

*Privilege—Mr. Nielsen*

If you find that there exists a prima facie case of privilege, Madam Speaker, the hon. member for Provencher (Mr. Epp) will second the motion. Before you take this very serious matter under consideration, I urge that you invite intervention by other members who may be interested in this very complex and serious question.

**Hon. Bob Kaplan (Solicitor General):** Madam Speaker, I was absent from the House during the intervention by the hon. member for Yukon (Mr. Nielsen). I understand that he made statements referring to me. I am rising to reserve my right to raise a question of privilege based thereon when I have had a chance to review the "blues". If I consider it advisable, I will be prepared to take action tomorrow following question period.

**Mr. Nielsen:** Madam Speaker, while I am not obliged to do so, the time constraints placed upon me in preparing this question of privilege prevented me from extending the courtesy of giving notice to the Solicitor General and other ministers of the Crown.

**Hon. James A. McGrath (St. John's East):** Madam Speaker, I would like to take a few moments to address the very important question of privilege raised by the hon. member for Yukon (Mr. Nielsen). I hope you will allow me some latitude because the question of privilege presented by my hon. friend arises out of a question of privilege I raised in the Special Joint Committee on the Constitution last Monday.

Perhaps it would be helpful if I were to set out, without going into detail on the proceedings of the committee, the position in which I found myself when I originally raised this question of privilege in the committee last Monday.

**Madam Speaker:** Order, please. I heard the hon. member's plea for latitude in placing his question of privilege, but I cannot allow that latitude. The hon. member must refrain from referring to what happened to him or to other members in that committee. I must assume that the hon. member had a chance to discuss that matter in committee with members of the committee and the chairman, and that in some way the matter was dealt with. I cannot allow the hon. member that latitude. He will have to speak closely to the question as it has been exposed by the hon. member for Yukon.

**Mr. McGrath:** Madam Speaker, the ruling of the committee chairman is germane to the question of privilege and the arguments which have been advanced by my colleague, and which I myself would like to advance, because the chairman ruled that he could not rule on a question of privilege raised in committee. The chairman's ruling was that only Madam Speaker could rule and that the committee could only vote as to whether or not the matter should be reported to the House so that Madam Speaker may rule. The chairman made that very clear. There was no ruling in the committee on the question of privilege.

**Madam Speaker:** I am not sure that I should be arguing with the hon. member on this point, but I would remind him that the rule does exist. If a matter arises in committee, it is

dealt with in the committee by vote and after discussion which, I suppose, has taken place according to the rules. The hon. member cannot argue that he does not accept those rules. They are the rules established by this House. The hon. member has had his input and must accept those rules when coming into the House. So I do not believe that that argument can be invoked. If the hon. member wishes to discuss the question of privilege, he may, but he cannot tell me that those rules are not adequate. He may tell that to his colleagues in the House. I only apply the rules, and that is what I am doing now.

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, you just said that you only apply the rules. As you well know, you also have a fundamental responsibility as the ultimate arbiter of justice as it extends to all members of this House of Commons.

● (1530)

You are the guardian of the rights and privileges of every member of this House of Commons as the occupant of the chair. That is your responsibility.

The dilemma that faces members of the opposition in particular is that we have a situation where it is quite clear to us that the privileges of members sitting in opposition have been abused. We are prevented by party vote from raising that abuse in committee, and we are prevented by the interpretation of the rules of this Parliament from raising an abuse which occurred in committee, in this House of Commons. In other words, we have no recourse against an abuse of the privileges of members of the opposition. You say that you are here to interpret the rules and apply them. That is the case, but you are also here as the guardian of the rights and the privileges of the members of the House of Commons.

I rise simply to ask you, Madam Speaker, what are we to do? To whom are we to turn in a case where members of the government party, enjoying a majority, are able to have their privileges respected, and members of an opposition party who are not able to control a majority in committee are in a position where their rights can be abused—the same members, the same privileges, a double standard?

It is within your responsibilities as ultimate guardian of the rights and privileges of Parliament, Madam Speaker, to find or direct some way out of this dilemma, perhaps by making, or recommending, a reference to a committee, or perhaps by some other means.

I rise simply to make the point that it is unacceptable in logic and, I am sure, unacceptable to you, Madam Speaker, that there should be a situation where rights can be abused, where privileges can be abused and will not be upheld in the case of an abuse of privilege of members because of where they sit in this House of Commons.

**Some hon. Members:** Hear, hear!

**Madam Speaker:** In answer to the hon. member I agree that it is true I am the guardian of those rules, and if a situation