

many hundreds of years ago that nobody's head is above the law, including the king. With respect to the questions of privilege of members of Parliament, I wish to quote the following passage from page 67 of the nineteenth edition of Erskine May:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

Because of the resolution brought forward by the government, we in this body have fewer rights than those outside this chamber. Your Honour tells those of us who are candlestick makers, lawyers or whatever, that we can vote no to the resolution. The simple fact is that party discipline overrules any votes that might be taken in terms of the government party.

An hon. Member: Nonsense.

Mr. Kilgour: One of the weaknesses is that party discipline has become virtually absolute in this House of Commons. You might ask: what about the hon. member for Montmorency (Mr. Duclos) or the hon. member for Edmonton East (Mr. Yurko) who have indicated they are going to vote against their parties? The result is those members opposite will vote for it because the Minister of Justice (Mr. Chrétien) and the Prime Minister (Mr. Trudeau) told them to vote for it, whether or not their constituents are opposed to it.

Mr. Evans: On a point of order, Madam Speaker. That is clearly making inferences about other Members of Parliament and is absolutely out of order.

Mr. Hawkes: On a point of order, Madam Speaker. We have before this chamber the records of the constitutional committee. They are now part of our proceedings. I think you will find that when amendments were proposed in committee, the Minister of Justice (Mr. Chrétien) indicated which way government members would vote. They did in fact vote that way. That is confirmation of the statement made by the hon. member for Edmonton-Strathcona (Mr. Kilgour).

[*Translation*]

Mr. Rossi: Madam Speaker, the hon. member on the side of the opposition has risen on a question of privilege and he has said nothing to this point which would justify his doing so. You have made a ruling, Madam Speaker, and the hon. member should address the question of privilege.

[*English*]

Mr. Chrétien: I would like to reply, Madam Speaker.

Madam Speaker: I am sorry, this is not a debate. If the minister has a point of order, he should indicate that to me. If he rises on a point of order, I can recognize him, but he cannot debate across the floor.

Privilege—Mr. Kilgour

Mr. Chrétien: Madam Speaker, I rise on a question of privilege. The hon. member said I gave instructions to the members of my party in committee. I did no such thing. I would like to tell the House of Commons that of all the amendments I presented on behalf of the government, nine out of ten were approved by the hon. member for Provencher (Mr. Epp). He even did that in the House because they were good amendments which improved the charter of rights. What is happening in the House of Commons at this time is an affront to Parliament and to you, Madam Speaker. For the last five days we have been deprived of the opportunity to deal with the business of the House of Commons because of questions of privilege—

Madam Speaker: Order. In the first part of the minister's intervention, he had a point of order. In the second part, he was debating, so I have to call him to order.

Mr. Thacker: On a point of order, Madam Speaker. I cannot let that pass. The Minister of Justice (Mr. Chrétien) is indicating that he had not talked people into changing their minds, but he has. On Friday they agreed to property rights, on Monday they did not.

Madam Speaker: Order. The hon. member is debating.

Mr. Kilgour: Madam Speaker, I am happy to see the members are paying attention. Further to what I said, the hon. member for Montmorency, for whom I have the utmost respect, said on Sunday night that 70 per cent of his constituents were against this resolution. The fact that he is the only one who has enough courage to stand up and say that he is going to vote against it, in my respectful submission, means that those members opposite have given up all sense of conscience, all sense of what their constituents feel—

Some hon. Members: Order.

Madam Speaker: Order. The hon. member has to argue the question of privilege. Whether there are party whips on or off is not relevant to the question of privilege. I wish to remind hon. members that when discussing a question of privilege, I have to apply more strictly than in ordinary debate the matter of relevancy of arguments.

Mr. Kilgour: Let me take a hypothetical situation.

Some hon. Members: Order.

Mr. Kilgour: An analogy is the only way to make this point because members opposite do not understand the point that is now directly before the House. Let us suppose we had a resolution which proposed that all women in Canada be shipped to the moon.

An hon. Member: Let's hope not.

Mr. Kilgour: That simply points out, Madam Speaker, the fact that you could not vote for that resolution, nor could any female Members of Parliament. I am trying to point out the fact that you can have motions or resolutions which patently