

reading. I object to this further erosion of the supremacy of Parliament by holding briefing sessions for the benefit of the press, who I assume the Minister is assuming are incapable of doing their homework once they have the legislation. They are even more incapable than Members of Parliament who have to do their homework after they get the Bill.

Mr. Kaplan: They asked for the lock-up.

Mr. Benjamin: The press should be in no better position than Members of Parliament. If they cannot go through a piece of legislation and write their own stories without help from the Minister or somebody else, that is too bad. Maybe it shows up some incompetence in the press gallery. No one has the right to receive a briefing before first reading. I submit that even budget lock-ups are improper. The Minister of Finance can brief the press or anyone else he wishes after he has presented his budget speech or after the House of Commons or the Chair has authorized a Supply motion.

● (1540)

After legislative measures have been presented to Parliament, then and only then can the Solicitor General (Mr. Kaplan) or any other Minister hold a briefing session or whatever. It should be after, not before, a piece of legislation has been presented to Parliament. When he talks about the question of privilege being invalid, I say to you, Sir, it is invalid for a legislative proposal to be presented to anyone outside the Chamber prior to its receiving first reading in the Chamber. It is invalid, it is a violation of the Minister's oath of Cabinet secrecy, it is a violation of the House, and it is a violation of the supremacy of Parliament.

I submit, Sir, that after considering the matter you must rule so that this will never again happen. As far as I am concerned, it should not even happen in the case of a budget. They can be briefed all night long and the next morning after a budget. Certainly there is no excuse for briefings of the press or anyone else prior to legislation being presented in the House for first reading, if Parliament is to remain supreme and Members of the Chamber are to have the first opportunity on legislation brought forward by any government.

Mr. Speaker: The Chair would first like to deal with the matter raised by the Hon. Member for Burnaby (Mr. Robinson). There is a precedent in the ruling by Mr. Speaker Jerome relating to the present Hon. Member for York-Peel (Mr. Stevens) who had exactly the same kind of complaint about being excluded from a so-called lock-up. I cite from the ruling of Mr. Speaker Jerome on November 27, 1978, wherein he said:

There are several members who may want to contribute to this discussion, but I would like to leave it for a time because it seems to me that the Hon. Member has raised a point which might have a serious procedural difficulty in that since he, or any other member, does not have to go to the lock-up at all, it is difficult to tie it to a question of privilege, thereby establishing that somehow the member is prevented from doing something by the condition laid down surrounding a particular even when, in fact, the hon. member obviously does not have to go there at all if he does not want to do so.

Privilege—Mr. S. Robinson

The Solicitor General (Mr. Kaplan) said that the Hon. Member for Burnaby was in the category of uninvited guest to a meeting at which he was not welcome. The suggestion that the Speaker can undertake to control access to meetings held by parties of different persuasions in the parliamentary precincts is one which the Chair cannot accept.

The Chair obviously recognizes that the parties represented in this House may from time to time request rooms. They may or may not choose to invite members of the press. They may choose to invite their own supporters or include or exclude their own supporters. They may on occasion include members of other Parties or not include them. That is not a matter for the Speaker to decide.

Having said that, the Chair is aware that there is a problem. The Hon. Member for Hamilton Mountain (Mr. Deans) has very well touched upon a problem. If he wants to establish some guidelines, in the opinion of the Chair he should do so by a substantive motion or notice. He has not, in the opinion of the Chair, made a case for priority of debate under privilege.

The Chair would also like to make another observation. The process of legislation is one that is evolving. Prior to the introduction of a Bill by a private Member, there are any number of instances in which private Members have circulated what they allege to be the draft they intend to introduce in the House. The Chair cannot accept the principle that what is done in the case of a private Member's Bill is different in principle from any other piece of legislation.

The Chair has to observe that the trend in modern government, contrary to what the Hon. Member for Regina West (Mr. Benjamin) is saying, is in the direction of consultation prior to budgets, prior to legislation. The process of consultation is an important part in the development of proposals if they are to succeed in the public interest.

The Chair asks one question: At what point does a Bill become a Bill?

Mr. Deans: After first reading.

Mr. Speaker: Then it cannot be a Bill or a public document prior to first reading. All it can be is a draft which the Minister, the proposer, the private Member or whoever is concerned, may or may not intend to introduce. There are any number of situations where drafts of Bills have been circulated and no further action has been taken with regard to them. Surely the Chair cannot be placed in a position of determining whether a document or a piece of paper, or whatever it is—it is certainly not a document of the House—can or cannot be circulated, or that the Speaker in some way should regulate the persons to whom such a document could be circulated.

I invite Hon. Members to reflect again upon the point raised by the Hon. Member for Hamilton Mountain. It was raised by Mr. Speaker Jerome in the ruling to which I referred. There is a need for guidelines. Nowhere do I have any guidelines on what constitutes a lock-up. If Hon. Members want to produce some guidelines, some rules, as to the procedures to be followed in such circumstances, the Chair would very much