

Privilege—Mr. Boudria

Mr. Boudria: I notice the Right Hon. Secretary of State for External Affairs who is a lawyer—

Mr. Clark (Yellowhead): My wife is.

Mr. Boudria: I am tempted to say something to the Right Hon. Secretary of State for External Affairs. Not being a lawyer, I will not do it.

However, the Right Hon. Secretary of State for External Affairs will know that for him to state suddenly that this was a theft, and convict whoever it is leaked the document to the media, not knowing whether the individual had been sworn or the person who gave it to him or her, if there was such a person, had been sworn to secrecy, is just a little presumptuous on the part of the Minister. I am sure that upon reflection he will know that as well.

In any event, the first breach was the incident which resulted in the television broadcast and any other situation that caused individual Canadians or a number of Canadians to learn of some of the contents of the Budget. There is a breach of that order of the House which was agreed to by unanimous consent that is even more important, because it was deliberate on the part of the Minister of Finance.

The Minister of Finance stood at the press theatre across the street from Parliament Hill and chose to read excerpts from the document and publicly release the document at a time when Parliament was not sitting, and in contravention to what he himself had agreed to with all other Members of the House by virtue of special order in the *Votes and Proceedings* of April 19, 1989. I submit that those are at least two different occasions when our privileges as parliamentarians were breached. I have described how the commitment to the House was breached.

Second, there is the issue of the commitment to secrecy. You will undoubtedly know, Mr. Speaker, that the parliamentary constitutional conventions are not solely those we have established in our Canadian House of Commons. They are also those that we have inherited from the mother of Parliament, namely, from the United Kingdom.

• (1600)

Now that is not just something that is convenient to say.

[*Translation*]

As a matter of fact, Mr. Speaker, Section 18 of the Constitution Act dealing with legislative powers states, and I quote:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

In other words, Mr. Speaker, the constitutional conventions established in the Parliament of the United Kingdom are part and parcel of our own constitutional conventions.

[*English*]

Now, I want to bring the following document to your attention. I have an excerpt here which I want to bring to your attention from a book entitled, *Cabinet Government*, Jennings, Third Edition, published in Cambridge. This, I am told, is one of the foremost books of Parliamentary Government or Cabinet Government which is often utilized in the Parliament of the United Kingdom. I read from page 110 of the book in part:

The third principle is that inasmuch as the secrets of the Government are specially in charge of Cabinet ministers, no minister, and particularly, no Cabinet minister, must in any circumstances put himself in a position where he is not able to be the complete guardian of those secrets in that there is any possibility of any private interests being served through a knowledge of those secrets.

Obviously, that part of our Parliamentary constitutional convention was breached yesterday. The Minister may say it was a breach which was excusable, he may make that case, but I submit to you that I would contest that. His argument would not be valid.

More importantly there has been a breach, wilfully or otherwise. Even if he maintains that it has been otherwise, that particular convention has been breached by the two situations that occurred yesterday.

There have been a number of cases which have been raised as precedents in the Canadian Parliamentary system as well.

Members of this House will no doubt be aware of the 1963 Walter Gordon case where outside experts had been employed to work on the Budget. There was no evidence of a breach of secrecy, no evidence of wrongdoing, no evidence of a leak, but the mere fact that someone from outside saw the Budget was cause for the Minister to resign.