

Privilege—Mr. Nielsen

As I said, this situation is worse than the Dalton case because this Minister of Finance established a situation which allowed such a breach to arise. He was not prudent in the way in which he protected the secrecy of the budget. He acted in a most imprudent way in inviting members of the press to come into his office, suggesting to them that the budget document which was to be presented tonight was there on his desk, asking them if they had their zoom lenses with them, making it possible for them to take photographs and making it possible for them, with that advance knowledge, to personally gain from the information which he had indiscreetly made available to them.

• (1200)

I think that goes to the heart of the matter. Not only were the journalists who were there and had access to the information able, if they had wanted to—and no one knows what they did—to go out and take advantage of that information for their own gain, but they could have gone out and taken advantage of that information for the gain of others. That is the breach of confidence that has occurred. That is the privilege that I claim on behalf of my constituents. There is a requirement on the Minister of Finance, as has been set out over years of practice, to do everything in his power to make sure that no opportunity can arise which will enable any individual to take advantage of prior knowledge of what will be contained in the budget.

I believe the question of this Minister's mishandling of this particular and extremely important matter must be referred to the Standing Committee on Privileges and Elections. I believe the Committee on Privileges and Elections, looking at the evidence, will find that the Minister acted inappropriately. The Minister did not do what he was required to do both under oath and by precedent.

I suggest that if one has any doubts about the effects of the leak, one need only look at the Canadian dollar, which is falling on the international markets today, and at the Toronto Stock Exchange index, which is also falling, to see the devastating effects of the mismanagement and carelessness of the Minister of Finance.

[*Translation*]

Hon. Yvon Pinard (President of the Privy Council): Madam Speaker, since you have indicated that you are anxious to make a ruling or make a decision as soon as possible, I shall now, if I may, express the Government's point of view regarding this matter. From the outset, I would like to make it quite clear to the Chair that the question seems entirely hypothetical and premature, and that in any case it has absolutely no basis either in fact or in law.

The Hon. Member for Yukon said earlier, and I quote,

[*English*]

"I want to deal in this case in a traditional way, as in the Dalton case".

It will be very easy in a few moments to demonstrate that, in fact, the Hon. Member is not dealing with this case in a

traditional way as was done in the Dalton case. On the contrary. But let me say this before I come to that comparison on which the Hon. Member for the Yukon has based his case.

[*Translation*]

Madam Speaker, basically, the question is this: At the procedural level, the Chair must decide whether—as everyone has said—there is a *prima facie* case of privilege, and from what is said on the floor of the House, the Chair must be reasonably satisfied that *prima facie*, at first glance, there are facts from which the chair can conclude that the freedom of speech of the Members of this House may have been affected. In fact, privilege, as clearly defined in Beauchesne, 5th Edition, is basically the freedom of speech of the Members of the House of Commons. That and nothing else. I see the Member for Yellowhead (Mr. Clark) is smiling. I challenge him to disprove this. The practice is well known and the principle is clear—a question of privilege must relate directly to the freedom of speech of the Members of the House. Madam Speaker, one of the basic factors for a *prima facie* case of privilege is lacking. Anyone can see that. It is not a matter of twisting facts and events. It is too easy to get paranoid whenever the Official Opposition sees a chance of obstructing the proceedings of the House. However, if we look at parliamentary procedure and parliamentary practice and precedents, it is immediately obvious in the case put to the Chair that a basic element is lacking. There is no budget, and there must be a budget if the Chair is to decide, to conclude, to find out whether or not there was an actual leak. Without the budget, how can the Chair determine whether the photograph published in the press is one of a document used in preparing the budget or the budget itself—and that we will not know until eight o'clock this evening—how can the Chair determine that information was leaked from a budget that does not exist either in fact or in law?

Madam Speaker, the Standing Orders are quite clear. Standing Order 64(2) provides, and I quote:

An Order of the Day for the consideration of a Ways and Means motion or motions shall be designated at the request of a Minister rising in his or her place in the House.

That is what the Standing Order says, and that is as far as the proceedings for bringing down a possible budget have progressed. The Minister of Finance (Mr. Lalonde) has asked that an order of the day be designated for this evening at eight o'clock, pursuant to an Order of the House allowing us to sit at eight o'clock, and he will rise in his place to announce what, at eight o'clock and thereafter and not before, will be the budget, that is, the fiscal, financial and economic measures which together constitute what, in our parliamentary practice is commonly called the budget. There is nothing graven in stone, nothing is official, nothing is enshrined, there are no new budgetary measures until the Minister of Finance rises in his place and pronounces the budget speech. Everything prior to that, whether it is in writing or consists of consultations with major groups representing the world of finance, small and medium size businesses, farmers, labour, whether it consists of