

*Privilege—Mr. Nielsen*

intend to move in support of this question should Your Honour find it to be a prima facie case of privilege.

The first point I wish to draw to Your Honour's attention is that the question dealt solely with the right of a chairman of a standing committee of this House to answer questions. It did not deal at all with the discretion that he is allowed under our rules to reply or not to reply. That was not the question at all. We all know that questions directed to ministers or chairmen need not be replied to at all. We cannot question the answer. That was not the problem yesterday. A review of those pages of *Hansard* to which I referred the Chair will clearly show that the hon. member for Northumberland-Miramichi, in his capacity as chairman of the Standing Committee on Transport of this House, attempted to rise in order to respond to the questions put to him, but he was usurped by the government House leader.

In that respect, I would specifically like to draw the attention of the Chair to page 12269 of *Hansard* where, immediately following a question by the Leader of the Opposition, an editorial note in italics appears as follows:

And Mr. Dionne (Northumberland-Miramichi) and Mr. Pinard having risen:

There can be no doubt, quite apart from the very manifest observation on this side of the House, that the hon. member for Northumberland-Miramichi was trying to respond to the questions; at least, he was trying to gain the floor. As we subsequently learned, he did so in his capacity as chairman of the standing committee to discharge his responsibilities to his committee members who elected him to that office in the first place.

Therefore, I would like to emphasize that it is not a question of insisting on an answer. We know we do not have that right. However, I submit to Your Honour that the chairman of any standing committee of this House has a right to answer in his capacity as chairman of that standing committee.

● (1520)

I do not think it need be gainsaid that it has long been our practice—it was the practice of your immediate predecessor, the Hon. James Jerome, as it was the practice of his predecessor, the Hon. Lucien Lamoureux—to recognize on repeated occasions the right of chairmen of standing committees to respond to questions being put to them, from whatever side of the House they were put. I do not think that right can be questioned.

In this instance, the chairman of the Standing Committee on Transport, the hon. member for Northumberland-Miramichi (Mr. Dionne), as *Hansard* will show, rose three times. He was trying to discharge his responsibility as chairman of the Standing Committee on Transport to answer the questions put to him. He was making a really genuine effort. His right to respond is the matter in question here. It is not his right to refuse to respond.

The other points covered by my colleague, the hon. member for Wellington-Dufferin-Simcoe, I would especially commend for your favourable consideration. The point has been made that if we were to get into the practice of allowing ministers of

the Crown to cut off at the pass chairmen of standing committees who want to discharge their responsibilities, who want to inform members of this House as to activities of committees, whether it be the government House leader or any other minister of the Crown, it would place in serious jeopardy the integrity of the whole standing committee system of this House.

I remind you, Madam Speaker, that committee chairmen are elected officials of committees. They are not appointed by the government. The government has no control, except a reference, over the conduct of members of that committee. It is the chairmen who exercise that control, authorized by their committee members. It is not authorized by the government and it is not controlled by the government. I make that very strong submission to you.

The issue here is the independence of the committee system and the independence of committees from control by this House. Even more importantly, it is the independence of the chairmen of those standing committees, elected by members of those committees, to report on behalf of all committee members to the House and to answer questions in the House. Just to sum up, it is a question of the independence of committee chairmen to respond to questions. Whether or not they choose to answer those questions is within their discretion.

Because of the very able and strong argument made by the hon. member for Wellington-Dufferin-Simcoe yesterday, to which the hon. member for Annapolis Valley-Hants contributed, I believe the matter is of sufficient importance, since it affects the privileges of all members of the House, and because of the dangers it presents to the continuation of that independence and integrity of the standing committee system, to be referred to the Standing Committee on Privileges and Elections, for a complete examination of the subject matter of the exchange that took place yesterday.

Therefore, I move, seconded by the hon. member for Victoria (Mr. McKinnon):

That the matter of the questions addressed on Wednesday, October 28, to the hon. member for Northumberland-Miramichi, the Chairman of the Standing Committee on Transport, and the actions of the President of the Privy Council (Mr. Pinard) in taking the floor instead of the hon. member, be referred to the Standing Committee on Privileges and Elections, to enable the committee to determine whether it is derogatory to the privileges of this House to allow the President of the Privy Council, or any other minister, to claim the right to speak to the House on behalf of the chairmen of standing committees, and reply to questions about the in camera deliberations of committees, if ministers choose to do so.

[*Editor's Note: Mr. Dionne rose in his place.*]

**Mr. Pinard:** *Madame le Président—*

**Some hon. Members:** He rose first.

[*Translation*]

**Hon. Yvon Pinard (President of the Privy Council):** Madam Speaker, I had an opportunity yesterday to give you an explanation. I know that Canadians are anxious to hear that Bill C-48 has been adopted. I would suggest that the