

the matter not being referred to the House. Standing Order 65(11) is the authority of the chairman in the committee, and it states that he—

—shall maintain order in the committees; deciding all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House—

The matter before us is not a matter of order, it is a question of privilege, and that is distinctly different from a question of order. Keeping in mind the constitution of our committees, I would suggest that committee chairmen do not have access to the expertise to which the Chair has access, nor do they possess the experience of the Chair. The clerk and the assistant clerks of the House have a great source of expertise instantly available to Mr. Speaker. The Speaker can consult with the clerks, who can research a decision and they can advise him at his elbow. That is not the quality of the clerks of committee, and I say that with the greatest respect. Regretfully, most of the clerks are not well versed in the rules and privileges of this chamber. Therefore, I do not think it is quite right, and I say, with the greatest respect to the Chair, that for Your Honour to suggest that a question of privilege can be disposed of summarily by a chairman of a committee, that being the end of the matter, is not proper.

Members' privileges can be infringed upon just as grievously, and sometimes even more so, in committee as in this House. Committees, being extensions of this House, I fail to see how the rights and privileges of hon. members can in any way be diminished or be less in a committee than in the House. It is my submission that on a fair reading of the Standing Order, part of which I quoted, a question of privilege arising in a committee should always be referable to the Speaker of this House.

Mr. Robert C. Coates (Cumberland-Colchester North): Mr. Speaker, the hon. member for Edmonton West (Mr. Lambert) covered some of the points to which I should like to refer. I am not referring to what went on outside this House after something took place, but to what went on in this House in relation to something that transpired at the committee, a committee which I believe is a creature of this institution. You, sir, have been appointed as the guardian of our rules and privileges. We must refer matters that transpire to you, more or less as the chief justice of a court, just as we do when a lower court makes a decision which in our opinion is not fair and equitable. In this particular case, the hon. member for Athabasca (Mr. Yewchuk) has attempted to appeal to you because he is not happy with the fairness or the end result of a decision rendered by the chairman of the committee of which he was a member. I think also, that all of us in the House must expect from our colleagues, regardless of our vocation before we came here, that they would respect what we say and what we do as being done without any particular vested interest, and that what we do is done on behalf of our constituents and, more especially, on behalf of the Canadian people at large.

We should learn not to gang-up in any way, in any type of clique, to try to put a point across. I believe that when any member endeavours to leave that impression, which might result in some newspaper commentator saying something which in effect mirrors what was said in the committee, was objected to and thrown out, then all of us here are in difficulties in trying to determine whether or not we

Privilege—Mr. Yewchuk

should censor what we say because someone might believe that what we say is associated with something we have done in the past.

● (1530)

We must be very careful to be fully protected against that kind of charge by anyone at any time, and I believe that the only person to whom we can look to give us that kind of protection is you, Mr. Speaker. It may be one of the more difficult responsibilities that you have to assume—but I believe you do have to assume that responsibility. If the precedents are not in our favour, then I say, sir, make new precedents to give us the protection because the law we have today is only the law we have today because judges at some time, somewhere, made a decision which was different from what previous judges said in certain areas.

I do not believe you can ignore the fact that the committee system is a creature of this parliament—and you, sir, whether you like it or not, are responsible for the committee system and for the protection of members within that system as much as you are our protector here in this chamber. I ask you, sir, to give us the same kind of justice in the committee system which you have been willing to provide us with in this chamber, and I think all members in the House would then be happy.

Some hon. Members: Hear, hear!

Mr. Blais: Mr. Speaker, I rise on the same question of privilege. I have a great deal of sympathy for the point raised by the hon. member for Edmonton West (Mr. Lambert). However, I recognize that the point you made with reference to the question of privilege being raised in committee is one that has been followed in the past. There has been no precedent whereby a question of privilege raised in committee has been referred to the House.

I would point out to the hon. gentleman opposite that presently there exists a committee of which Your Honour is the chairman, dealing with the rights and obligations of members of parliament. Surely that is a topic which should be dealt with by that committee, formed of responsible members from all the parties in the House, and the time of the House should not be spent further with that point, which seems to be the only point of interest before the House.

[*Translation*]

Mr. André Fortin (Lotbinière): Mr. Speaker, once again the House of Commons has to deal with a problem of improper comments which are misinterpreted. This is not the first time, Mr. Speaker, that the House of Commons must deal with such a matter and I think that the hon. member for Athabasca (Mr. Yewchuk) has rightly raised a question of privilege.

Mr. Speaker, a committee of the House of Commons is an integral part of the House. Its power proceeds from the House. The committees have the same powers as the House itself from which its powers proceed. Mr. Speaker, the interpretation of statements is too serious a matter to be taken lightly. Recently, a minister tendered his resignation and the Prime Minister (Mr. Trudeau) accepted it. All this as the result of a statement made outside the House. It is