

Privilege—Mr. Nunziata

Canadian Correctional Service, the inmate was transferred to Millhaven in the normal course of events.

It is important to note that at no time was interception equipment used. It was simply the case of an officer overhearing the inmate's side of the conversation while he was speaking with the Member's assistant.

I trust, Mr. Speaker, that this background and additional information will assist you in arriving at a ruling on this matter.

Mr. John Nunziata (York South—Weston): Mr. Speaker, the Solicitor General (Mr. Kelleher) indicates a certain version of events that occurred on that particular day. In my respectful submission, the crux of the matter is whether or not an official of the Correctional Service of Canada was listening in on a conversation, regardless of the method of listening, whether by interception or overhearing a telephone conversation, with the full knowledge that that particular inmate was speaking either to an MP or an MP's assistant.

The Solicitor General seems to suggest that because the conversation did not take place between the inmate and an MP, myself in this particular case, the privilege does not extend to an MP's assistant. In my respectful submission, if a privilege attaches to a Member of Parliament, surely that privilege must also extend to staff working for that particular Member of Parliament.

I am sure, Your Honour, if you review the precedents in this particular matter and perhaps refer to some legal precedents with regard to solicitor-client privilege, you will find that the privilege attached to a solicitor extends to his or her office as well.

With regard to the other matter, whether or not my privileges were breached, I submit once again that my privileges were in fact breached because officials of the Correctional Service of Canada were well aware that this conversation was taking place between the inmate and my office. Whether or not there was a sticker on the phone or a sign in the room is irrelevant. The fact remains that the Correctional Service of Canada had full knowledge and, having that knowledge, one would have thought that perhaps the individuals involved, the warden and the guard involved, might have provided the inmate in question with another telephone in a different room, in full privacy, where they were not listening in to the conversation.

The Solicitor General indicates that the conversation was heard only one side. You are well aware of the Latin term *audi alteram partem*. As a result of information obtained from one side of the conversation, on the Solicitor General's admission, the Correctional Service of Canada proceeded to take punitive action against an inmate. In effect, the inmate, my constituent, was penalized when not given a proper opportunity. However, that is irrelevant from the point of view that the Correctional Service of Canada was listening in on the conversation.

This morning I received in my office a package of documents that were smuggled out of the Joyceville Penitentiary. One of the documents I received was a memorandum from the Warden of Joyceville to the inmate population.

As you know, the inmates were locked up, and are locked up as I am speaking. It is a serious situation at Joyceville. In any event I think it is important to read this memo. It is short, but will assist Your Honour in arriving at your decision. It is dated October 22, five days ago, and states:

Some eight short days ago, I assumed the position of warden of this Institution. One of my first priorities at that time was to familiarize myself with the Institution, its policies and routines. I also met with the Inmate Committee on Monday, October 19, 1987, on an informal basis to get to know the individual committee members and to prepare for a more formal meeting, complete with agenda, which was to be held on Friday, October 23.

The members of the Inmate Committee agreed to this arrangement. Unfortunately, Inmate Committee Chairman DeMaria, chose not to respect this agreement and, in fact, aired the concerns of the committee, which we are actively studying, to persons outside the Service. Such conduct on the part of an Inmate Committee Chairman is totally unacceptable to me. As a result, I have taken steps to relieve him of his position as Chairman and am transferring him to another institution.

However, I am prepared to meet with the elected Secretary and range representatives as planned on Friday to deal seriously and appropriately with the proposed agenda items. Rest assured that I will give these important items my thorough and personal attention.

• (1600)

I think it is important that we put this whole situation in context. As the Solicitor General indicated, on August 18, there was what I refer to as a riot. The Solicitor General says it was a serious disturbance. Considerable damage was done. Shots were fired. People were injured. It seems to me that that type of activity constitutes a riot.

The Solicitor General indicates that since that time the atmosphere has become more volatile. But what does this new warden do, a warden of eight days at Joyceville Institution? Rather than trying to create an atmosphere of calm in the institution so as to be able to deal with the concerns of the inmate, he proceeds to listen in to a conversation between a very popular inmate, who was elected several weeks before—

Mr. Speaker: I thank the Hon. Member for his courtesy in breaking off his intervention at this point. As the Hon. Member knows, I am very reluctant to interfere. However, it seems to me there is a key point to the Hon. Member's application on a question of privilege and that is whether or not his privileges as a Member of Parliament have been breached as a consequence of the fact that someone in the prison staff listened to at least part of a conversation between an inmate and someone at the other end of a telephone who was from the Member's office. That is the issue I must determine.

What may have flowed from that may be of great importance, but it is not a matter with which the Speaker of the House of Commons can deal.