

*Privilege*

Standing Committee on Energy, Mines and Resources. In this case, as well, the matter was formally reported to the House by the committee. The Hon. Member provided the Chair with the relevant press reports, which constitute the only available evidence. The committee did not attempt to identify the source of the leak.

On April 28, the Hon. Member for Selkirk—Interlake raised the matter arising from the Standing Committee on Aboriginal Affairs and Northern Development as a question of privilege. Because of the absence of the Hon. Member for Kenora-Rainy River, who was engaged on other parliamentary business, argument was postponed until May 5.

● (1520)

The presentation of the Hon. Member for Selkirk—Interlake was very straightforward. He argued that the unauthorized disclosure of the proceedings of an *in camera* meeting of a committee could be damaging to Members and constitute a breach of privilege. He supported his argument with an apposite citation from the Nineteenth Edition of Erskine May's *Parliamentary Practice*.

The Hon. Member for Kenora—Rainy River, in a defence of his action, claimed that he did not violate the intent of the *in camera* meeting and that a clear distinction should be made between Votes and Proceedings. He argued that with the taking of a recorded vote, the *in camera* meeting was in essence suspended.

I noted at the time that the Hon. Member for Kenora—Rainy River, who as I have commented is a well-respected Member of the House, did not take the position that a Member was entitled to reveal anything which goes on at an *in camera* meeting just because he or she did not happen to agree with it.

It is important for the Chair to make it very clear that that was not the thrust of the defence of the Hon. Member for Kenora—Rainy River. He was not saying that a particular Member ought to be able to reveal anything that happens *in camera* if he or she feels strongly about it; that was not the Hon. Member's position.

As I say, the position was that there was a difference, as he argued, between the substance of the discussion which had been taking place in the *in camera* meeting and the vote which took place in the *in camera* meeting. However, there is no doubt on the facts, the vote took place within the *in camera* meeting.

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The Hon. Member was supported in his argument by the Hon. Member for Cochrane—Superior (Mr. Penner) who is a senior Member of this place and enjoys the respect of all Hon. Members. The Hon. Member for Cochrane—Superior

requested the Chair to rule "that the revelation of a recorded vote under any circumstances at all is not the same thing as the publication of a committee's proceedings". He also expressed doubt that such a revelation could damage the reputation of the Hon. Member for Selkirk—Interlake in any event.

We had two Members arguing that there was a distinction between the substance of what took place—the discussions and the vote. Again I reiterate that neither Hon. Member was in any way, as far as the Chair is concerned, taking the position that *in camera* proceedings ought not to be respected just because a Member does not agree with what goes on there or, as I suppose could be implied in this case because both Hon. Members are very concerned about native matters, depending upon the seriousness of the discussion and the nature of the issue involved.

The Chair first had to decide, therefore, whether a recorded vote taken at an *in camera* meeting of a committee was not, as the Hon. Member for Kenora—Rainy River and the Hon. Member for Cochrane—Superior claimed, a part of the *in camera* proceedings.

I must say that the two Hon. Members argued their points very effectively. However, the Chair has been forced to the conclusion that when a committee resolves to meet *in camera*, the intention of the committee is that all deliberations which take place at that meeting must be confidential unless and until it resolves otherwise. It is clear that the Standing Committee on Aboriginal Affairs and Northern Development did not resolve that its sitting should be resumed in public for the purpose of taking the recorded vote. The committee did in fact resume its sitting in public subsequently, but not before the vote was taken. I cannot therefore accept the argument that there is a distinction between votes and proceedings in this context and in the manner argued by both Hon. Members.

The next question to be decided by the Chair is whether this particular disclosure of what took place at an *in camera* meeting constitutes prima facie evidence of a question of privilege.

The Hon. Member for Selkirk—Interlake quoted a sentence from the Nineteenth Edition of Erskine May, which is repeated in identical terms on page 154 of the Twentieth Edition. The citation reads:

The publication or disclosure of proceedings of committees conducted with closed doors or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt.

[Translation]

In the British House of Commons, this principle has always been strictly enforced. As recently as 1968 a British Member was ordered by the House to be reprimanded in his place by the Speaker for having revealed to a journalist confidential evidence received by a committee of which he was a member. In 1976, *The Economist* was censured by the Committee of Privileges for having published the confidential report of a select committee.