

Some Hon. Members: Hear, hear!

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## PRIVILEGE

### TAX REFORM CONSULTANTS' ACCESS TO INFORMATION

**Mr. Speaker:** I am now prepared to rule on the question of privilege raised yesterday by the Right Hon. Leader of the Opposition (Mr. Turner) concerning the principle of secrecy as it relates to fiscal matters. Yesterday I allowed extensive argument on this matter because I recognized that it was one of overriding importance. Because it affects a major fiscal issue which is to be brought before the House later today, I have decided that I should not delay my ruling.

The question of privilege of the Right Hon. Leader of the Opposition was based to some extent on a report in yesterday's *Globe and Mail*. The right hon. gentleman supplied the Chair with a copy of that report, and I have read it very carefully. There is no doubt that the report gives the impression that the 20 experts engaged by the Hon. Minister of Finance (Mr. Wilson) to study the final text of his White Paper are a privileged group who will be able to provide advice to their clients with the benefit of advantages that others working in their field will not have.

The facts, as I understand them, and which are not disputed, are as follows. Twenty experts have been engaged by the Hon. Minister of Finance to give technical advice on the White Paper which is to be presented to this House tonight. They have been involved in the process for a matter of months but have been given a preview of the final text, or parts of the final text, of the White Paper prior to its tabling in the House this evening. These 20 people have all been sworn to secrecy and have taken the same oath as that administered to members of the Public Service.

The complaint of the Right Hon. Leader of the Opposition, which was supported by a number of Hon. Members who participated in the discussion, is that these 20 individuals have been given a special privilege of which they could take advantage. I emphasize the word "could", the conditional tense, because it was not suggested by any Hon. Member that any of these people had in fact breached their oaths of secrecy or were likely to do so. The integrity of these individuals is not in question, and Hon. Members will remember that I intervened several times during the discussion to establish this point. I want it to be clearly understood.

● (1420)

The question of privilege is based exclusively on the suggestion that the privileges of Hon. Members of this House have been breached because 20 individuals have been given access to the final text of the White Paper before it has been made available to Members of the House. The Hon. Minister of Finance made the point that the White Paper was not a

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budget, that it is nothing more than a proposal and that it does not even represent budgetary policy. While I appreciate the distinction, I feel that the White Paper nevertheless has very important budgetary implications.

The Hon. Minister of Finance also made the point that there was nothing new in the Government hiring experts to advise it on budgetary matters. The Right Hon. Leader of the Opposition and those who supported him saw a distinction between the hiring of experts during the formulation process and giving those same experts access to a final document before its presentation to the House.

I have examined the precedents available and have come to the following conclusions. Budgetary secrecy is a matter of parliamentary convention. Its purpose is to prevent anybody from gaining a private advantage by reason of obtaining advance budgetary information. The Right Hon. Leader of the Opposition referred to two British cases which involved the resignations of Ministers, in one case a Chancellor of the Exchequer because of a budget leak. However, the issues were never raised as matters of parliamentary privilege.

In this House, issues of this nature have in the past been raised as questions of privilege. The Hon. Parliamentary Secretary to the President of the Privy Council (Mr. Lewis) referred to two such cases. In a ruling relating to one of them given on April 17, 1978, Mr. Speaker Jerome expressed serious doubts as to whether the convention of budgetary secrecy fell within the area of privilege at all. I must inform the House that in these circumstances I have arrived at the same conclusion.

I do not believe that this issue was one of privilege because Hon. Members of this House, and this is very important when one considers what is privilege, have not in any way been obstructed in the fulfilment of their duties by the fact that these 20 experts were given a preview of the White Paper. I must emphasize, however, that I am not ruling on the issue of propriety. The limits of parliamentary privilege are very narrow and it is not a responsibility of the Chair to rule as to whether or not a parliamentary convention is justified or whether or not the matter complained of is a breach of that convention. That is a matter of political debate and not one in which the Chair would wish to become involved.

I draw to Hon. Members notice of the fact that during argument yesterday, Hon. Members rose to say that they were not rising against the principle of a Government consulting with people in the private sector. I must therefore rule that on the evidence presented to me, I cannot accord this matter precedence over all other business. I stress, however, that I am ruling on this matter only as it relates to parliamentary privilege.

I would also emphasize that nothing which has been said in this House implies any reflection on the integrity of the 20 individuals to whom reference has been made. In that regard, I am indebted to the Right Hon. Leader of the Opposition who made that point abundantly clear toward the end of argument