

Mr. Speaker: I think that it is probably appropriate if Members would stand for a moment's silence.

[Editors Note: Whereupon the House stood in silence.]

Mr. Speaker: I should advise Hon. Members that I have several matters of privilege to hear. Then I will be answering to the House with respect to questions of privilege this morning and to two applications for emergency debate.

I will hear first from the Hon. Member for Edmonton Southeast.

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• (1530)

PRIVILEGE

IMMUNITY OF MEMBERS

Mr. David Kilgour (Edmonton—Strathcona): Mr. Speaker, I rise on what I believe is an important point of privilege, one potentially affecting all Members of this House. The issue is the immunity, if any, of Members of Parliament from giving evidence in civil trials against their will.

Your office, Sir, was provided with a letter and copies of relevant documents relating to a defamation action still under way, I believe, in the B.C. Supreme Court in Kelowna. That was at approximately 1 p.m. today.

May I immediately stress, Sir, that I am not raising this point because of any false notion that MPs are or should be above the law, in this case a subpoena, but because I believe strongly that what men and women tell us in confidence in our constituency offices, they do not believe that we are later going to divulge it in a court of law in a civil action. Our justice system affords privilege to most solicitor/client communication. Should we not afford as much to MPs meeting with Canadians?

As to the matter at hand, about two weeks ago, Mr. Speaker, an out-of-province subpoena was authorized by B.C. Supreme Court Justice Patricia Proudfoot. A good deal of correspondence by fax followed which included a legal opinion from our parliamentary counsel, Mr. Marcel Pelletier, asserting my right to be exempt from attending as a witness in a court of law. On March 29, a letter faxed from one counsel to the action indicated that I was ordered by her Lordship to appear in person the next day in Kelowna.

Appearing in court as ordered, I attempted to convince Her Lordship that an irresistible force was colliding with

Privilege

an immovable object. The court eventually ordered me to be sworn, and thereafter in effect directed me to reply to a question to identify a number of individuals who had come to my constituency office in April of 1986.

The court adjourned for lunch when I declined to identify those persons. On reconvening, Her Lordship again indicated I should identify my visitors, but counsel for the plaintiff withdrew the subpoena, for which I am obviously grateful, just before the court ruled on the contempt citation. Her Lordship later said that she had intended to cite me for contempt.

The question in conclusion, Mr. Speaker, is obviously unresolved at least in the Province of British Columbia and probably well beyond. It is important, I believe, for all Members of this House to know what the law is in this matter for all of the provinces of Canada. It is important that Canadians know that they can come to us in our offices and speak to us in confidence and not later have that matter in effect forced out of us in a court of law. I speak only of course of the civil actions. If you find, Sir, that there is a point of privilege, I ask that you would make the appropriate motion.

Mr. Speaker: I first of all want to advise the Member for Edmonton Southeast (Mr. Kilgour) that I have looked very carefully at the material which he filed with the Chair and I will consider the matter with considerable care and return to the House at the appropriate time.

Mr. Gauthier: If the Chair could make copies available to us on this side of the House, we would appreciate having copies so we are aware of what is going on; indeed we are upset by this whole question.

Mr. Speaker: I will arrange to comply with the request.

VALDEZ OIL SPILL

Mr. Jim Fulton (Skeena): Thank you, Mr. Speaker. Since Question Period, I have had the opportunity to speak with the Minister regarding motions, and there is an important matter of fact that I wish to address in terms of privilege. The Minister of the Environment (Mr. Bouchard (Lac-Saint-Jean)) and the Minister of Transport (Mr. Bouchard (Roberval)) referred to the figure provided, I take it, by the U.S. Coast Guard of the slick known as the Valdez slick as being 1,000 kilometres from the nearest point of British Columbia. I have here with me—it is not the easiest thing to use in the House, Mr. Speaker, but it is a Department of Energy, Mines and Resources, Surveys and Mapping Branch which includes all of Canada, but in particular—