

Privilege—Ms. Copps

withhold any information which any member of the committee desired to obtain. So free was the opportunity for seeking information that two witnesses who had been examined before we gained knowledge that the morning meeting had been held were brought back to the table at the conclusion of the examination of other witnesses. Their examination was resumed so that we could ask them about the morning meeting. There was nothing secretive about it.

● (1540)

I have the same transcript as the one to which Opposition Members have referred. We do not have the full transcript yet. I believe it is only a transcript of the first three witnesses examined. When you take the time to examine the transcript, when it is available, I am confident that you will see that, as reported by the witnesses who testified, the character of the morning meeting was primarily to acquaint the witnesses with the procedures that would be followed and the kind of meeting they were going to enter yesterday afternoon. Many of them indicated that they had never appeared before a parliamentary committee previously and that they were glad to have the opportunity. I point out that if you examine the transcript you will see, as will any other Member of the House, that there was not any testimony given yesterday that would encourage or support any indication by any member of the committee or the House that what went on at that meeting in any way prejudiced the testimony that those witnesses gave to us yesterday afternoon.

Ms. Copps: How do you know?

Mr. Stackhouse: No evidence at all. There was not the slightest shred of evidence that would support the conclusion that in any way that meeting tampered with the legitimate exercise of the rights and duties of those witnesses.

One can hold an opinion as to whether the meeting should have been held, but I submit that the evidence will show that there has been no breach of privileges of the Members of this House, especially members of that committee, by the meeting that was held and to which reference has been made.

I submit further that this matter is not a *prima facie* case of a breach of the privileges of the House, to be determined here, because it should be discussed by the committee itself. It is the committee that should deal with this matter, not the House in a plenary session. I make that point without reiterating the argument that I offered the House and the Speaker yesterday.

I suggest that the committee has the exclusive right to determine this. It is not in keeping with the traditions and procedures of the House, or the parliamentary tradition of which we are descendants, to bring into the House disagreements about the conduct of the affairs of a parliamentary standing committee. I hope we can settle that, because it will be a very negative, counterproductive precedent if every member of every committee who has some disagreement with the way in which a committee has conducted its affairs believes he or she has an opportunity to come back to the

House the next day and open the question in this chamber rather than in the committee where it should be referred.

For example, our committee will be meeting as soon as tomorrow morning. Every member of the committee has an opportunity to return to the subject with which we were dealing yesterday and, in fact, we already have a notice of motion to that effect. I submit that it is within the competence of the committee to order its life and deal with this issue. For that second reason, there is not a *prima facie* case of the breach of privileges of Members of the House.

I hope this can be disposed of expeditiously so that the House can get on with its proper business and that the committee can soon deal with the concerns of human rights of Canadians, as it was constituted to do.

Hon. Herb Gray (Windsor West): Mr. Speaker, the Hon. Member who just took his seat argued that the matter before us is one that should be dealt with by the committee in question and not by the House. I am informed that when this matter was raised in the committee, the majority, the government supporters, voted not to question officials of the Prime Minister's Office who were involved in this morning meeting in order to get further information about what happened there. While the Hon. Member spoke at great length and with great eloquence about this matter, particularly the infamous morning meeting, I am also informed that he personally was not present at that morning meeting and is not in a position personally to say what did or did not happen there.

I particularly want to say to Your Honour that the contention of the Hon. Member who just spoke that this is not a matter of privilege to be dealt with in the House but a matter to be dealt with by the committee, is certainly not supported by the authorities. The citation in Beauchesne is taken verbatim from Erskine May's *Parliamentary Practice* which states:

To tamper with a witness in regard to the evidence to be given before either House or any committee of either House or to endeavour, directly or indirectly, to deter or hinder any person from appearing or giving evidence is a breach of privilege.

Interestingly enough, this is a citation which is based on a resolution to this effect, passed by the House of Commons of the United Kingdom on February 21, 1700 and, according to Erskine May, a resolution which has been regularly renewed in every succeeding session. If there is something that creates concern—and I certainly submit that there is—then on the basis of the precedent in question it can only be dealt with by the House as a breach of privilege.

I am not aware of any doctrine, tradition or precedent which enables a parliamentary committee to decide on a matter of breach of privilege. For that matter, I am not aware of any doctrine, tradition or precedent which says that a parliamentary committee or members of a parliamentary committee as such have privileges which can be dealt with or decided upon by a committee. The whole matter of parliamentary privilege