

## HOUSE OF COMMONS

Friday, December 4, 1992

The House met at 10 a.m.

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*Prayers*

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[*English*]

### PRIVILEGE

#### SUB-COMMITTEE ON RECODIFICATION OF THE GENERAL PART OF THE CRIMINAL CODE

**Mr. Don Boudria (Glengarry—Prescott—Russell):**  
Mr. Speaker, I wish to bring a matter of privilege to the attention of the House.

It is my contention that my privileges and those of the House have been breached and that the actions of another person are in contempt of Parliament. I will deviate from the House to a committee for only a very brief moment. With the indulgence of Mr. Speaker, I will demonstrate how the issue affects the House as a whole.

In November of this year, in my capacity as a member of Parliament, I requested that the clerk of the sub-committee on justice reviewing the Criminal Code, Mr. Richard Dupuis, invite Mrs. Sheryl Eckstein of Vancouver to testify before the committee. Mrs. Eckstein did testify before that committee on November 24, I believe it was. It is about that issue I now wish to speak.

After her testimony, Mrs. Eckstein was intimidated by a person at the employ of the Canadian Broadcasting Corporation. The individual in question, Mrs. Kelly Crichton of the CBC, contacted Mrs. Eckstein yesterday to inform her that the issue of her testimony had been referred to the legal department of the CBC to be looked into. The implication was that there would be a lawsuit or a threat of a lawsuit against the individual for her testimony before the committee.

I do not wish to discuss the merits of the testimony of the individual although of course I could. That is not at

issue here. The issue is whether or not this Parliament has a right to listen to any witness without the intimidation of anyone else. I do believe that right is ours.

I will make my summation brief because the bill before us today is one on which many of my colleagues wish to speak, but I do want to remind the Speaker of a few citations. Erskine May's 20th edition, page 116, states:

• (1010 )

—all witnesses summoned to attend before either House of Parliament, or before parliamentary committees, and to others in personal attendance upon the business of Parliament, in coming, staying, and returning—

—to the House enjoy the same privileges as members of the House of Commons. In other words, they cannot be sued for anything they say or bring to the attention of the committee.

I also want to mention two other definitions. One of them involves Mr. Maingot's *Parliamentary Privilege in Canada*. That has to do with obstructing or interfering with a person other than a member, a person who wants to testify before either a committee or the House. I quote:

All persons who have business with the House of Commons receive the temporary protection of the House during the time they are en route to the House of Commons or to the place of the parliamentary proceedings with which they have business, while they are involved and taking part in the parliamentary proceeding and while they are returning from the parliamentary proceeding. This includes witnesses who appear before committees, whether summoned or invited, counsel to witnesses, petitioners delivering petitions to members of Parliament, and persons involved in advancing the cause of a private bill to be discussed.

I cite the following as well:

For example, whether contempt of the House had been committed by tampering with a witness would depend on the facts in each case.

In other words, Mr. Maingot says that there are, in fact, cases where this can be deemed to be contempt of the House.