

HOUSE OF COMMONS

Friday, May 19, 1989

The House met at 10 a.m.

Prayers

POINT OF ORDER

RESPECT FOR SPEAKER

Mr. Brian Tobin (Humber—St. Barbe—Baie Verte): Mr. Speaker, this Member wishes to have noted that while there are many things that a Member may on occasion in this place wish to question, there can be no question about the integrity of the Office of the Speaker and the mandate the Speaker is empowered to carry out, indeed, the institution that the Speaker is empowered and mandated to protect.

In compliance with your request yesterday, and out of great respect for the Speaker, I withdraw words that Mr. Speaker deemed to be inappropriate and unparliamentary during Question Period yesterday.

Mr. Speaker: I want to thank the Hon. Member. I should comment also that his withdrawal has been in the finest tradition of this place. He has been, throughout the many years that I have known him, a very dedicated Member of this House and has always given me appropriate support as Speaker, for which I thank him.

Some Hon. Members: Hear, hear!

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PRIVILEGE

SPEAKER'S RULING

Mr. Speaker: On Tuesday, April 4, 1989, the Hon. Member for Edmonton Southeast (Mr. Kilgour) raised a question of privilege and, in addition, provided the Chair with certain related material.

The facts are as follows:

[*Translation*]

On March 14, 1989, a subpoena signed by a Judge of the Supreme Court of the Province of British Columbia was served upon the Hon. Member for Edmonton Southeast (Mr. Kilgour) in his Centre Block office. Your Speaker's permission was neither sought nor obtained for this service. Shortly after being served, the Hon. Member contacted Mr. Marcel Pelletier, the Law Clerk and Parliamentary Counsel of this House who wrote to the counsel for the plaintiffs in this civil action explaining that a sitting Member of Parliament enjoys the privilege of exemption from attending as a witness in a court of law and concluded in pointing out that: "This privilege is based on the paramount right of Parliament to the attendance and service of its Members."

[*English*]

Although Parliament was prorogued from February 28 to April 3, there can be no doubt that the Member's immunity persisted throughout this period. In this connection, I refer Hon. Members to May's 20th edition, page 107, and to Bourinot, 4th edition, pages 45 and 46.

[*Translation*]

In further correspondance via facsimile machine between the Hon. Member and counsel for the plaintiff, the Hon. Member for Edmonton Southeast (Mr. Kilgour) wrote that he would, as a former member of the Bar of British Colombia, appear if the Judge insisted. The counsel for the plaintiff replied that indeed the Judge insted, relying on the Member's previous statement, and ordered him to appear on March 31st or to have counsel appear on his behalf on March 30th. The Hon. Member responded to this last by appearing before the court on March 31st.

[*English*]

On April 4 he explained to the House what happened in the statement found at page 39 of *Hansard*:

Appearing in court as ordered, I attempted to convince Her Lordship that an irresistible force was colliding with an immovable object. The court eventually ordered me to be sworn, and thereafter in effect directed me to reply to a question to identify a number of individuals who had come to my constituency office in April of 1986.