

Privilege—Mr. W. Baker

I wanted to do was simply to bring this point to your attention, Madam Speaker, as a point that I think is very germane and relevant to the question of privilege.

We in the House of Commons, as Your Honour will know, have a responsibility that is rather twofold traditionally, historically and in parliamentary terms. One part is, of course, to examine government legislation and government initiatives. The second, and equally important function of the House of Commons, is the control of expenditures of the government. This whole process does involve a number of steps: one is the budgetary process; the second is that involving the tabling of the government's spending plans in the estimates.

While we have changed the procedures with respect to the consideration of those estimates over the years, as Your Honour will note from personal experience, going from a Committee of the Whole system to a system of reference to specific standing and special committees for consideration, the principle still obtains: Parliament must be seized with the initial responsibility of having information at first-hand. Second, having been seized with the government's spending estimates, the House of Commons must then proceed within a specific period of time to pass on those estimates. What makes this privilege more important is this. A great many people watching this debate, may be wondering, why it is so important.

An hon. Member: That's right.

● (1540)

Mr. Hnatyshyn: The ramifications of premature publication are enormous in terms of the consequences on the markets of our country and in terms of information relied upon by the citizens of this country on the basis of reports other than the formal filing in the House of Commons.

This is a matter of some historical consequence and importance. The rules do not exist to make the government bow especially to the House of Commons or the institution of Parliament. The realistic situation is that until the estimates are formally filed, they are nothing other than a mere document. People who act on information in documents before they are filed do so at their peril.

I want to make two points with respect to this situation. First, I am sure Your Honour would find a breach of privilege by the President of the Treasury Board (Mr. Johnston) or the government if estimates were never tabled, that is to say, if the minister decided in this television era that all he had to do would be to give the estimates to the press in a lock-up and explain the government's plans for spending and hold Parliament in suspension without going through the process of referring the estimates to Parliament.

That is exactly the point which is to be made in this situation. The hon. member for Thunder Bay-Atikokan (Mr. McRae) is sitting over there at the back in anguish. No matter what he wants to make of this, that is the point I want to make. If the government decided simply to publish its spending plans in the newspapers, that would be a clear breach of the

privileges of every member of this House of Commons. I ask Your Honour to look at that general proposition and at what I contend to be an extension of that argument. Either willy-nilly, by design or by practice the government is giving this information out and publishing it. No matter what members on the government side say, it is the responsibility of the minister to protect the interests of members of the House of Commons in this instance. This information has been published across this country. Members of the House of Commons have not yet been officially presented with this information. It has not been filed. I do not care if it is a matter of one hour, 24 hours or 24 days; the principle is still there. The government has allowed, by neglect or design—and I make no comment on that—information contained in the estimates to be published, and the House of Commons has still not been presented with that information.

The second point I want to make is that members of the House of Commons were denied access to this information before it was tabled. That practice has developed. There is a lock-up before submission. I sometimes wonder whether that particular practice is not in itself against the traditions of Parliament and the House of Commons, but the fact is that in this particular instance Members of Parliament were denied access to this particular information.

I want to ask a rhetorical question. Let us assume that the government, in its beneficence, allowed mere members of the opposition to go into that lock-up. Let us assume that I, as one of those members of the House of Commons, went into the lock-up and looked over the estimates for a period of two or three hours. Let us also assume that some time before the document was tabled in this House I went out and either sold or gave away the information contained in those estimates.

An hon. Member: Who would buy it?

Mr. Hnatyshyn: If I as a member of the House of Commons did that, I do not think there is any question that I would be guilty of a breach of the privileges of members of the House of Commons, and I would be liable to account for that action. I think that is a very valid point. I think we have to develop that particular analogy. What has happened here is that on the basis of its practice, tradition, or whatever we want to call it, this government has allowed the press to get this information. Perhaps we have become a little too lax in the way in which we deal with these very important documents with respect to government expenditure and government budgets, but there are reasons for these things. There are reasons why we have these rules. We do not have them for the sake of making members of the House of Commons larger people on the national stage. There are valid reasons in terms of the operation of government.

One way or the other, there has been publication prior to the time the matter has been formally put before the House of Commons, and I consider that to be a breach of my privilege. Under what basis of curious logic should everybody else in the country be able to have access to and an explanation of the government's spending program and the legislators be the last