

Privilege—Mr. Robinson

The people who could give direct evidence of that were the same supervisors who were told that if they did in fact in any way contradict government policy, or criticize Correctional Service Canada, their jobs could be on the line. Obviously it is not surprising that those same individuals would not get up in front of their fellow supervisors and say to members of the justice committee they had been approached and it had been suggested to them that they not present the facts as they saw them. Of course that was not going to happen.

Fortunately, due to the courage of one parole officer, we learned that in his conversations with his supervisor that his supervisor told him that this is what had happened. I am suggesting that this allegation is serious enough that it warrants careful examination by the appropriate committee of the House. The fact that it was not made directly by one of the individuals involved is neither here nor there, particularly given the fact that after the supervisors left it was suggested by parole officers themselves that in a number of respects their evidence was not in fact entirely accurate, particularly with respect to the impact of privatization.

I would hope that Your Honour would recognize that in terms of the integrity of this process, in terms of the privileges of Members of the House, and in terms of the fundamental importance of individuals seeking to give evidence in a totally unfettered manner before a committee of the House, it is absolutely essential that we get to the bottom of the matter. It is not good enough to leave that investigation to the Solicitor General. It is not his privileges as Solicitor General which have been breached. Rather, it is the privileges of each and every member of the house. As the guardian and custodian of those privileges, Mr. Speaker, I would hope that you would make the necessary finding with respect to a prima facie breach of those privileges in order that the House might conduct the proper investigation.

Hon. James Kelleher (Solicitor General of Canada): Mr. Speaker, I will attempt to be brief and I will attempt not to stray too far from the point.

I think it has been accepted by all Parties that I was not there and that I was not directly involved in this matter. Indeed, it is not a matter involving the House *per se*, but a matter involving the parliamentary committee.

Having said that, with respect to the transfer of inmates I basically accept the submission put forward by the Hon. Member for York South—Weston (Mr. Nunziata) in that indeed they were transferred for security reasons and that, upon hearing the request to have Mr. Avery participate, I am advised that a conference call was arranged so that he could participate to that extent.

I am also advised that at the request of the Hon. Member for Burnaby (Mr. Robinson) a special visit was facilitated to

Kingston Penitentiary for the Hon. Member so that he could visit with Mr. Avery, and I understand he did.

With respect to the second point, I really cannot comment in the sense that that meeting was held *in camera*. None of my officials, none of the officials of the Solicitor General's Department, and nobody from Correction Service Canada was involved or present at that meeting, so I am not in a position to comment other than to say that I put the general question to the Commissioner on whether or not he gave any instructions, or if he was aware of any instructions by anyone in his department, to attempt to influence, muzzle, or gag the evidence given by any of the employees of CSC.

It seems to me from a brief discussion I had with the chairman of the committee over the noon hour that indeed there was some evidence put forward at the *in camera* meeting which could be paraphrased, I guess legally, as hearsay. Beyond that I am really not in a position to comment.

It seems to me that the committee is seized of this matter, and I submit that it is a matter for the committee to decide at this point. It is open to the committee, certainly upon their return, to decide how to deal with these allegations.

I will certainly facilitate the committee in any way to make witnesses available and to carry out necessary investigations or things of that nature, but I do not think that it is a question of a breach of privilege *per se* in the House.

Mr. Nunziata: Mr. Speaker, with regard to the second leg of the question of privilege, I should make clear to the Chair that the parole officers involved did in fact have an *in camera* meeting with the committee. They in fact had the opportunity to speak frankly, and in fact they did speak frankly because they made certain allegations. The committee met with them. They heard the evidence. The people who gave evidence at that particular committee chose not to "go public" or to allow their brief to be part of the proceedings of the committee. They just brought certain matters to the attention of the committee. The committee was not given any documentary evidence or direct evidence. They were presented with hearsay evidence, and I leave that with the Chair.

Mr. Speaker: This is an important matter. I notice that the Hon. Member for Burnaby might want to say a few more words, but I will accept what I think was the original invitation of the Hon. Member for Burnaby to hear other submissions that might assist me, and this afternoon adjourn the matter. I will have discussions with all Hon. Members; there are other Hon. Members who very well may want to make a comment. I wonder if I could indicate to the Hon. Member for Burnaby that I will hear him again but that at the moment I think it is appropriate to adjourn the matter. I thank all Members for the assistance which they have given to me.