

You Can't Print that in Hansard: Surveying Hansard Expungements in Canada, Australia and New Zealand

Charlie Feldman¹

President, Canadian Study of Parliament Group

Abstract: Hansard is thought of as being the complete parliamentary record; however, Parliaments in Canada, Australia and New Zealand have occasionally expunged portions of their Hansards. Using newspaper reports, this article surveys examples of this practice to identify both the contexts in which expungements have occurred and their associated parliamentary mechanics.

INTRODUCTION

In the public consciousness, Hansard is a complete record of everything said in Parliament. Yet, portions of debate have been struck out, removed, deleted or expunged² from Hansard in Canada, Australia and New Zealand. These rare occurrences are distinct from the routine editing that occurs in the production of Hansard.³ The circumstances and procedures for Hansard expungement vary but the result is the same: the resulting official parliamentary record is intentionally incomplete.

¹ The views in this work are not those of any employer. The author would like to thank Isla Macphail, Cecelia Edwards and Stefanie Carsley for helpful comments on a previous draft.

² While all synonymous terms, there is little uniformity in the parliamentary records to describe the action at issue. This work will use expungement except when quoting from materials that use other terminology.

³ Caruso, Deborah, Lenni Frohman, Robert Kinsman, and Robert Sutherland, 'Some Editing Required: Producing Canada's Hansards: Roundtable.' *Canadian Parliamentary Review* 38(2) (2015), pp. 7–14.

Hansard expungement raises important questions about the transparency of democratic institutions, the purpose of official parliamentary records and the role of the press in reporting on parliament (in particular, reporting expunged proceedings). It also raises significant questions about free speech and the place of censorship, if any, within parliament.

To date, it does not appear that any work has catalogued instances of Hansard expungement across jurisdictions. This work – prepared in connection with the Australasian Study of Parliament Group conference – seeks to survey Hansard expungements based on newspaper reports.⁴ It is not intended to be a comprehensive review of all instances of Hansard expungement; some of them may never be known.⁵

ALTERCATIONS BETWEEN MEMBERS

According to news reports, both the Canadian House of Commons and the Australian House of Representatives expunged portions of Hansard when parliamentarians got into heated scraps. Two notable incidents occurred in the early 1930s that were widely reported in the press.

In Canada, it was reported that Member of Parliament (MP) Heenan got into a scrap with MP Price on the floor of the House of Commons that culminated in an open threat of violence from the former: ‘I have been in places where I could smash a fellow’s face for half of this, and it would take little encouragement to cross the floor and do it now’.⁶ In her regular dispatch on Parliament, MP Agnes MacPhail wrote that the two men ‘invited each other to a scrap which afterwards took place in the lobby’.⁷ Did members really resort to fisticuffs? An American newspaper reported that Price crossed the floor and shook his fist in Heenan’s face and ‘other members intervened before blows could

⁴ Compiling Hansard expungements from parliamentary records alone is difficult because the records often reflect no discussion on the subject. To find examples not in procedural reference works, archival newspapers were searched for mentions of ‘Hansard’ in close proximity to ‘excise’, ‘erase’, ‘expunge’, ‘delete’, ‘strike’, ‘omit’, and ‘remove’. When articles appearing to report a Hansard expungement were found, the author attempted to locate corresponding parliamentary records.

⁵ ‘Le Hansard et exactitude’. *Le Droit*. 6 April 1932, p 1.

⁶ ‘Peter Heenan is quite bellicose in Parliament’. *Brandon Daily Sun*, 11 July 1931, p. A1.

⁷ Agnes MacPhail, ‘Heat and Length of Session Getting on the Nerves’. *The Durham Review*, 16 July 1931, p. 4.

be struck',⁸ adding that later the two men needed to be separated again, albeit this time in a corridor of Parliament.

Regardless of what may have occurred physically between the MPs, Hansard expungement appears to have occurred. For its part, the *Brandon Daily Sun* reports that Heenan moved a motion that his remarks 'be erased' from Hansard. MacPhail wrote that the incident was 'wholly unworthy of the Commons and has by common consent been dropped from Hansard'. The *Sherbrooke Daily Record* states that Heenan 'asked to have his remarks relative to slapping Price's face erased from Hansard', suggesting only a portion of the offending remarks were expunged.⁹ The precise terms of any motion and the associated procedural mechanism are unclear – it appears that not only were the remarks expunged but that any motion concerning them was similarly removed.

Perhaps less physically dramatic, Australia's House of Representatives reportedly expunged exchanges from Hansard in 1932 after what the *Sydney Morning Herald* described as a 'unanimously hostile' exchange between Members of Parliament Green and James.¹⁰ In particular, the newspaper reported the 'unsavoury incident' as a 'bitter and disgraceful scene' in which Green brought up an alleged previous criminal act of James from some 25 years ago (which James said was misrepresented). The precise language that followed is glossed over by the paper, which reported tersely as follows:

Much more was said by Messrs. Green and James. It was a painful few minutes for the House, which to its credit (and the credit of Mr. Makin, who suggested it) decided to expunge the whole incident from 'Hansard'.¹¹

What was the 'much more' said? Given a Hansard expungement, there is no official record. While the *Sydney Morning Herald* may have sought to protect its readers from

⁸ 'Solons Halted in Fist Fight – Members of Canadian House of Commons in Disagreement'. *Butte Montana Standard*, 12 July 1931, p. 2.

⁹ 'Fist Fight Threatened as Member Angers Heenan'. *Sherbrooke Daily Record*, 11 July 1931, p. 4.

¹⁰ 'From the gallery'. *Sydney Morning Herald*. 10 November 1932, p. 10.

¹¹ 'From the gallery'. *Sydney Morning Herald*. 10 November 1932, p. 10.

scandalous content, a different newspaper from New South Wales reported that the fiery remarks of James included the following:

*Were it not for Mr. Green's incapacity he would not dare say what he has said. He takes advantage of the fact that he has only one leg in order to hurl insults. If the people of Richmond only knew how often he comes into this House absolutely drunk they would know he is the greatest drunkard in this House.*¹²

The West Australian newspaper also reported the 'absolutely drunk' remark as well as the bit about Green taking advantage of having only one leg, closing with an apparently newsworthy detail from the time that 'A party of schoolgirls witnessed the scene from the public gallery'.¹³

The specific mechanism for the Hansard expungement is ambiguous from press reports. *The Northern Star* reported that at the 'suggestion' of Makin, the Speaker agreed 'to discuss with the principal Parliamentary Reporter the exclusion from Hansard of any reference to the episode'.¹⁴ *The West Australian* reports Makin 'moved that the whole incident be expunged from Hansard' and that the Speaker replied 'If it is the wish of members, I shall arrange for that'.¹⁵ As such, it is not clear if there was a motion moved, nor whether the Speaker believed he had the power to expunge as distinct from committing to undertake discussions with those responsible for Hansard.

This would not be the last time that the Speaker of the Australian House of Representatives would work to expunge allegations of drunkenness from Hansard. At the start of the sitting on 29 February 1952, the Speaker stated:

I have to inform the House that, yesterday, I arranged that certain interjections that were made in the course of debate on Wednesday night should not be recorded in Hansard. The interjections were to the effect that

¹² 'Recriminations – R.F. Green v. James – Record of Debate Expunged'. *The Northern Star*, 15 November, 1932, p. 4.

¹³ 'Politicians at odds'. *The West Australian*, 10 November 1932, p. 10.

¹⁴ 'Politicians at odds', p. 10.

¹⁵ 'Politicians at odds', p. 10.

*a certain honorable member who was addressing the House was in a state of insobriety.*¹⁶

Though the Hansard may have been expunged, newspaper reports fill in the missing pieces. The specific allegation was from Cameron (Labour, South Australia), who alleged drunkenness on the part of Wentworth (Liberal, NSW).¹⁷

A FLESH WOUND?

In February 1912, New Zealand's Parliament passed resolutions of condolence amid reports of former MP Alfred Richard Barclay's death. Later that evening, the Prime Minister was informed that Barclay was not actually dead (but was gravely ill). According to the press, the errant condolence proceedings in Parliament were expunged from both the Hansard and the Journals.¹⁸ Barclay passed away in November 1912.

NATIONAL SECURITY AND WAR

In World War I, Australia's House of Representatives adopted a motion allowing for the expungement of war- and national security-related material on the Speaker's initiative. It read:

That, during the progress of the present war, Mr. Speaker be, and is hereby authorized, at his discretion, to direct the omission from Hansard of any remarks made in the House of Representatives in the course of debate, or in any other proceedings in the House of Representatives, to which his attention may be directed by the Law Officers of the Crown as being calculated to prejudice His Majesty's relations with a foreign Power, or the

¹⁶ A. Cameron, Commonwealth, *Parliamentary Debates*, House of Representatives, 29 February 1952 p. 628.

¹⁷ 'Cameron Warns Members'. *The Newcastle Sun*, 29 February 1952, p. 2.

¹⁸ 'Mr. A. R. Barclay'. *Lyttelton Times*, 22 February 1912, p. 9.

*successful prosecution of the war, or to imperil the safety of the Commonwealth.*¹⁹

The power to expunge war-related matters from Hansard was exercised by the Speaker, though not without controversy. In 1918, the Speaker announced to the House that he had directed the omission of remarks from Hansard after receiving a letter from the Acting Solicitor General and consulting with members concerned.²⁰ Though the Speaker did not name names, a member whose remarks were expunged complained of the Speaker's decision. It may be that portions of that debate were also expunged as the record reflects an intervention on this point in the middle of which it is printed 'Later:' before continuing. Whatever else might have been said, the Speaker concluded: 'I received authority from the House to adopt a certain course at my discretion, and it is only as a matter of courtesy that I report to the House any action I have taken'.²¹

A similar situation arose during World War II. When asked in 1943 if anything had been removed from the Hansard of a previous sitting's debate, the Speaker confirmed:

*I held the same opinion as the Prime Minister, namely, that these statements giving the boundaries of the area in which it was proposed that Australia should wage war operations should not be disclosed to the public.*²²

It was suggested that the Speaker had an obligation under practice at the time to inform the House when 'censorship' occurred. The Speaker suggested otherwise because 'It is not the practice to indicate that an honorable member's speech has been

¹⁹ W. Elliot Johnson, Commonwealth, *Parliamentary Debates*, House of Representatives 2 October, 1918, pp. 6560–6572.

²⁰ W. Elliot Johnson, Commonwealth, *Parliamentary Debates*, House of Representatives 2 October, 1918, pp. 8953–8954.

²¹ W. Elliot Johnson, Commonwealth, *Parliamentary Debates*, House of Representatives 2 October, 1918, pp. 8953–8954.

²² W. Nairn, Commonwealth, *Parliamentary Debates*, House of Representatives, 28 January 1943 p. 100.

censored, for such an indication might cause interested parties to seek to learn the censored matter'.²³

Importantly, the Speaker confirmed to the House that the decisions in this regard were his alone:

I do not take instructions from the Censor or from anybody else, but I can best perform my duties if I go for information to the best sources available. If the Censor, in the interests of national security, tells me that, in his opinion, something ought to be deleted from the record, I am very glad to consider his representations, but, in the final analysis, I have to make up my own mind, and the ultimate decision is mine. However, I am not above taking advice from the Minister for the Army (Mr. Eorde) or the Censor, or the Leader of the Opposition (Mr. Fadden), or even from the honorable member for Barker (Mr. Archie Cameron).²⁴

The story of Australian Hansard and war does not stop with questions of expungement. According to a press report, on at least one occasion reprints of Hansard were censored by the government and prevented from being sent overseas for they were viewed as being detrimental to the war effort then underway.²⁵ On another occasion, the Prime Minister ordered the seizure of Queensland Hansard given speeches on conscription; reportedly the Queensland government resorted to disseminating Hansard by throwing copies onto residents' lawns.²⁶

It does not appear that Canada has either allowed for expungement from Hansard on national security grounds nor censored Hansard from being sent abroad (though on at least one occasion a redacted Hansard was returned in the initial response to an access to information request).²⁷ That said, it is perhaps worth noting that Canada's House of

²³ W. Nairn, Commonwealth, *Parliamentary Debates*, House of Representatives, 28 January 1943 p. 100.

²⁴ W. Nairn, Commonwealth, *Parliamentary Debates*, House of Representatives, 28 January 1943 p. 100.

²⁵ W. Farmer Whyte, 'Hansard and War: History Recalled'. *Newcastle Morning Herald and Miners' Advocate*, 2 January 1940, p 4.

²⁶ 'Government Printing Office, 1917' in R Evans and C Ferrier (eds) *Radical Brisbane: an unruly history*. Victoria: The Vulgar Press, 2004.

²⁷ 'Canada needs a full reset on transparency'. *The Globe and Mail*, 29 December 2021. p. A10.

Commons held secret sessions from time to time, particularly during periods of war.²⁸ It may be that the need for expungement based on national security or war is unnecessary if those debates occur in secret session, though secret sessions have not occurred in modern times in the Canadian House of Commons.

NAMES OF THE INNOCENT (OR THE GUILTY?)

In modern times, questions have arisen about naming individuals in Parliament whose identity may be protected by some form of judicial order, such as a suppression order in Australia or a publication ban in Canada. On occasion, parliamentarians have knowingly named such persons, benefiting from parliamentary privilege to do what could be legally actionable outside of parliamentary proceedings.²⁹ This particular matter has been discussed within the broader question of legal risks associated with publishing parliamentary debates in Australia,³⁰ and the scope of parliamentary privilege in New Zealand.³¹

Most recently, the issue of suppression orders arose in New Zealand and was the subject of a careful Speaker's Ruling on 29 August 2023 regarding a situation where a name was not used but other identifying information provided.³² It is worth considering the very thorny situation that can arise for speakers – in addressing whether a member's conduct is appropriate given a judicial order, a speaker could easily confirm (by inadvertence) the existence or scope of such an order. While one might seek to expunge the name of a person who should not be named, expunging a Speaker's Ruling

²⁸ See Canada, *Parliamentary Debates*, House of Commons, 28 November 1944, p. 6634.

²⁹ See e.g., Gareth Hutchens, 'Derryn Hinch uses parliamentary privilege to name sex offenders in maiden speech'. *The Guardian* (Australia) 12 September 2016. Accessed at: <<https://www.theguardian.com/australia-news/2016/sep/12/derryn-hinch-uses-parliamentary-privilege-to-name-sex-offenders-in-maiden-speech>>.

³⁰ See Barrett, Val. 'Publishing the Record of Parliamentary Proceedings: Identifying and Controlling the Risks'. *Journal of Law, Information and Science*, 20 (2), 2009–2010, p. 106–108.

³¹ Best, Richard. 'Freedom of Speech in Parliament: Constitutional Safeguard or Sword of Oppression?' *Victoria University of Wellington Law Review* 24(1), 1994, pp. 91–102.

³² A. Rurawhe, New Zealand, *Parliamentary Debates*, House of Representatives, 29 August 2023. Accessed at: <https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20230829_20230829_09>.

in relation thereto would raise significant questions about the accessibility and knowability of parliamentary precedents.

In the Hansard for the Northern Territory for 2 May 1991 reads a bold entry:

*Note: Mr Bell referred to matters ordered not to be published pursuant to Resolution of the Legislative Assembly dated 30 April 1991 and a ruling of Mr Speaker dated 1 May 1991.*³³

The Assembly was working carefully with legal advice received in relation to certain investigations and legal proceedings. As the Assembly agreed on 4 October 1990:

*So as to ensure the fair trial of persons before the court, no part of the report prepared by Mr Mulholland relating to the matters or subject of court proceedings, either in progress or pending shall be tabled or published until such time as those proceedings have been completed.*³⁴

While the House was later provided with reports and advice (and a sanitized version made public) the resolution was understood to mean that members could not discuss details as doing so House's would require their publication in Hansard, contrary to the motion. Consequently – and in furtherance of the *sub judice* convention – the Speaker ordered the expungement of certain interventions.

Curiously, an early expungement of names from Hansard concerned the names of those who were decidedly guilty. In 1903, the Speaker of the Queensland Legislative Assembly ascertained the will of parliamentarians to remove a list of names from Hansard, which it gave unanimously.³⁵ Uprouar ensued after the Secretary for Railways read the names of persons who had been convicted of certain offences, having reportedly obtained the names in secret from the Chief of Police. Members expressed various concerns, including:

³³ Northern Territory, *Parliamentary Debates*, Legislative Assembly, 2 May 1991. Accessed at: <<https://hdl.handle.net/10070/418731>>.

³⁴ Northern Territory, *Parliamentary Debates*, Legislative Assembly, 2 May 1991. Accessed at: <<https://hdl.handle.net/10070/418731>>.

³⁵ A. Cowley, Queensland, *Parliamentary Debates*, Legislative Assembly, 30 July 1903, p. 160.

*probably some of them have wives and children, and that, for their sake alone, it would be unfair to perpetuate in the volumes of Hansard a record of offences which have long been atoned for.*³⁶

Another decried the Minister

*reading out that list of convictions, knowing well that it would get into Hansard, and once in Hansard it may be reproduced in every newspaper from one end of Australia to the other.*³⁷

The Hansard for the Legislative Assembly of Ontario may be unique in containing a footnote in the print edition of Debates for 4 December 2000 reflecting an expungement ordered months later:

*The names of the young offenders have been expunged by Order of the House dated Tuesday, April 24, 2001, in the spirit of compliance with the Young Offenders Act (R.S. 1985, c Y-1).*³⁸

On that December day, a member read into the record the names of persons who recently graduated a program for young offenders. While the spirit may have been to celebrate their accomplishments, the importance of protecting the identity of young offenders was keenly in the mind of legislators; some called for a police investigation and the minister responsible for corrections stepped down.³⁹ Pending any police action, the Assembly agreed to hold off publishing Hansard and held a debate:

That all records of remarks by the members during the debate of the motion regarding Bill 144 on Monday, December 4, 2000 not be published electronically or in print, or in any other public form until such time as the police have completed any investigation of remarks during that debate, and

³⁶ A. Cowley, Queensland, *Parliamentary Debates*, Legislative Assembly, 30 July 1903, p. 158.

³⁷ A. Cowley, Queensland, *Parliamentary Debates*, Legislative Assembly, 30 July 1903, p. 134.

³⁸ Ontario, *Parliamentary Debates*, Legislative Assembly, 4 December 2000, p. 6064.

³⁹ See discussion in Tom Blackwell, 'MPP's Error Brings Down Minister: Tory Backbencher Also Resigns After Reading Out Names of Young Offenders'. *National Post*, 5 December 2000, p. A1.

*further, that Hansard maintain and preserve all records and evidence of that debate [...].*⁴⁰

As the police investigation concluded with no charges (recall that parliamentary privilege may shield Hansard interventions from scrutiny) it was nonetheless agreed by the Assembly that the Hansard was to be published with the names expunged.

While names might be removed for privacy reasons, related information may also be expunged. In 2014, the Speaker of the Legislative Assembly of the Northern Territory ruled

*I will be having all mobile phone numbers and phone numbers you referenced in your speech, member for Namatjira, expunged from the Hansard record.*⁴¹

It is worth considering that parliamentary bodies might avoid proactively expunge identifying information in certain contexts. For example, a recent Australian Senate committee report included a footnote reading:

*The committee notes that some details which may potentially identify individuals have been removed from Hansard to protect women at risk of domestic violence.*⁴²

OFFENSIVE COMMENTS

In some cases, comments to which parliamentarians took great offence were expunged from Hansard. The Speaker of the Canadian House of Commons reportedly struck some 900 words on one occasion in 1944, including that ‘men were being sent to their death on the battlefield to allow the government to find its way out of a cabinet crisis’.⁴³

⁴⁰ Ontario, *Votes and Proceedings*, Legislative Assembly, 4 December 2000.

⁴¹ K Purick, Northern Territory, *Parliamentary Debates*, Legislative Assembly, 15 May 2014, p. 4408.

⁴² Senate Finance and Public Administration References Committee, Parliament of Australia, *Domestic violence in Australia Report*, August 2014, p. 2.

⁴³ ‘Expunge Words from Hansard’. *The Lethbridge Herald*, 6 December 1944, p. 5.

According to the press, the Speaker found those remarks were a ‘blot’ on the House and expunged interventions from several members and, in particular, several paragraphs of a speech from MP Choquette. Choquette’s full remarks were published in the original French in *Le Devoir*.⁴⁴

In New Zealand, Hansard expungement ostensibly occurred in 2000 after offence was taken to a question suggesting that certain MPs engaged in bestiality. The Speaker ruled the question out of order and indicated it ‘will not appear in Hansard’, but noted that this wouldn’t preclude press reports.⁴⁵ Indeed, the remarks were widely reported in the press.⁴⁶

In a very different episode, in 1901 the Premier of New Zealand took offence to a charge levelled by another parliamentarian suggesting that the Premier was responsible for the death of troops. After arguments about what should appear in Hansard, it was reported that the Speaker left the Chair to allow the two members to conference together and resolve the question – the other MP agreed to withdraw certain words and have them expunged from Hansard.⁴⁷

For its part, the Legislative Assembly of Alberta has expunged at least two interventions from its Hansard that legislators found offensive. In March 1976, the Assembly adopted a motion

*that the remarks made by the hon. Member for St. Paul this afternoon concerning certain Canadians of French origin, and the reply if any, be stricken from the record.*⁴⁸

⁴⁴ ‘Texte du discours de M. Armand Choquette’, *Le Devoir*, 6 December 1944, p 2.

⁴⁵ J. Hunt, New Zealand, *Parliamentary Debates*, House of Representatives, 4 July 2000.

⁴⁶ See e.g., Audrey Young, ‘MP’s sheep joke sparks uproar in Parliament’. *New Zealand Herald*, 5 July 2000. Accessed at: <<https://www.nzherald.co.nz/nz/mps-sheep-joke-sparks-uproar-in-parliament/KBP6MKABJPPCLBPR36IJ2Q2NZA/>>.

⁴⁷ ‘The Tagus Troopers’, *New Zealand Mail*, 18 September 1901, p. 47.

⁴⁸ Alberta, *Parliamentary Debates*, Legislative Assembly, 25 March 1976, pp. 395-396.

The debate reveals that the member wished for the removal to receive unanimous support, in part because – in his words – the remarks were in jest. The *Globe and Mail* story reporting the remarks carried the headline ‘A stunning non-joke’.⁴⁹

In 1977, a different member of the Legislative Assembly of Alberta moved ‘that passages 83.18 to 84.19 be struck from [unofficial] Hansard’ to which the House agreed. The Speaker additionally proposed that

*the Hansard Editor might have discretion to make any consequential changes in the text which might be necessary to give effect to the wishes of the Assembly.*⁵⁰

The remarks in question concerned Indigenous peoples.⁵¹

Expungement occurred by motion in both Alberta cases with leave granted to dispense with notice. In contrast, the Canadian House of Commons Acting Speaker expunged an offensive interjection of his own volition in 1956 because

*I did consider that the expression used was one which should not become part of the permanent record of the Canadian House of Commons.*⁵²

The remark? As reported by *The Globe and Mail*: ‘I think you are making a bawdyhouse of this place’.⁵³

Lest one think ‘bawdyhouse’ is mild vocabulary to be expunged, the Speaker of the Canadian House of Commons is also reported to have expunged ‘unadulterated baloney’ when used to describe another member’s speech in 1954.⁵⁴ According to a press report, the comments of the member defending the phrase were struck out along with the riposte that the member who used the phrase was an expert on baloney. That

⁴⁹ Brian Butters, ‘A stunning non-joke’ *The Globe and Mail*, 3 April 1976, p. 8.

⁵⁰ G Amerongen, Alberta, *Parliamentary Debates*, Legislative Assembly, 3 March 1977, pp. 102-103.

⁵¹ A paraphrased version of the remarks expunged from Hansard are reported in *The Lethbridge Herald*, 14 March 1977, p. 29.

⁵² E.T. Applewhaite, Canada, *House of Commons Debates*, House of Commons, 11 July 1956, p. 5861.

⁵³ ‘Deleted From Hansard: Rivals Agree Commons Is Not Bawdyhouse’. *The Globe and Mail*, 12 July 1956, p. 3

⁵⁴ ‘Speeches can’t be ‘baloney’’. *The Ottawa Citizen*, 18 May 1954, p. 9.

same speaker also reportedly expunged the French ‘pot de chambre des pisse-vinaigres’, which a member used in reference to *Le Devoir* newspaper, which reported the expungement.⁵⁵ Under a different Speaker, a Hansard expungement from 1942 is indicated in the Hansard itself as ‘(Mr. Speaker having ruled that certain words be expunged from the record)’;⁵⁶ the phrase in question was reportedly referring to the opposition as a ‘mob’.⁵⁷

While the foregoing expunged remarks could be found in newspapers, the offending words from an incident in the New South Wales House of Assembly prove (to this author at least) elusive. The Hansard for 28 May 1997 has several instances of ‘[words expunged]’, including in the motion adopted:

*That the records of the House be expunged to remove from the Parliamentary Debates the words giving effect to the accusation that the Opposition are [words expunged] withdrawn by the Minister for Roads, Minister for Public Works and Services, Minister for Ports, Assistant Minister for Energy, and Assistant Minister for State and Regional Development earlier this day.*⁵⁸

The whole of the debate that day is perhaps not a Hansard high point. The Speaker orders the Serjeant-at-Arms to remove a member from the Chamber and that member is, later in that sitting, suspended for two days by a vote of 49–46. A similar low point can be found in the Queensland Parliament in 1884, when a member was censured and his speech expunged in part after a protracted debate from all sides.⁵⁹

Along similar lines, a motion was once found so offensive that it – and the debate – was expunged from the records of the Legislative Assembly of New South Wales in

⁵⁵ Pierre Viceant, ‘Un député fédéral s’en prend au journal *Le Devoir*’. *Le Devoir*, 20 February 1954, p. 1. See bottom of p. 3, ‘Epilogue’.

⁵⁶ Canada, *House of Commons Debates*, House of Commons, 27 July 1942, p. 4798.

⁵⁷ ‘Hong Kong Debate’. *The Winnipeg Tribune*, 28 July 1942, p. 10.

⁵⁸ New South Wales, *Parliamentary Debate*, Legislative Assembly Hansard, 28 May 1997. Accessed at: <<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-15392/link/1945>>.

⁵⁹ ‘Queensland Parliament’. *Ipswich Herald and General Advertiser*, 2 February 1884, p. 42.

1889. The motion of expungement as adopted is recorded in the Votes and Proceedings as follows:

*That the action of the Honorable Member for West Macquarie, Mr. W. Crick, in giving notice of a motion in unworthy and offensive terms, impugning the conduct, ability, and impartiality of Mr. Speaker, is deserving of and now requires the condemnation of this House; and that no record of the Honorable Member's motion be entered upon the proceedings of this House.*⁶⁰

PROCEDURAL RULES, CUSTOMS AND PRACTICES

Parliamentary traditions have also inspired expungements from Hansard. On at least two occasions, Speakers of the Canadian House of Commons expunged the reading of correspondence where the member refused to identify the author, keeping with what one commentator described as ‘one of the oldest and most firmly established rules of procedure of the House of Commons’.⁶¹ In 1936, the expunged correspondence reportedly revealed:

*Intrigue between United States financiers, the Bank of Canada, and other unnamed Canadian authorities to amend the British North America Act in such a way as to place Canada in bondage to Wall Street.*⁶²

The Deputy Speaker ordered those charges withdrawn.⁶³

A similar expungement occurred in 1938 when a member sought to read from a letter without naming its author because of the ‘treatment this person sometimes gets’.⁶⁴ A

⁶⁰ New South Wales, *Votes and Proceedings*, Legislative Assembly, 17 December 1889, p. 37.

⁶¹ Wilfrid Eggleston, ‘Old Rule is Behind Expunging in J.H. Blackmore Case’. *The Lethbridge*, 22 May 1936, p. 1.

⁶² ‘Ottawa Correspondence’. *The Brandon Daily Sun*, 21 May 1936, p. 11.

⁶³ ‘Ottawa Correspondence’, p. 11.

⁶⁴ *Lethbridge Herald*, 28 April 1938, p. 3 (third column).

minister insisted that the MP name the author or have the letter expunged and, according to the press, 'the Speaker ordered the letter deleted from Hansard'.⁶⁵

The above examples reflect situations where a letter exists, even if the author is not being identified. In 1921, the Commons Speaker expunged an MP's reading of letters that turned out to be imaginary.⁶⁶ In 1947, New Zealand's Speaker reportedly ruled out the reading of a telegram and ordered its content erased from Hansard.⁶⁷

A different parliamentary practice was behind a Canadian Hansard expungement in 1933. Writing in the *Durham Review*, MP Agnes McPhail relayed that the Speaker had asked that a portion of her reading of a petition be deleted from Hansard for procedural reasons:

Apparently petitions can be presented to the House but not read to the House until passed upon by the Committee of Petitions. However, before the Speaker could prevent me, I had read the words of the Petition. The Speaker then said it was not possible to have a petition read before the Committee had passed on it and asked that it be deleted from Hansard.

Her column then goes on to reproduce the material that the Speaker expunged.⁶⁸

Traditionally, it is seen as unparliamentary to reflect on members of the public who cannot defend themselves in the legislature, judges, presiding officers, or the royal family. In that regard, serious allegations against a public servant were expunged from the Hansard of the Australian Capital Territory Legislative Assembly in 1993.⁶⁹ Similarly, a 'sensational onslaught' on the Chief Justice of Canada was reportedly expunged from

⁶⁵ *Lethbridge Herald*, p. 3.

⁶⁶ 'Mcmaster's fictitious letter ordered expunged from official records term 'sheep' resented'. *The Globe*, 13 May 1921, p. 3.

⁶⁷ 'Matter raised again in House.' *Wanganui Chronicle*, 5 July 1947, p 4.

⁶⁸ *The Durham Review*, 9 March 1933, p. 8.

⁶⁹ Peter Clack, 'Stevenson comment struck from records'. *The Canberra Times*, 21 May 1993, p. 4.

Senate Hansard in 1918.⁷⁰ The Canadian House of Commons reportedly expunged a portion of a speech attacking its Speaker in 1912.⁷¹

As a matter of parliamentary procedure, one needs to be recognized by the Speaker to speak. So, what happens when members speak when not recognized? In 2002, a Speaker in New South Wales reminded a member that what he said after being directed to return to his seat will not appear in the Hansard.⁷² What was then a simple reminder was previously controversial: A heated debate erupted in the House of Representatives in 1974 when the Speaker was addressed by a member not recognized and said 'Order ! The right honourable gentleman has no right to make a statement. I ask Hansard to delete his remarks from the report'.⁷³ The Speaker's ruling was challenged and ultimately sustained.⁷⁴

Rude interjections also pose a Hansard challenge. The Northern Territory Speaker indicated to a member in 1994 that 'those interjections are unparliamentary and they will be expunged from the Hansard record',⁷⁵ suggesting a speaker's power to strike material out. However, in 1996 that same legislature ordered offensive interjections expunged by motion,⁷⁶ suggesting this could be the proper course. For what it may be worth, in 1979 the Speaker of the Australian House of Representatives felt that a motion would be necessary to strike certain comments from Hansard even though they were – in the Speaker's words –

⁷⁰ 'Bitter attack on the Chief Justice'. The St. John Standard, 24 May 1918, p. 1.

⁷¹ 'Le député de Rimouski fait des excuses au Dr Sproule'. *La Patrie*. 20 March 1912. See also: *Journals of the House of Commons*, 20 March 1912, p 358.

⁷² J Murray, New South Wales, *Parliamentary Debates*, Legislative Assembly, 19 September 2002, p. 5096.

⁷³ J. Cope, Commonwealth, *Parliamentary Debates*, House of Representatives, 2 April 1974 p. 804.

⁷⁴ Commonwealth, *Votes and Proceedings*, House of Representatives, No. 11, 2 April 1974.

⁷⁵ N. Dondas, Northern Territory, *Parliamentary Debates*, Northern Territory, 17 May 1994. Accessed at: <https://hdl.handle.net/10070/418336>.

⁷⁶ Northern Territory, *Minutes of Proceedings*, Legislative Assembly, 9 October 1996.

*most offensive [...], contrary to the Standing Orders, and a transgression of the Standing Orders of a kind that he, the honourable member for Newcastle, knows is most improper.*⁷⁷

OOPS... I READ THE SPEECH AGAIN?

An interesting case of Hansard expungement comes from the Legislative Assembly for Victoria, which expunged a second reading speech under following motion:

That the proceedings of the Legislative Assembly immediately following the calling of the order of the day for the second reading of the Building (Further Amendment) Bill up to the completion of the second-reading speech and subsequent adjournment of debate be expunged from the Hansard record.

*That so much of standing orders be suspended so as to allow the motion for the second reading of the Building (Further Amendment) Bill and for the adjournment of the debate on the bill to be moved again.*⁷⁸

As explained in the press, at second reading the Minister responsible read a speech about a different bill, one from her portfolio that had already passed.⁷⁹ The Clerk explained that:

The reason for expunging it from Hansard is that under the Interpretation of Legislation Act, the courts can look at the detail of what is in a Minister's second reading speech when making interpretations of what the House intended to do.

It seems Victoria's Parliament had a spate of speech mistakes in the early 2000s leading to expungements. Other examples include the expunged second reading speech in the Legislative Council Hansard for 1 June 2000 on the Equal Opportunity Amendment Bill, 2001 and a second reading speech on the Training and Further Education Acts

⁷⁷ B. Snedden, Commonwealth, *Parliamentary Debates*, House of Representatives, 21 November 1979, p. 3280.

⁷⁸ Victoria, *Votes and Proceedings*, Legislative Assembly, Session 1999–2002, 14, 15 and 16 May 2002, pp. 591–592.

⁷⁹ 'Minister in Hot Water over Second-Hand Speech'. *The Age*, 15 May 2002. Accessed at: <<https://www.theage.com.au/national/minister-in-hot-water-over-second-hand-speech-20020515-gdu7j1.html>>.

(Amendment) Bill, expunged on 24 October 2000. A later incident in 2003 saw expungement proposed when portions of a second reading speech were skipped; however, the omitted portions were later incorporated into the record.⁸⁰

'BUN TUCK'

While New Zealand's Hansard expungements are few and far between, an extensive debate was held in 1898 regarding the expungement of allegations made by a member against Premier Seddon.⁸¹ In short, they revolved around whether Seddon was an individual known as 'Bun Tuck' among a group of Chinese business associates of questionable repute. A parliamentary committee investigated and unanimously vindicated Seddon. The House reportedly voted 35-21 to expunge the allegations and subsequent references to them from bound volumes of Hansard.⁸² It seems from media reporting that unbound copies may have circulated but parliamentarians thought better to erase the allegations than have them remain in the official record.

CONCLUSION

As the official record of what was said in Parliament, readers of Hansard assume its completeness. Yet, as the foregoing illustrates, there are instances in which that record has been purposefully expunged in Canada, Australia, and New Zealand. Though Hansard expungement is sometimes on the Speaker's initiative and sometimes by motion of the legislative body, it is always of questionable effectiveness if the press reports the impugned remarks.

Public expectations for transparency and democratic accountability have evolved tremendously over time. It is unfathomable today to imagine things like the report that Canadian parliamentarians voted in secret session in 1894 to expunge the Hansard

⁸⁰ Victoria, *Parliamentary Debates*, Legislative Assembly, 16 September 2003, pp. 400–404.

⁸¹ 'House of Representatives', *Otago Daily Times*, 5 November 1898, p 6.

⁸² 'In Seddon's Day', *Evening Star*, 2 August 1930, p. 3.

from a public session!⁸³ However, in researching this work, it became apparent that Hansard expungements were suggested far more often than they occurred and covered a wide range of interventions: a comment in the Canadian Senate in 1911 about taking multiple wives;⁸⁴ an insinuation in 1984 that an Australian parliamentarian fathered an illegitimate child;⁸⁵ a eulogy in 1953 to Stalin on the occasion of his death in Ontario's Hansard;⁸⁶ and even the Speaker's recognition of a person in the gallery of the Canadian House of Commons in 2023.⁸⁷

Parliaments control their Hansards and may do unexpected things. A unique case where the Hansard record is intentionally spotty is worth recalling for contrast: it is decidedly not expungement. In 1933, the Australian House of Representatives sat for several consecutive days and the Hansard staff needed a break:

*I rise to suggest that honorable members agree to discharge members of the Hansard staff from further attendance, and that those who desire to raise questions should forward a precis of their remarks to the Principal Parliamentary Reporter, to be recorded in Hansard. Members of the Government also will forward a precis of their replies.*⁸⁸

The record thus reveals a unique notation: '[The Hansard reporter accordingly retired]'. What then follows are the precis referred to in the motion adopted.

It is doubtful in the modern era we will see gaps in Hansard 'to give the staff a break'. It is expected, however, that calls for expungement will continue to be raised from time to time, particularly when offense is taken in debate. It is perhaps opportune for

⁸³ 'At the Capital: efforts to uphold the dignity of the Senate'. *The Globe*, 5 May 1894, p. 13.

⁸⁴ See motion in the name of Mr. Donville dated 15 March 1911 in the Senate: Commonwealth, *Parliamentary Debates*, Senate, 16 March 1911, p. 622.

⁸⁵ 'Bullying in Politics' in Rigby, Ken, 'New perspectives on bullying'. (2002) J. Kinglsey: London ; Philadelphia, PA, p. 98. Incident erroneously reported as expunged (but better contextualized) in Peter Hartcher, 'Fire was lit a long time ago' *The Age*, 6 October 2012. Accessed at: <<https://www.theage.com.au/politics/federal/fire-was-lit-a-long-time-ago-20121005-274o5.html>>.

⁸⁶ 'Oliver Doubtful Frost Can Avert New Hydro Boost.' *The Globe and Mail*, 12 March 1953, p. 8.

⁸⁷ Aaron D'Andrea, 'Liberals Try to Strike Hunka Recognition from Official Record. What That Means'. *Global News*, 4 October 2023. Accessed at: <https://globalnews.ca/news/9988421/canada-parliament-nazi-unit-veteran-tribute-hansard/>.

⁸⁸ G J McKay, Commonwealth, *Parliamentary Debates*, House of Representatives, 6 December 1933, p. 5898.

legislatures to clarify practices – such as whether a speaker’s decision is sufficient, or a chamber motion is necessary – and whether certain interventions may be excised regardless of process (such as an interjection from the gallery).

On the broader question of when, if ever, Hansard expungement is appropriate, this author has the following personal views to share: [EXPUNGED].