

within the committee which he felt he had a perfect right to raise. Surely that is almost as serious a grievance as the physical removal of an Hon. Member from committee. If he is denied the opportunity to speak in committee, then he might as well not be there. If he is denied the opportunity to speak because he is physically thrown out by an abrupt or arbitrary chairman—and I am not saying that that was the case here—obviously he has a very real grievance and a very real question of privilege. However, I would think that in some cases, perhaps more minor cases, the Speaker of the House of Commons would be able to rely on the time worn excuse, quite rightfully, that he has no knowledge of what went on in committee and would have no knowledge of what went on in committee until report stage was reached. Simply because those circumstances are not referred to in a report should not deny the Hon. Member an opportunity of raising his question of privilege at the time when report stage is reached. Obviously in many cases these matters, as is the case before us, would not be dealt with in the report of the committee.

Mr. Speaker: The Hon. Member for Durham-Northumberland (Mr. Lawrence) has raised some very fundamental points. What is the right of a Member to participate when he is not, by a decision of this House, a member of the committee? It is the House which decides membership. It is not for the Chair to go behind that decision.

It is quite clear what the precedents are with relation to people who are not members of committees who raise questions of privilege. The precedents are abundantly clear. I have one decision of Mr. Speaker Jerome on May 20, 1975. Mr. Stevens, the then Hon. Member for York-Simcoe, rose on a question of privilege to allege that during a meeting of the Standing Committee on Finance, Trade and Economic Affairs, convened to consider Estimates for the purchase of Canadair, the Chairman, the Hon. Member for York Centre, (Mr. Kaplan), now the Solicitor General, and certain other members of the committee were deliberately obstructive. Mr. Stevens moved that the matter be referred to the Committee on Privileges and Elections. The next day the Chairman of the Committee, the Minister now in the House, rose on a question of privilege to deny the allegations of the Hon. Member for York-Peel. He explained that the conduct described as obstruction involved his refusal to put the Estimates to a vote without a quorum. He then moved that this ruling, made in his capacity as chairman, be referred to the Standing Committee on Privileges and Elections. The issue: Does an apparent obstruction on the part of a committee chairman constitute a breach of privilege. Decision: The issue raised is not a breach of parliamentary privilege. Mr. Speaker Jerome made it very clear that there is a well established practice that the Chair "ought not to sit as a court of appeal in respect to the proceedings in the standing committee".

● (1610)

This is the position of the Chair. The other matter which was raised by Mr. Speaker Jerome was as a matter of principle. One committee of this House should not be asked to sit in

judgment of another committee. In this case the motion which is indicated is that if the Chair would find a prima facie case of privilege, the Hon. Member for Edmonton East would move that at once the Standing Committee on Privileges and Elections should judge the conduct of another committee. That has been an unacceptable principle right from the beginning of our Parliament. Committees have not been placed in that position. Therefore, in the circumstances the Chair cannot find that there is a prima facie case of privilege for referral to the Standing Committee on Privileges and Elections and denies the point of privilege.

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, I want to ask you to reflect overnight, if you would, on the question of whether the Privileges and Elections Committee would be entitled to review a legitimate point of privilege in which it was established prima facie that a Member's privileges had been breached by the conduct of a committee of the House of Commons. If a Member's privileges have been breached, then they have been breached. If you can prove a prima facie case, then surely the only place—

Mr. Speaker: Order. This is the reason why the practice of the House has been that a committee itself should report a matter and ask that a matter be decided. This is the reason for that procedure established within the House. There appears to be a misunderstanding about this. The Chair can only take note of matters of privilege in a committee when the committee reports to the House that there is a question of privilege to be examined.

This is the position in which the Chair finds itself, rightly or wrongly. The Chair cannot go behind the practice of the House, which is well established, with relation to committees. Behind it all is the question of how the House establishes its committee membership. When the House establishes committee members, what are the rights of other Members who are not members of committees? This is the issue which the Hon. Member for Edmonton East is raising. He is not a member of the committee and he is raising the question of his rights to participate in the proceedings of a committee of which he is not a member.

Mr. Lambert: No, no.

Mr. Speaker: Please. The Hon. Member for Edmonton West (Mr. Lambert) has not been recognized. The Chair will now invite argument relating to the observations that were made.

Hon. Ray Hnatyshyn (Saskatoon West): Mr. Speaker, I would like to make some remarks, as I indicated in a preliminary way yesterday, and place certain observations on the record with respect to the preliminary ruling that you delivered yesterday morning. I do not propose to dwell on the question of the procedural acceptability of the motions filed by the Hon. Member for Burnaby (Mr. Robinson). I am sure that the Hon. Member for Burnaby will want to deal at length on that particular matter on his own.