

Privilege

[English]

There are in fact some Canadian precedents for the deletion of short passages of the *Debates* of the House because of their unparliamentary or offensive character. The most recent of these that the Chair has been able to find dates from April 3, 1933, when the Speaker ruled that an unparliamentary word previously used in the House should be expunged from the *Debates* of that day.

May's 21st edition at page 634 states that committees have expunged evidence which is "improper or inadmissible—which properly speaking [was] not evidence—and even the whole of the evidence given by a witness". This is in accord with the implications of our own Standing Order 113(5) which gives a legislative committee the power "to print from day to day such papers and evidence as may be ordered by it"; and therefore necessarily the power to decide not to print.

The procedural objections raised to the committee's action were, very briefly, because testimony is privileged and because the correction of the record cannot extend to wholesale deletion. It seems to the Chair that the privileged nature of testimony mentioned in Beauchesne's sixth edition at citation 106 refers to the witness' immunity from prosecution rather than to any inviolability of the evidence itself. I agree that what was done in this case is not a correction as envisaged in Beauchesne's sixth edition, citation 828, but rather as I have mentioned a decision not to exercise the power which the committee undoubtedly possesses.

Such a decision by a committee would of course be noted in its Minutes of Proceedings and Erskine May suggests, at page 636 of his 21st edition, that "the committee—indicate in the evidence as printed the places in the text where material had been omitted". I understand in the present case these measures have been taken.

• (1510)

In conclusion, the Chair must find that the actions taken by the committee, as outlined by its chairman, were within its powers and that the matter raised by the hon. member for Timmins—Chapleau does not under the circumstances constitute a question of privilege.

I have a further question of privilege from the hon. member and I will hear the hon. member.

PROCEEDINGS OF LEGISLATIVE COMMITTEE ON BILL
C-113

Mr. Cid Samson (Timmins—Chapleau): Mr. Speaker, I must say that I am very disappointed in your decision.

Mr. Speaker: Just a minute. The hon. member may be disappointed in the decision but the duty of the Chair is to bring decisions down according to the rules and according to the procedural law. It is completely improper and certainly not appropriate for an hon. member to start off on a second question of privilege arising from the same committee, and it just may be that the Chair is being very generous in even hearing it with that kind of a criticism. If the hon. member does not like the decision the hon. member has other places where he can go and express it, but not in this Chamber.

Mr. Samson: Thank you, Mr. Speaker. You are quite right. I withdraw the comment and I do apologize to the Chair.

Mr. Speaker: I just want to say to the hon. member that I appreciate the comment and the apology is accepted.

Mr. Samson: Mr. Speaker, I am rising on a question of personal privilege concerning the legislative committee studying Bill C-113. On March 11, 1993 I raised the question of privilege in the House concerning the decision by the majority of the committee studying Bill C-113 to expunge the testimony of the witness.

My point is very short. I am at a loss as to how the committee could proceed prior to hearing your decision. Beauchesne's sixth edition, citation 693, deals with clause-by-clause study of legislation and states:

(1) Before beginning its clause-by-clause study, the committee will usually call the sponsor of the bill and such witnesses as it deems necessary, to give evidence upon the merits of the bill.

While the committee called witnesses who testified on the merits of the bill, the question of privilege I raised related to procedural and substantive defects with how the committee dealt with one of those witnesses. Beauchesne's clearly establishes a condition that must be satisfied before a committee can begin clause-by-clause study of a bill.