachen), might I suggest that Wednesday may present some difficulties, because time on Wednesday is immensely short. If the debate on the question of privilege is extensive, it could result in no government business being done on Wednesday. May I suggest that the position of the President of the Privy Council be preserved until Monday when he returns to the House?

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I was going to rise a few moments ago to make the very important point the hon. member for Grenville-Carleton (Mr. Baker) has just made.