

Privilege

Mr. Speaker, I want to remind you as well of Beauchesne's citation 853:

Every witness appearing before the House or any committee thereof may claim the protection of the House—

—not the committee, of the House—

—in respect to the evidence to be given.

Citation 865 says that:

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

Mr. Speaker, the case I bring before you is quite clear. For someone to have contacted a witness who appeared before a parliamentary committee and to have threatened that witness is not an offence to be brought strictly before the committee. It is an offence against the House because of course the allegation or the threat was not made in committee. It was made completely outside of the House of Commons but in relation to the proceedings of a committee of this House.

Furthermore, I want to present the argument that were such threats to go on unchallenged, they can and would undoubtedly be repeated, that individuals from now on would no longer enjoy the security they have had from time immemorial to testify before Parliament without the threat of being sued or intimidated by anyone. That, Mr. Speaker, is far more important than anything else.

Finally, Mr. Speaker, I wish to bring to your attention in the unlikely event that you would be tempted to rule that this matter should be dealt with at committee, that in fact the committees are in the process of winding down for the Christmas period.

This evidence was brought before a sub-committee which has terminated its proceedings for the next few months. Therefore, the evidence on this could only be heard before committee in a number of months from now at the earliest, if at all, in the event of a prorogation of Parliament later. Therefore, Mr. Speaker, I submit to you and to all my colleagues in the House that we must address this issue as an institution.

I wish also to indicate to you, Mr. Speaker, that were you to find that there is a prima facie case of privilege, as I claim there is, I am prepared to move the appropriate motion in order that this most important issue of the testimony of and the threat against Mrs. Sheryl Eckstein be referred to the parliamentary committee on procedure, privileges and elections.

Mr. Speaker, in closing I want to indicate to you that the CBC individual in question has confirmed her phone call with Mrs. Eckstein before the media in an article today by Mr. Peter Stockland of the *Sun* chain of newspapers. In fact she has confirmed having made the communication to Mrs. Eckstein. I submit to you, Mr. Speaker, that there is independent verification of the fact the communication actually took place.

I wish to thank you, Mr. Speaker, and all my colleagues for listening to what I believe is an issue that could affect the privileges of all of us.

Finally, let us remember that the actions in question go far beyond our privileges. In my view, the actions of the individual are contemptuous of this great institution, and that is an issue which I hope you will address.

Mr. John Brewin (Victoria): Mr. Speaker, I would like to join with my colleague in bringing this issue before you and before the House. I would expect it is a matter of concern to all members of the House.

In addition to the references given by the member, I would like to refer to page 132 of Erskine May's 21st edition where it seems to be very clear that it is a breach of privilege to attempt by persuasion or solicitations of any kind to induce a witness not to attend or to give false evidence.

Without repeating the arguments, I would just like to make a couple of quick points. First, it may be relevant to your consideration that the alleged offence occurred after the witness gave evidence to the committee. In my submission that does not affect the question of the privileges of this House because the affect of the threat to sue would be chilling on future witnesses before committees or before this House. It is therefore relevant that you examine whether the threat to sue in these circumstances is a prima facie breach of privilege.

The CBC has said the basis of its concern was that the material was used out of context. That of course gets to the substance of the issue, but be that as it may a threat to sue for use of CBC material surely goes far beyond an expression of some concern of the context. That issue could have and should have been raised directly with the committee.