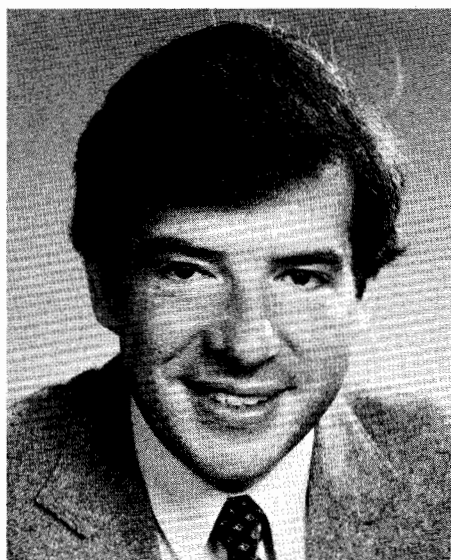




Speaker's Ruling

Acceptability of motions to sit *in camera*, Quebec National Assembly
December 16, 1983



Richard Guay

Background: At times toward the end of a long session or in the course of extended debate, members do or say things which, despite the best efforts of presiding officers, can only bring the institution into disrepute. On such occasions there may be a temptation for members to move that the House go into secret session to exclude the public. A motion to this effect was introduced by the Deputy Opposition House Leader at 5:50 am on Friday December 16. The House had been sitting since 10:00 am on Thursday debating a motion that the Standing Committee on Municipal Affairs table by Friday at 12:00 pm its report on *An Act Respecting Government Funding of Municipalities*.

The Ruling (Speaker Richard Guay): Motions to sit *in camera* have a well established place in our parliamentary customs and traditions.

There are instances of parliamentary committees which sit *in camera* for all or part of their work. However in this case, and it is so in other Parliaments following similar procedures, the objective of such motions is not to exclude the public but to insure confidentiality of information revealed which could prove embarrassing to persons or compromise the security of the state. The exclusion of the public is not the goal of *in camera* meetings.

Were the Assembly to sit *in camera* it would mean no one would be allowed in the galleries, journalists would be excluded, television coverage would be interrupted and the verbatim transcript would either be unrecorded or if it was recorded, would not be published in the *Journal des Débats*. Any violations of secrecy could be taken up under rules protecting the privileges of the Assembly. Thus it would seem that there should be exceptional circumstances before the Assembly have recourse to *in camera* meetings.

A motion to sit *in camera* is not a dilatory motion; it becomes one very quickly if every member invokes it on the grounds that the Assembly must decide the question after debate.

The Assembly has the undoubted right to decide the issue but for it to be considered I believe there must be circumstances which *prima facie* seem to justify it; in other words, the motion can only be proposed if the nature of the deliberations is likely to compromise persons or groups or

the security of the state or for other similar reasons.

Common sense demands that a motion with such serious consequences not be reduced to a means of delaying debate in the Assembly. Furthermore, article 47 is ambiguous as to the moment such a motion can be introduced. In the old Standing Orders it had to be introduced after prayers and before opening the doors to the public. In those days, as is still the case in Ottawa, prayers were held in private. Thus a motion to sit *in camera* occurred before the public ever entered the chamber. Without making a definitive statement on this aspect of the question it would seem very likely that the motion must come at the beginning of a sitting and not during the course of proceedings.

In any event if *in camera* sittings are going to be held there must be a large consensus among the groups represented otherwise confidential information will not stay that way for long.

The motion by the member from Portneuf, coming after more than eight hours of debate is out of order because there are no circumstances which, *prima facie*, lead one to think that continuation of debate would give rise to a situation in which the Assembly might justifiably sit *in camera*.

The motion is out of order.

Note: The ruling was published in the *Journal de Débats*, December 19, 1984. The foregoing is an unofficial translation by the editor.