

*Privilege*

[English]

Canadian practice in this area is less easily defined, although Citation 628(1) of Beauchesne's Fifth Edition indicates that the publication of the proceedings at an *in camera* meeting of a committee would be an offence with which the House could deal upon receiving a report from the committee.

There are two rulings of October 21, 1975 and May 6, 1977, dismissing complaints arising from the disclosure of confidential proceedings of committees. These are two Canadian rulings of this House. I should point out that the circumstances of these two cases were not unlike those of the case raised by the Hon. Member for Calgary South, but rather different from those of the one raised by the Hon. Member for Selkirk—Interlake. In the 1975 case the complaint was dismissed because it was not directed against any specific individual or group.

In the 1977 case the complaint was directed against the press, and Mr. Speaker Jerome said the following in the course of his ruling:

It concerns me, however, that the motion appears to attack the press for publishing a confidential document but does not attack ourselves as Members of the House for our own attitude in respect of our own confidential documents. Since it misses that point it misses something I think most important with respect to the privileges of the House.

The Hon. Member for Windsor West (Mr. Gray) referred to this ruling when he was speaking to the question of privilege raised by the Hon. Member for Calgary South. I must agree that it does not become the House to attack the press without reviewing the part that some of us as Members of the House have played in revealing the confidential proceedings of certain committees. One can hardly blame the press for publishing leaked information. It is far more important that we, as Members of Parliament, should address our own responsibilities in ensuring that such leaks do not take place.

I believe it is my duty on your behalf to state in categorical terms that when a committee resolves to meet *in camera*, all the deliberations which take place at such a meeting, including any votes which might be recorded, are intended to be confidential. All Members attending such a meeting, together with any members of the staff assisting the committee, are expected to respect the confidentiality of the proceedings which take place at that meeting. This place can only operate on the basis of respect for its rules and practice and of confidence and trust among its Members.

At this point I am prepared to rule that I do not feel I can accord precedence over other business to the question of privilege raised by the Hon. Member for Calgary South. My reasoning, as I think Hon. Members will have divined, is the same as that which inspired Mr. Speaker Jerome's ruling of May 6, 1977. We should not attack the press before determining the measure of responsibility that attaches to ourselves as the possible source of the leaked information.

The question of privilege raised by the Hon. Member for Selkirk—Interlake involves other considerations. The elements which influenced the Chair in dismissing the two complaints raised on October 21, 1975 and May 6, 1977 are not present in

this case. The complaint of the Hon. Member for Selkirk—Interlake is directed at a Member of this House on the basis of undisputed facts.

• (1530)

The Standing Committee on Aboriginal Affairs and Northern Development was meeting *in camera* and a recorded vote was taken before the committee resumed its sitting in public. The Hon. Member for Kenora—Rainy River made a statement in this House under Standing Order 21 criticizing the decision of the committee and revealing the names of four members who participated in the vote. These facts were duly reported to the House by the committee. In these circumstances, it would be very difficult to dismiss the complaint of the Hon. Member for Selkirk—Interlake. I, find, therefore, in view of the evidence which has been presented to the Chair that this matter should be accorded the necessary precedence.

I should explain, in case the practice is not generally understood, that the Chair is not judging this issue. Only the House itself can do that. The Chair simply decides on the basis of the evidence presented whether the matter is one which should take priority over other business. For those who may get lost in these procedural terms, it just means that this matter is now deemed by the Chair to be sufficiently serious to be put to the House in precedence over anything else the House might be doing at this time. That is all it means. The point is that it is the House that is to make this decision.

The next step is normally the introduction of a motion by the Member raising the complaint. Such motions usually propose the referral of the issue concerned to the Standing Committee on Elections, Privileges and Procedure; not back to the committee from which the complaint came, but to the Standing Committee on Elections, Privileges and Procedure. The House might then decide to take no further action until the committee has reported. However, I point out that the motion is debatable and the effect of my ruling is to allow it to be taken into consideration immediately, with or without debate. I might also point out that the usual practice has been for the House to allow the matter to go to the appropriate committee without debate but, as I say, I am saying that if any Hon. Member feels compelled to enter into debate, then that is the right of any Hon. Member.

Again, so far as the Chair is concerned, the vigorous arguments put forward by the Hon. Member for Cochrane—Superior and the Hon. Member for Kenora—Rainy River strove to draw a distinction between the vote which took place *in camera* and the substance of the discussion. I want to emphasize once more that if the Hon. Member for Selkirk—Interlake proposes the motion and it goes to committee, that is the question which the committee is to decide. It has been the sense of the Chair that you cannot divide these two, but it is also important for all Hon. Members to remember that in the vigorous arguments put forward by both Members in defence of the application neither of them at any time was advancing the notion that *in camera* meetings are not to be respected. I ask Hon. Members to keep that in mind.