

PRIVILEGE

LEGISLATIVE COMMITTEE ON BILL C-113—SPEAKER'S RULING

Mr. Speaker: On March 11, 1993 the hon. member for Timmins—Chapleau raised a question of privilege concerning an occurrence in the legislative committee on Bill C-113 the previous day. Members of the committee had found remarks made by a witness to be offensive; and after the witness had refused repeated requests from both sides of the committee table and from the chair to withdraw the remark, the committee had agreed to a motion that his evidence be expunged from the committee's record.

The hon. member indicated that the action taken was not within the committee's powers because committee evidence and the testimony of witnesses before the committee are privileged; because the correction of the record, which is within the power of committee, cannot extend to the expunging of whole sections of the verbatim transcript, and finally because a majority of the committee's members had acted to silence the witness. He also suggested that the chairman of the committee might have intervened during the hearing of the testimony to caution the witness or even to eject him.

In support of this position the hon. member for Notre-Dame-de-Grâce added that the extreme measure taken, of expunging the entire testimony because of one unacceptable statement, was unprecedented in his experience and contrary to democratic parliamentary procedures.

• (1505)

The hon. member for Red Deer, the chairman of the committee, then briefly related the events in question from the committee chair's perspective. He indicated that he had been reluctant to interrupt the testimony at some earlier points on account of questionable remarks and that "one extremely inflammatory—statement" had come at the very end of the testimony. At that time he had asked the witness to withdraw the remark. During the subsequent discussion he and other members had repeated this request; but when the motion to strike out the witness' testimony was proposed he felt he had no choice but to put it before the committee.

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The hon. member for Ontario who had proposed in committee the motion which has been brought to the Speaker's attention, argued that the committee's action was in order because a committee like the House has the power to enforce the rules of order and civility on all those within its ambit and also the power to order the exclusion of the public from its meetings. He also pointed out that the House had not yet received the report from the committee relating to this question citing Beauchesne's sixth edition, citation 107, which states that the House deals with a question of privilege arising in committee on report from that committee.

[*Translation*]

I would like to thank the members who contributed to the discussion on this point for the conciseness and restraint they have shown in making their arguments. The events occurring in committee were clearly such as to cause strong feelings, and the Chair appreciates the rationality and objectivity with which all members put their points of view.

[*English*]

I would particularly like to thank the hon. member for Red Deer for his help. He seemed at one point to be beginning to wonder if the chair of a legislative committee was as great a mark of honour as he had supposed; but I would like to assure him that, in the eyes of the Speaker, selection to the Panels of Chairmen, like election to the Speakership, is a distinct mark of honour if not always good for the nerves.

With regard to the question that has been raised, I need hardly detail to the House the many occasions on which the Chair has clearly stated its reluctance to interfere in the proceedings of a committee. I have already mentioned the quotation by the hon. member for Ontario of citation 107 of Beauchesne.

[*Translation*]

As the House knows, however, this rule is not entirely inflexible. The Speaker may pronounce on such a question if it is very serious or urgent or if there is a lack of direct or recent Canadian practice available for the guidance of members. Such a departure from regular practice cannot in my opinion be considered a precedent.