

Mr. Penner: Do you wish a response to the statement by the Parliamentary Secretary?

Mr. Speaker: You may take it that the Chair has the point and I will consider it.

* * *

[Translation]

PRIVILEGE

INTERVIEW GIVEN TO PRESS BY MR. DE COTRET—MR.
SPEAKER'S RULING

Mr. Speaker: I now have a very important ruling to make on a subject raised a few days ago by the Hon. Member for Nickel Belt (Mr. Rodriguez).

● (1530)

[English]

On March 9, the Hon. Member for Nickel Belt (Mr. Rodriguez) raised a question of privilege arising out of certain remarks made by the Honourable the President of the Treasury Board (Mr. de Cotret) in giving an interview to the press. The essence of the Hon. Member's complaint was that the Hon. Minister's remarks imputed motives to members of the Standing Committee on Employment and Immigration, that he questioned the right of the committee to put witnesses under oath, and that he appeared to be counselling a senior civil servant to defy the standing committee and the House.

I think I have caught completely the tenor and direction of the comments of the Hon. Member for Nickel Belt.

A day or so later when it was possible for the President of the Treasury Board to be in the Chamber, he rose and agreed that he had been correctly reported in *The Globe and Mail*. I should perhaps repeat the exact words which form the subject of the complaint:

It is a terrible precedent. I would never ask a public servant to testify under oath. The committee is really saying he is a liar. I do not believe that . . . I would have liked to see Gaétan Lussier walk right out of the room.

There appears to be no argument that the Hon. Minister used those words.

[Translation]

The Hon. Member for Calgary West and the Hon. Member for Laprairie (Mr. Hawkes and Mr. Jourdenais), the Chairman and Vice-Chairman respectively of the Standing Committee on Labour, Employment and Immigration, both contributed to the discussion and defended the committee's right to conduct its proceedings in the way it had. They also made it quite clear that in requiring certain witnesses to testify under oath, the committee was not implying that they were untrustworthy.

I must say, at the outset, that any parliamentary committee has the power to require witnesses to be sworn. I would also agree that in using this power, a committee is not reflecting adversely on the character of a witness. I can make the analogy with a Court of Law where all witnesses are examined

Privilege—Mr. Rodriguez

under oath. This necessary practice does not imply that all witnesses are dishonest.

[English]

I think it is important to emphasize, in case there should be any misconception in any quarter concerning the powers and functions of parliamentary committees, that committees appointed by this House are entitled to exercise all or any of the powers that this House delegates to them. These powers include the right not only to invite witnesses to appear but to summon them to appear, if necessary. They include the right to examine witnesses on oath should the committee deem it necessary. The powers of standing committees to initiate investigations have recently been extended in the spirit of parliamentary reform. Standing Order 96 sets out in some detail the extent of these powers, which include the power to study and report on all matters relating to the mandate, management and operation of departments of government. The scope of operations of standing committees has thus been considerably widened and the power to summon public servants as witnesses is essential to the effective performance of their tasks. It can be expected that this power will be used more, not less, frequently in the future, and I think it is salutary to alert all those concerned to this fact of parliamentary life. I can therefore say in answer to the question raised by the Hon. Member for Calgary West (Mr. Hawkes), that a witness once summoned by a parliamentary committee would be ill-advised to walk out because of an unwillingness to be sworn.

[Translation]

With regard to the existence of a question of privilege, I would remind the House that Parliamentary privilege is breached by any action which threatens freedom of speech in the House or which otherwise obstructs Hon. Members in the fulfillment of their duties. The Hon. Minister used certain words in his remarks to the press which expressed in forceful terms his opinion of a certain action by the committee. There is no doubt that these words were critical of the committee. However, it was not apparent to the Chair that the freedom of action of the committee or of any Hon. Member had been restricted by anything the Minister said. He was expressing an opinion, not giving an order to his public servants. In fact, the Hon. Member for Laprairie applauded the President of the Treasury Board (Mr. de Cotret) for defending his employees in such a spirited manner.

[English]

The Hon. Minister's words, which were no doubt delivered spontaneously, did nevertheless reflect upon the committee's actions. The limits of parliamentary privilege are very narrow and have never been precisely defined. Privilege should never be interpreted in such a way as to be an obstacle to the free expression of opinion. At the same time, we all need to be careful in our choice of language when speaking of the legitimate proceedings of the House or its committees.