

*Privilege—Mr. Rae*

someone would like to consult the committee records, I had occasion during consideration of the Bank Act to comment on the fact that members of the Canadian Bankers' Association were sitting in the audience when we considered a certain part of the Bank Act.

When I went home on the weekend, I received a call from my friendly banker who informed me that I was wrong on some comments I had made in the committee. When I came back, I commented on this at the next meeting of the banking committee. Therefore, I do not see that there is a matter of privilege in so far as members of the Canadian Bankers' Association being at the meeting and taking down information that is readily available in the public record is concerned.

**An hon. Member:** You missed the whole point.

**Mr. Laverne Lewycky (Dauphin):** Madam Speaker, as one of the members specifically mentioned in this letter, I rise on the same question of privilege. This is a rather lamentable and questionable practice that seems to have been in existence, according to this letter, since at least 1979. It appears there is a file on all members of Parliament and systematic surveillance of all MPs. I feel this matter should be examined by the Standing Committee on Privileges and Elections so that representatives from the Canadian Bankers' Association and the banks can appear before that committee.

What we need to know is why there is such a list. What is the purpose of its compilation? What is its intended use and why was it originally initiated? What letters have been written by the Canadian Bankers' Association, to which financial institutions, what other kinds of dossiers are being kept on members of Parliament, and what is their intended use?

I am somewhat concerned that attempts might be made by the Canadian Bankers' Association to influence members through such dossiers. Perhaps we might want to consider whether consideration of the Bank Act should be held up until this question is reviewed and cleared up. I consider this a serious matter of privilege. I hope it receives the appropriate serious consideration from you, Madam Speaker.

**Mr. Cyril Keeper (Winnipeg-St. James):** Madam Speaker, I rise on the same question of privilege. I too was mentioned in the letter. The part that concerns me most is the reference to "where the MP in your area conducts his banking." I suggest at one level my concern might be more by way of potential embarrassment. Perhaps I may not have the assets or sufficient liabilities to qualify for the new high status I now have and for the new interest in my financial affairs.

On a more serious note, clearly it is important to know just how much information is being asked for. A lot can be read into this letter. What we really need to know is whether the fears that can be read into this letter are justified. There is no way we should sweep this under the carpet and not take a serious look at it.

*[Translation]*

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, I did read a few minutes ago the letter addressed by Mr. Beattie to all managers of Royal Bank of Canada Winnipeg branches. There are two things to be considered. First, the letter indicates that the banks are gathering information, in this case on two members of Parliament. So we are in a situation where we know that some banks are collecting and sharing information about hon. members. I suggest this in itself is not enough to justify the question of privilege. However, there is still a second question to be raised, and that is what do banks use this information for, or what did they use it for in the case of the two hon. members concerned in the letter.

Of course, this second aspect of the matter could be clarified by a committee, but I must admit the decision Your Honour will have to make is not an easy one. The situation in which you find yourself, from a procedural point of view, is not to decide whether or not there is a matter of privilege, as you are well aware, but rather to decide whether there is a *prima facie* question of privilege, and then it is up to the House to decide whether privilege is involved or not.

Is there a *prima facie* case of privilege here or not? In the fifth edition of *Beauchesne*, in citation 18 on pages 11 and 23, we find a rather precise though brief definition of what constitutes violation of a member's privilege, and we see that there is violation of this privilege when certain matters "involve a member's capacity to serve the people who have chosen him as their representative" and when something is "contrary to the usage" and "derogatory to the dignity of the House of Commons."

Just before this in *Beauchesne*, it is said that:

A question of privilege ought rarely to come up in Parliament.

It is also said that:

As Parliament has never delimited the extent of privilege, considerable confusion surrounds the area.

This does not make matters any clearer, Madam Speaker. The author then adds:

Recourse must therefore be taken, not only to the practice of the Canadian House, but also to the vast tradition of the United Kingdom House of Commons.

In this case, the hon. member who raised the question of privilege admitted with his usual honesty that there was no precedent. I do not know whether after my comments he will be able to say that there is a precedent or not, but I must repeat for your information, Madam Speaker, that we are discussing a letter circulating among banks. It is, therefore, not a letter which is being distributed among the public, at least according to present evidence. What we have to determine is whether this internal distribution constitutes or not a *prima facie* case of privilege. On this point, I consider that there is no violation of the members' privileges.