

Questions of Privilege

[English]

PRIVILEGE

ALLEGED INTERCEPTION OF TELEPHONE CONVERSATION

Mr. John Nunziata (York South—Weston): Mr. Speaker, I rise on a question of privilege. No, I do not intend to resign.

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh, oh!

Mr. Speaker: I do not know what else the Hon. Member has to say, but I would be pleased to hear him.

Mr. Nunziata: My question of privilege relates to a conversation which my office had with an inmate at Joyceville medium penitentiary last Tuesday. I would submit that my privileges as a Member of Parliament have been breached in that the Correctional Service of Canada intercepted a telephone conversation last Tuesday between my office and an inmate who happens to be a constituent as well.

Mr. David Pratt, my executive assistant, happened to receive a call in my office from the wife of an inmate who is also the head of the inmates committee at Joyceville. She indicated that her husband wanted to speak to me, and my assistant, Mr. Pratt, proceeded to contact the inmate in question at 4.10 p.m. on Tuesday.

My assistant relayed the contents of that conversation to me. I asked him to call the inmate again and to advise him to meet with the warden to express and indicate what were his concerns.

At 4.10 p.m. on Wednesday my office contacted the inmate, and the inmate relayed a list of concerns with regard to the situation at Joyceville. You will recall, Mr. Speaker, that there was a riot there a short time ago, and these concerns related to the riot and other matters.

As a result of this conversation the inmate was transferred to the maximum security penitentiary at Millhaven and put in segregation.

I tried to make contact with the warden late Friday. I have yet to receive a call from the warden. I indicated my concerns to the Solicitor General (Mr. Kelleher) after Question Period on Thursday. My office also contacted the office of the Solicitor General on Thursday and, to date, we have not received a reply.

This morning there was a general lock-up at Joyceville. The situation at Joyceville penitentiary is serious. As a result of the actions of the warden there is extreme concern. The inmates have been locked up.

One of the reasons for the inmates taking the action they took this morning was because the head of the inmates committee, my constituent, was fired and transferred to a maximum security penitentiary.

I would submit that my privileges as a Member of Parliament have been breached on two fronts. First, with regard to my ability to deal with my constituents in an unfettered fashion, my privileges were breached in that the conversation was intercepted or listened to. Second, in my role as the opposition critic for the Solicitor General I would submit that I ought to have unfettered access to inmates and to have conversations with them in privacy, without having the Correctional Service of Canada, which is responsible to the Solicitor General, listening in on the conversations.

• (1510)

I would ask that you investigate the circumstances of this particular matter, Mr. Speaker. If you find that there is a prima facie case of breach of privilege, I would be prepared to move the necessary motion.

Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)): Mr. Speaker, I have listened with interest to my colleague's comments and his question of privilege. I am not sure if he is suggesting that it was a wiretap or that there was a guard listening to the conversation on the other end. In any event, my colleague indicates that he has contacted the Solicitor General (Mr. Kelleher) who unfortunately is not here today. I will undertake to contact the Solicitor General and endeavour to discover exactly what the situation is. I think we would be in a position to report to the House some time in the very near future.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, the issue here is not whether the Solicitor General (Mr. Kelleher) can or should offer an explanation for the intervention. The issue, in my opinion, is that this House has been held in contempt by someone who has attempted to interfere with a communication of a Member of Parliament.

Just as it would be contemptuous for anyone to prevent a Member of Parliament from having access to the precincts of this House, similarly in modern terms, for a Member of Parliament, from his office on Parliament Hill or from elsewhere, to be impeded or listened to while attempting to speak to a constituent is in my view an offence, not only against the Hon. Member for York South—Weston (Mr. Nunziata) but indeed against all Hon. Members of the House and the House itself.

Beauchesne's definition of parliamentary privilege clearly states that parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament by Members of each House individually. The next part is very important; it states that without this privilege they could not discharge their functions, and it exceeds those possessed by other bodies of individuals.

I submit that a Member of Parliament cannot exercise his or her functions as a Member of the House if there are any attempts to interfere with a communication to or from a Member of Parliament.