

HOUSE OF COMMONS

Wednesday, December 19, 1973

The House met at 2 p.m.

[English]

PRIVILEGE

MR. BALDWIN—REFUSAL OF MINISTER TO ALLOW PUBLIC OFFICIAL FREELY TO TESTIFY BEFORE HOUSE COMMITTEE

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I wish to raise a question of privilege which is of the utmost gravity. It involves the rights of members of the Standing Committee on National Resources and Public Works in particular, and of all members in general, to question civil servants and public officials, and the extent to which cabinet ministers may assert executive privilege in restricting and limiting the appearance of such persons as witnesses and the extent of their examination.

The particular issue revolves around the refusal of the Minister of Energy, Mines and Resources (Mr. Macdonald) to allow a particular public official to freely give his testimony save under the control and direction of the minister and his assertion that this is a principle which is applicable in all such cases. The refusal of the minister involved the committee hearings on Bill C-236 which, bluntly, has the effect of giving to the government and the minister more power and authority in peace time than has been the case since Herr Schact was appointed economic Czar under the Third Reich.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Mr. Baldwin: The result of the minister's prohibition will prevent hon. members on the committee from securing, probably for the first time, accurate and positive information on the facts upon which the government seeks to justify the passage of this bill, and to learn the extent of the tremendous powers that could be invoked.

In particular, the members of the NDP and Liberal coalition on the committee, in their support of this proposition, make it impossible to have an adequate and essential study of the facts.

I regret, of course, that the transcript of the proceedings of last night is not available, but there are other hon. members here who can testify as to the accuracy of this statement. If, therefore, a prima facie case is made, it would move as follows:

That, saving only questions of policy, this House reaffirm the duty of public officials and civil servants to be called as witnesses before standing and special committees and to give evidence without inhibition or restraint from cabinet ministers or others with regard to relevant facts which the committee is considering, and that, if the Minister of Energy, Mines and Resources persists in interfering with this right, that the committee be authorized to exclude the minister from committee hearings at such time as such witnesses may be examined.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Mr. Speaker: Order, please. I do not want to prevent the minister from answering the statement made by the hon. member for Peace River, but the hon. member gave me notice of his intention to raise this matter by way of a question of privilege and I am now prepared to make a ruling. Perhaps it might be preferable to deal with the matter this way rather than revive the difficulties which are apparently taking place in the committee.

The hon. member for Peace River is, of course, referring to a very important principle relating to evidence given in committees or in any other circumstance. Whether the grievance the hon. member for Peace River or other hon. members may have in this respect should be considered by the House by way of a question of privilege is another matter.

I think it is a long established principle, perhaps as important as the one cited by the hon. member for Peace River, that procedural difficulties that come up in a committee, to the extent they are procedural difficulties, ought to be settled there rather than in the House. I am sure the hon. member realizes this and appreciates the difficulty procedurally to which his point has given rise. That is why, rather than suggest that a proceeding which is taking place in the committee be referred to the Standing Committee on Privileges and Elections, he submitted for the consideration of the House what is effectively a substantive proposal. If the hon. member has a substantive proposal, it becomes an ordinary motion which requires 48 hours notice. It cannot be taken up in the House by way of a question of privilege.

I certainly do not want to minimize in any way the importance of the matter raised by the hon. member for Peace River, but I suggest to him it is not possible for the Chair to find there is a prima facie case of privilege which would make it possible for the House to consider a substantive motion at this time. That is certainly not in accordance with long established tradition of the House relative to matters of privilege. Therefore I must find against the hon. member in respect of the very limited procedural question which is before me, namely, whether there is or is not a prima facie case of privilege. The ruling of the Chair must be in the negative.

Mr. Baldwin: Mr. Speaker, I rise on a point of order. I trust Your Honour's ruling is without prejudice to my right to bring in another motion supported by the written transcript of the evidence when it is available if there is persistence in this practice.