

such as the right hon. member is suggesting has risen in committee, I cannot correct that situation by not following the rules, or changing them on my own. I am sure there are means of bringing this matter to light. If members feel that the rules do not allow them to act freely in a way that gives justice to them I am sure they can find means of bringing this matter to light and discussing it. We are doing just that today, I suspect.

I will listen to this discussion so that I may rule on it later, but I will listen to it while applying the rules that exist now. If rules should be changed at some other time I will apply those rules. That is the sense in which I am the guardian. Sometimes I have to make judgment calls and I do so following as closely as possible the rules and precedents. Therefore, I have to apply the rules; I have no other choice, and that is what I come to do.

I will listen to the hon. member, but I think if he has a case he will be able to argue it within the framework of our rules.

Hon. Marcel Lambert (Edmonton West): Madam Speaker, at this point in your observations may I perhaps assist you in this regard, since I once occupied the position that you fill with honour at this time.

The Speaker has no choice of the sectors in which the Speaker will act as guardian of the privileges of hon. members on both sides of this House. When I was Speaker there was a minority administration. I have recognized, and Madam Speaker will recognize, that other Speakers have dealt with minority situations in which the decision of a chairman which could be arbitrary might affect the rights of members on the government side as well as members of the opposition.

I go beyond the case of the Right Hon. Leader of the Opposition (Mr. Clark). I think it applies to both sides of the House, because the rules have to apply evenly to all members of this House, in all situations. There are no technicalities which will prohibit or inhibit the protection of rights in this House.

If we are in Committee of the Whole and the Deputy Chairman is in the chair and a question arises, and there is a ruling; there is a right of appeal to Madam Speaker immediately on the report of the Deputy Chairman. That is provided for in the rules. Today we have a situation where there was a denial—and a wrong denial, if I may say so—by a chairman disclaiming to the authority to deal with a question of privilege. There is no chairman, no Speaker, who can duck a question of privilege.

Either the chairman was wrong in deciding that he had no authority to hear the question of privilege, and that would be my submission, or if there were a decision with an appeal within the committee, then an hon. member has the right to come to the Chair because the committee is merely an extension of this House.

The Speaker has the right, not only the right but the obligation, to protect the rights of all members. With the greatest respect, Madam Speaker, I for one cannot say that there is any situation where one may take refuge behind an anticipated lacuna in the rules or say that the matter took place in committee. After all, if the matter took place in the

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Committee of the Whole, not in the Speaker's presence but when someone else was the chairman, what is the difference? The overriding principle is that of protecting the rights of individual members in this House, and there is no other rule that will override that one.

Some hon. Members: Hear, hear!

Madam Speaker: I agree, and I disagree, with the hon. member. Obviously that is the responsibility of the Speaker, to protect the freedom of expression of all members, but the rules have been devised precisely to ensure that all of the members' rights are protected. The only way the Speaker can do this effectively and fairly is to base his or her decisions on the rules and on the precedents. That is what I intend to do.

I will hear the hon. member for St. John's East (Mr. McGrath).

Mr. McGrath: Madam Speaker, I shall try to compress my remarks within the parameters of your ruling with regard to not being able to deal with what happens in committee, but I have to make this point, and I think it is very important. It is you, Madam Speaker, as the custodian of our rights and privileges, who has the responsibility of ruling whether or not a member's privileges have been violated; not the majority. That is the point.

We do not dispose of these matters in the House by a majority vote; we dispose of these matters because we have conferred upon Your Honour the responsibility and confidence of making that judgment. If I cannot ask this House for redress, where do I go, Madam Speaker? To whom do I turn?

I and other members of that committee have been shamefully deceived. It is a very serious matter; it is not the simple flip-flop that the Prime Minister (Mr. Trudeau) or his colleagues like to call it. It is not a simple change in policy; it is not a simple change in attitude; it is a gross violation of a solemn undertaking that was given to hon. members in exchange for withdrawing an amendment.

I do not address myself to the time that was lost in that process, but I say to you, Madam Speaker, and I say this with respect, that it could very well have happened in this House because we could have been in Committee of the Whole. I wonder where Your Honour would sit then in terms of dealing with it because a standing committee or a special joint committee is merely an extension of this place in terms of Committee of the Whole.

I say to you, Madam Speaker, that a solemn commitment, a solemn undertaking was made in the parliamentary process in examining a resolution, a joint address, that was referred to the committee by this House. That solemn undertaking was to the effect that if we withdrew an amendment that we were proposing under a particular section then the government would receive and accept that amendment if we agreed to withdraw it and move it on another section.

Mr. Nielsen: It was a false inducement.