

*Privilege—Mr. McGrath*

I wish to remind hon. members that I am quite aware of my duties with regard to deciding a question of privilege. I also know what my limitations are concerning a decision on a question of privilege.

I know that I must ask hon. members, and probe them in the course of their interventions, to help me to find where privilege has been breached, and that I must only declare that I have found, on the face of it, that there is a privilege. The House is only obliged to determine whether privilege has been breached. I want to reassure hon. members that I am very much aware that that is my duty and that there are limitations to that duty.

The hon. member for Yukon (Mr. Nielsen) has given me quite a lengthy series of precedents which would be helpful, I am sure, if I found that we were dealing with privilege. All the precedents he has invoked deal with what happens if the Chair finds a question of privilege to exist. It is very useful that the House be reminded of these precedents once in a while, but I am sure the hon. member will realize that what is important to me is to have this breach of privilege defined so I will know in what way a member of this House has been prohibited from functioning in this House as a member. Has he been free to speak? Has he been molested or threatened or bribed in any way that would prevent him from expressing himself freely in this House on any matter, be it legislation or an occurrence such as we have been discussing today? I do not believe any member has attempted to show me that he has been unable to perform freely and to say what he wanted about this particular case. The decision is somewhat more difficult for the Chair if hon. members do not concentrate on defining exactly what that privilege is and where it has been breached.

In my view, the most important aspect of this problem is that we are not dealing here at all with privilege. I did say that yesterday, and in the course of the day I did reflect upon it and studied the precedents which were invoked and other precedents which had been brought up to me. Certainly the matter of budget secrecy is not dealt with through questions of privilege and there are very important precedents which I will recall to hon. members. There were cases in Great Britain, the ones concerning Mr. Thomas and Mr. Dalton where there was an allegation of breach of secrecy. They were not brought before the House under privilege. Nor were they dealt with under privilege. A committee was set up in one case, and a tribunal was set up in the other. Neither case was brought before the committee which normally deals with matters respecting the privileges of members. In one case there was a special committee which dealt with a particular matter; in another case there was a tribunal. This was necessary because of the special powers which are needed to investigate such cases.

● (1600)

Those two important precedents which I took from the records of the United Kingdom convince me—and, I hope, the House—and give me the authority to say that a breach of budget secrecy cannot be dealt with as a matter of privilege. It might constitute a very important grievance for members.

Such action might have a very negative impact on business or on the stock market. It might cause some people to receive revenues which they would not otherwise have been able to obtain. All of these are possible consequences of breaches of budget secrecy, but they have no impact on the privileges of a member. They might do harm—irrevocable in some cases—to persons or institutions, but this has nothing to do with privilege. It has to do with the conduct of a minister in the exercise of his administrative responsibility.

I must repeat that if hon. members feel that the incidents which have been discussed in this House for two days now are reprehensible, that they have to do with the conduct of a minister in the exercise of his administrative responsibility, it is in that respect that a formal charge must be made. That charge must allege that a minister has been derelict in his administrative responsibility, has breached his oath or whatever hon. members might want to allege. That is the way to deal with the matter if members feel that a minister—or a member, for that matter—has been derelict in the exercise of his administrative responsibilities. That is why I indicated yesterday that if hon. members wanted to deal with that, it was not by way of question of privilege but by a formal motion in which a charge would be made.

The hon. member for Yukon says that the kind of charge which is necessary when one wants to cast blame on a minister or a member for his conduct has nothing to do with our precedents. However, I must tell him that there are numerous precedents. In the Pallett case in 1959 Mr. Speaker Michener said quite categorically that a charge would have to be made in the form I have just indicated because it is quite obvious that accusations cannot be spread around or directed at members of this House or ministers without being backed up by proper facts. Otherwise we get into a considerable fishing expedition and allegations not substantiated but which cast doubt on the performance or reputation of a member. That, of course, cannot be allowed because members can sit in this House only if they are considered to be honourable members and the Chair has to protect that reputation of being honourable. The rules exist precisely to assist me in protecting that reputation. If the House consisted of members who were not honourable, then obviously the House could not be honourable.

I must respond to another series of arguments. Members have said that this case is similar to the question of privilege once raised by the hon. member for Kenora-Rainy River (Mr. Reid), but I must indicate that I do not think this case is at all similar, even though it does deal with the matter of budget secrecy. Hon. members will recall that the precedent with regard to the hon. member for Kenora-Rainy River had to do with a motion the hon. member himself proposed. That motion dealt with his privilege, not with the allegation that budget secrecy had been breached. The hon. member felt that his privilege had been affected because he was accused of dishonourable conduct for a member in relation to his responsibility as a member. That is what constituted the question of privilege. He felt that his reputation was at stake and was in question because a newspaper had made an interpretation of