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VERBATIM REPORT
(Hansard)

Speaker: Honourable Patrick McNicholas

Wednesday

15 May 1985

The House met at 3:00 P.M.

MR. SPEAKER (McNicholas):
Order, please!

SERGEANT-AT-ARMS:
Mr. Speaker, His Honour the Administrator has arrived.

MR. SPEAKER:
Admit His Honour the Administrator.

SERGEANT-AT-ARMS:
It is the wish of His Honour the Administrator that all be seated.

MR. SPEAKER:
It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland, to present to Your Honour a bill for the appropriation of Interim Supply granted in the present Session.

A bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Eighty-Six And For Other Purposes Relating To The Public Service."
(Bill No. 17)

HON. A.S. MIFFLIN (Administrator):
In Her Majesty's Name, I thank Her Loyal Subjects, I accept their benevolence, and I assent to this Bill.

Statements by Ministers

MR. SPEAKER:
The hon. the Minister of Justice.

MS VERGE:
Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:
I wish to report to this hon. House that today the Associate Deputy Attorney General requested the Royal Canadian Mounted Police to commence an immediate investigation into allegations made by the hon. member for Bonavista South (Mr. Morgan) that certain of his personal property, consisting of files stored at the Department of Fisheries, has been improperly destroyed without his permission or knowledge. The investigation will attempt to determine whether or not there is sufficient evidence to justify criminal charges being laid with respect to the matter.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER:
The hon. the Leader of the Opposition.

MR. BARRY:
Mr. Speaker, we are happy to see that the Department of Justice is responding to the serious allegations made by the member for Bonavista South. There will be, of course, still other matters to be dealt with by Your Honour and by this House arising from this matter that would be independent of any RCMP investigation.

PREMIER PECKFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, in my absence yesterday the matter of privilege came up by the member for Bonavista South and quite a bit of activity ensued and there is a lot

about it in the press today. All I want to do at the present moment, as leader of the government and because my name was mentioned very often yesterday and today in the press, and I have been interviewed on it, is just table the hon. member's letter to me, which goes through the allegations that the hon. member made in the House yesterday on a point of privilege, and also table my reply to the hon. member. Just for the record, if I could have a minute, I would like to read my response to the member. "I have your letter of 14 May for reply. On Monday of this week at approximately 2.50 p.m. Mr. Desmond Sullivan verbally informed me that you had called indicating that you were upset because you had learned that a number of your files, located in the Department of Fisheries, had been destroyed by the Department. On Tuesday morning, 14 May, at 11:00 a.m., I left the office to catch a flight to Ottawa and my office later informed me that at around 11:15 a.m. your letter to me arrived. I first read your letter today at 2:00 o'clock. I have been informed by the Hon. Lynn Verge that she has been informed by the prosecutorial division of her department that it has seen fit to instruct the RCMP to enlarge their present investigation on allegations of wrongdoing by surveillance officers to include the matters contained in your letter. Under these circumstances, I think it is appropriate to await the outcome of the investigation except to say that the first time I was aware of the matters contained in your letter was on Monday, 13 May, subsequent to your call to Mr. Sullivan."

I would just like to table that

for the record and make it clear that obviously I, nor any of the government that I am aware of, had any knowledge of the activities that have been alleged until Monday at 2:50 p.m. just before I came to the House.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we will have an opportunity in Question Period to follow up on this matter, either today or subsequently in the House, but I would hope today if time permits. But I think, the Premier will have to go further than he has gone in his statement before the House right now. I realize he is just back in the Province, but the Premier is going to have to indicate to this House what discussions, if any, relating to this matter have been had with the Deputy Minister concerned. We are going to have to establish just why it was that this action was carried out and what the situation is as far as the relationship between the Premier and the Deputy Minister is concerned.

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I have a statement to be made concerning the Hibernia Environmental Impact Statement.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

I consider this to be the beginning of a red letter day for the Province of Newfoundland and the harbinger of things to come.

I welcome the filing of the Hiberia Environmental Impact Statement today as a positive step forward, within the process set out in the Atlantic Accord, towards the development of Hiberia, which will hopefully be just the first of a number of oil fields developed off the coast of this Province.

This helpful document should be closely studied by the public. Government will closely study the document over the coming weeks and months and it would not be appropriate for me to make a detailed comment at this time.

However, it is apparent that the analysis presented is of considerable complexity based on some critical assumptions and must therefore be the basis of important discussions with Mobil and its partners. These discussions, by the way, are ongoing now.

It is encouraging to note that the EIS states that during the next critical seven year period, 1985 - 1992, there would be over twice as many jobs created in Newfoundland in the concrete platform case, and significantly more jobs created throughout Canada in the concrete platform case, than in the floating alternative. Indeed, the EIS says the concrete platform solution would see an extra \$1.9 billion pumped into the Canadian economy over the next seven years than in the same period for the floating steel alternative.

I am confident, that with careful planning and co-operation with Mobil, that the extra economic benefits to be derived from the concrete platform option in Newfoundland and throughout Canada can, in fact, be increased even

more without imposing undue restrictions on Mobil or jeopardizing the construction timetable.

The Hibernia Field Environment Impact Statement, quite properly, does not deal with the impact of the development of additional oil fields off our coast. However, it would be wrong for the public to forget the potential of those other oil and gas finds that already have been made and, that in all likelihood, will be made in the future.

Given the tremendous potential of our offshore, we must work on the premise that what we are developing is an offshore oil and gas industry with a considerable lifespan and not just the Hibernia field covered by this EIS. In this respect, the wise investment of the \$300 million Offshore Development Fund contained in the Atlantic Accord should stand us in good stead in maximizing, not only the benefits from the Hibernia field, but, also from subsequent fields as well.

I look forward to a full public debate on this document, and to further discussions with Mobil and its partners, to expedite the development of Hibernia and to optimize the economic benefits therefrom to Newfoundland and to Canada as a whole.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the Leader of the Opposition.

MR. BARRY:
Mr. Speaker, we will have an opportunity to raise some questions about the information

that has been supplied in connection with the Mobil Environmental Impact Statement.

Perhaps the most dramatic thing that comes from this statement is the confirmation that the number of jobs to come from a Hibernia development, whether by way of floating or fixed platform, is, sadly, far, far less than those jobs held out by the Premier and members opposite in recent months, where we have had references to between 15,000 and 20,000 jobs resulting from Hibernia, Mr. Speaker.

The sad reality is, Mr. Speaker, that with a floating production system, we have 5,065 person years of direct employment; with a fixed production system, we have 10,270 person years. Now, that is either, with a concrete platform, a fixed platform, 10,000 men and women working for one year, 2,000 a year for five years - just to understand this person-year concept. It is set out exactly when these jobs will take place, and we see on page 20 of the Environmental Impact Statement the maximum number of jobs from a fixed production system, to peak in 1989 at 2,085, a sad, sad tale compared to the 15,000 or 20,000 jobs promised by the Premier and by members opposite, and a sad situation where we have the raised expectations of the people in this Province, the 60,000 unemployed who have had held out to them, with the filing of this Environmental Impact Statement and the commencement of Hibernia development, the answer to their unemployment problems. Mr. Speaker, if I could just briefly mention a couple of other matters that should be kept in mind here.

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I think the rule is that the response to a Ministerial Statement should be one half of the time allotted a minister. Now I would not rely on this, Mr. Speaker, but, I mean, hearing a litany from the sick, sad and jealous gentleman, painting his pictures of doom and gloom with respect to the Environmental Impact Statement, I think that this House can do without comments of that particular nature from him. Within the rules of the House, he is over his time.

MR. BARRY:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, the hon. the Leader of the Opposition.

MR. BARRY:

I think we see another exhibition of when we start getting to the truth in this House, we start hitting nerves, and members opposite attempt to cut off debate. We will take no lectures from the member for St. John's East (Mr. Marshall) in terms of the duty that we have to the people of this Province and we will fulfill that duty by setting out clearly, Mr. Speaker, the information that is filed in this Environmental Impact Statement and any other information.

Mr. Speaker, there is no point of order, as Your Honour knows. The member for St. John's East is merely trying to kill the time to which I was entitled in responding

to his Ministerial Statement.

MR. SPEAKER:
Order, please!

It is the custom of the House for an hon. member replying to take half the time of the person who made the statement. I would ask the hon. the Leader of the Opposition (Mr. Barry) to finish his statement.

MR. BARRY:
Your Honour, if I could just comment briefly, I think that it is a matter that would concern all members of this House. We have certain information set out here with respect to the safety of alternate methods of production. We have descriptions of the potential harm that could take place to the environment, to the Grand Banks area, the fish stocks and so forth. I think it would do well for all of us to look very seriously over the next year in the course of what we hope will be constructive public hearings on this environmental statement. We owe a duty to future generations in this Province to make sure that, in analyzing the various modes of production, whether fixed or floating, we look partly at employment and here we will have an opportunity to ask a question and to have the members opposite elaborate. I will finish quickly, Mr. Speaker.

PREMIER PECKFORD:
A point of order, Mr. Speaker.

MR. SPEAKER:
A point of order, the hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, there is a Standing Order which says that a person responding to a Ministerial

Statement has half the time of the minister giving the statement. Now, I submit to you, Mr. Speaker, that the hon. the Leader of the Opposition is well over his time, that he has spent more than half of the time taken to make the Ministerial Statement. Now, if we are going to have rules in this House, let us have them. But if we want to just dispense with rules and flaunt them whenever we personally want to, then, obviously, this House is never going to be organized and it is never going to get on with the business of the House.

MR. BARRY:
To that point of order, Mr. Speaker.

MR. SPEAKER:
To that point of order, the hon. the Leader of the Opposition.

MR. BARRY:
We see again the attempt by the Premier and members opposite to try and muzzle the Opposition when it comes to dealing with important matters. Here we have probably one of the most important reports that will have to be dealt with by the people of this Province. Let it be known that they are trying to muzzle us, Mr. Speaker.

MR. SPEAKER (McNicholas):
Order, please!

The hon. the Premier is correct. I have indicated to the hon. the Leader of the Opposition (Mr. Barry) that he has half of the time taken to make the Ministerial Statement and that time is well up by now.

SOME HON. MEMBERS:
By leave.

SOME HON. MEMBERS:

No, no.

Oral Questions

MR. SPEAKER (McNicholas):

The hon. Leader of the Opposition.

MR. BARRY:

Mr. Speaker, to get one matter out of the way first, so we can move on to some questions on the Environmental Impact Statement, I would like to ask the Premier whether any instructions have been given to deputy ministers in his administration with respect to dealing with the private files of Cabinet ministers which have been left in the various departments? Has the Premier had discussions with deputy ministers or senior officials in government departments in the past with respect to the manner in which these files should be dealt with?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Absolutely, categorically, totally no! Never! Never! Never! There have been no instructions issued by me, by Cabinet, by anybody. There has been no instructions of any sort issued. There have been no discussions held. There have been no letters written or there is no correspondence, no nothing. Zero. And the first time I became aware of the present circumstance was 2:50 P.M. on Monday past.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, has the Premier had discussions with Mr. Andrews, the Deputy Minister of Fisheries, with respect to any desire to have correspondence in the files of the former Minister of Fisheries (Mr. Morgan), the member for Bonavista South, removed from public circulation? Has there been any indication of any sort that the Premier had concerns about what material might be in that former minister's files that should not see the light of day?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No, Mr. Speaker, I knew nothing of it, and I had no talks with Mr. Andrews or any other deputy minister about files in any department, including the Department of Fisheries. None. Zero. There were no concerns of mine at all and it is just a completely new thing to me that came to my attention personally at 2:50 P.M. on Monday past. Absolutely none. Zero. Zero. Zilch. But I did talk to Mr. Andrews last night on the plane going up to Ottawa because he was one of the people who was with me, as well as Mr. Herb Clarke from the Cabinet Secretariat, because they were the two people who came along with Mr. Rideout and myself, when I asked to come along for negotiations that we had last night and up to 2:00 o'clock this morning and again all morning in Ottawa, because they stayed there for negotiations. That was the first time ever in my life that I spoke to Mr. Andrews about files in his department, not only files related to the member for Bonavista South (Mr. Morgan), but files in general, the first time. Then I just asked him about what I had heard over the telephone that

was in the letter that had been delivered to my office yesterday morning at 11:15 A.M. And there has been absolutely no discussions with any deputy minister or anybody with deputy minister's status by me about files at all, any kind of files.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the Leader of the Opposition.

MR. BARRY:
My last question, Mr. Speaker, Hansard will show, did not have to deal with files. I asked the Premier whether he gave any indication in any form whatsoever of a desire to muzzle the member for Bonavista South and to have material that member might have available removed from public circulations. Just to conclude the matter, I would like to ask the Premier, in light of what he has said, has he demanded an explanation from the Deputy Minister of Fisheries, and is he prepared to have that Deputy Minister of Fisheries to give that explanation to this House?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, I realize the hon. member is the Leader of the Opposition and he has to quiz the Premier and the ministry on various things. I think the hon. member knows me well enough, as do all hon. members in this House, that I do not have it in my being to try to muzzle correspondence or whatever in a department.

MR. BARRY:
I am sorry but I have seen the

Premier in action before in situations.

SOME HON. MEMBERS:
Oh, oh.

MR. SPEAKER:
Order, please!

PREMIER PECKFORD:
Mr. Speaker, he is sitting down now and I am standing so I guess I have the floor and he does not. I would not say that about the hon. member nor about any hon. member in this House.

MR. BARRY:
The Premier has said that and worse.

PREMIER PECKFORD:
I am sorry that the hon. member feels that way about me but that is all I can do about it. All I can say is that I have on no occasion, and I will swear it on a stack of bibles inside or outside of this House or in any court, done anything, the slightest thing, in relation to deputy ministers about any correspondence or files or anything in any department to try to see that they did not see the light of day or anything like that. That is not the way I operate, that is not the way this government operates. You know, it would be absolutely terrible if anybody did that and, I mean, I am just zilch, nothing, zero.

Now to get on to the other part of the question, I did query Mr. Andrews, because he is an employee of government and one who was appointed by the Premier. I did query Mr. Andrews last night and now that a police investigation is ongoing I suppose we should leave it to them. But what Mr. Andrews told me last night, which will

come out, I guess, in the police investigation, was that nothing has been destroyed; where there were two pieces of correspondence on the same matter, where there was a copy in the hon. member for Bonavista South's (Mr. Morgan) files and a copy in the departmental files, only one of those pieces was shredded. This is what Mr. Andrews told me last night, that there is a copy of every single thing. That is what I was told by Mr. Andrews last night and that will come out in the police investigation. Apparently there are four people involved; the member for Bonavista South, the Deputy Minister and the member's two former secretaries. That is what Mr. Andrews told me last night.

MR. BARRY:

Does the Premier take this as gospel?

PREMIER PECKFORD:

No, no. I am trying to be honest and open.

MR. MORGAN:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

PREMIER PECKFORD:

Did I speak to Mr. Andrews? Yes, I did speak to him last night. I went through what was said from what I got over the phone and -

MR. MORGAN:

A point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

A point of order, the hon. the member for Bonavista South.

MR. MORGAN:

If the hon. the Premier, Mr. Speaker, is going to give one side

of the story, that is quite unfair to this member who rose yesterday on a point of personal privilege. If one side of the story is to be told, let the other side be told to the House at the same time.

Mr. Speaker, it is quite unfair for the Premier to say that he discussed it with the Deputy Premier and did not discuss it with me as minister. Mr. Speaker, the fact is I was available before the House today. Why could not the Premier come to me and discuss the matter with me as former minister? He discussed it with his Deputy Minister only. It is quite unfair, Mr. Speaker, because the point of order is this: The files were destroyed. It was confirmed to me yesterday afternoon that three years of Cabinet documents from Fisheries were burnt and the rest of my files were entered by the secretary, with the approval of the Deputy Minister, and shredded. All I have left is a small box of documents. I called in, this morning, the official Opposition caucus Chairman and my own caucus Chairman to show them. All I have left is a small box of files. So it is quite unfair to have one side of the story told in this House and not the full story.

PREMIER PECKFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

To that point of order, the hon the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am trying to answer questions from the Leader of the Opposition, and trying to be honest.

MR. MORGAN:

Do not give one side of the story, Sir.

PREMIER PECKFORD:

I was asked the question did I query the Deputy Minister. I could not say I did not query the Deputy Minister because I would be lying to this House. I did query the Deputy Minister last night and I wanted to give as much information as I could.

MR. MORGAN:

Nobody queried me.

PREMIER PECKFORD:

Before that, I tabled the hon. member for Bonavista South's letter which goes into the details of the matter from the member for Bonavista South's point of view. All I am doing here is responding as honestly as I can to the circumstances, in that I did query Mr. Andrews last night and that is what he told me.

MR. MORGAN:

The RCMP queried me.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

If I could deal with the point of order, I think the point -

MR. MORGAN:

It is pretty serious stuff.

MR. BARRY:

- that has now been raised by my asking whether the Premier had requested an explanation from Mr. Andrews, makes it necessary now for the Premier to indicate to this House is that what he considers an explanation? Because

to me that is no explanation of why a deputy minister would take it upon himself, even if that is what was done, to go through and sift through and decide himself -

MR. MORGAN:

That is right. That is what was done.

MR. BARRY:

- as to what should be burnt, or what has already been copied, or what should be shredded.

MR. MORGAN:

That is what was done. That is what was done.

MR. BARRY:

That is not an explanation.

MR. SPEAKER (McNicholas):

Order, please! Order, please!

I ruled yesterday that questions relating to this point of privilege were not in order. I did try to see if there were some precedents in this House, and I could not find any. I did get in touch with Ottawa today to ask them a direct question about whether a question relating directly to a point of privilege was in order, and I have just been told by them that a question would be in order if it were a general question about government policy, but not if it were specific to the matter to be ruled upon by the Speaker.

Now, I propose to rule on this matter before Orders of the Day, so I must rule that that point of order is out of order.

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

The problem I have now is that if I relate everything, because I suppose it should be left to the police investigation -

MR. BARRY:

No. No way!

PREMIER PECKFORD:

I can relate what I know, but I have not had an opportunity to inform the member for Bonavista South (Mr. Morgan). Perhaps I should tell him what - just so he knows it first, seeing he is one of the persons involved here - I was told in reply to my query, and the full explanation that was given to me last night by the Deputy Minister, because it was the first time I had an opportunity question him. Then tomorrow, or this evening, whenever the Leader of the Opposition (Mr. Barry) wants to get together with me, I can go through the details for him as well - whatever you want, it is entirely up to you. I will give all the information I have from my interrogation of the Deputy Minister last night now, or I can just tell the member for Bonavista South later on this afternoon what I was told, and then I can tell the House tomorrow or later on this afternoon. I am easy.

MR. MORGAN:

On a point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

A point of order, the hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, if the hon. the Premier is now stating he is going to take the word of the deputy minister and make it public, I will merely make -

PREMIER PECKFORD:

I am not taking his word.

MR. MORGAN:

One second, Mr. Speaker, let me make my point of order. As a member of this House, I now demand, this afternoon, within the next two hours, to have my files, if they are not destroyed - I cannot get them - delivered to my office on the fifth floor. If I cannot have my files in my office this afternoon, Mr. Speaker, surely there must be a breach of my privileges as a member of this House. I am asking for my files. If they are not destroyed, as the deputy minister told the Premier of the Province, where are the files? Let us see them.

MR. SPEAKER (McNicholas):

Order, please!

I have already ruled on that matter, and I will be ruling on the point of privilege shortly.

MR. MORGAN:

My documents, my Cabinet documents, etc., where are they?

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Just to clarify from the Premier's point of view, it seems only fair to permit the Premier time to make his points with the member for Bonavista South (Mr. Morgan). If there is going to be a delay in Question Period, I think, in fairness, there should be an opportunity for a few brief questions to follow up any statement the Premier might make this afternoon. Within reason, I

think we should have an opportunity, if we defer it now, to have some brief questions this afternoon when the Premier is in a position to make a further statement to the House.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

There is no problem with me, Mr. Speaker. The reason why I did not is because I got the letter, my response to the member for Bonavista South (Mr. Morgan), in his hands three or four minutes before the House opened and then I had to come right into the House and answer questions and table a copy. I did not want to table the two letters until the member for Bonavista South had copies of them. I did not have the opportunity to go through what I have been told by the Deputy Minister before I was to relate it here in this House this afternoon.

MR. MORGAN:

On a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, the hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, I want to know, Sir, as a minister who served for ten years in Cabinet, with, for most of the time, the Premier as a colleague of mine and in the last several years as my boss, why is it that the words of a Deputy Minister can be taken and put before this House, while I have not the opportunity of putting forward my words through him, as the Premier speaking for the government? Because there was ample time this afternoon since he arrived back from Ottawa to discuss it with me, Mr. Speaker,

and now I think that maybe this incident today in the House is a breach of my privileges. Surely the word of a minister, or a former minister in this case, would be more important to the House of Assembly, because I sit here, than the word of a Deputy Minister who does not sit here and cannot account for his actions in this House and cannot account for his conversations with the Premier. That, Mr. Speaker, I think is also consideration for a breach of my privileges in this House.

PREMIER PECKFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

To that point of order, the hon. the Premier.

PREMIER PECKFORD:

The member for Bonavista South (Mr. Morgan) has made sort of an allegation that I had time since I got back. Well, I am sorry and I apologize to the member for Bonavista South, but I did not have time since I got back. I had to get on to the Minister of Justice (Ms Verge) to see whether any action was taken while I was away, because I had not been talking to the minister up to then. I had just gotten the letter and read it at 2:00 P.M. and had to get some other people to read it as well, then I had to prepare a reply. So I was on the phone, and the letter was not typed and ready to come up until about six minutes or five minutes to 3:00 P.M. When I got on the elevator and came up to the House I saw that my Parliamentary Assistant had hand-delivered the letter at about the same moment to the member for Bonavista South (Mr. Morgan), so I just did not

have time, and then I was in the House being asked to answer questions, and I could not deny that I had questioned the Deputy Minister and started to say what he had told me in order to be honest to the House.

MR. SPEAKER:

I would like to refer hon. members to Beauchesne, Page 134, Paragraph 369, "A question of privilege or point of order raised during the oral Question Period ought to be taken up after the oral Question Period, unless the Speaker considers it to be an extremely grave matter."

I certainly do consider it an extremely grave matter but that matter will be dealt with shortly.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, if I could get back to the Mobil Environmental Impact Statement, in light of the fact that we have such a significant discrepancy between the numbers of employed set out by himself and by other members of his Cabinet, the numbers of employed that they were saying would result from a Hibernia development utilizing fixed production systems, I would like to ask the Premier whether he is prepared to instruct the Minister of Finance (Dr. Collins) to defer for several days the introduction of a budget for this year until the Premier has had an opportunity to develop new, special job initiatives which will be necessary, in addition to any development of Hibernia, which we hopefully will see getting

underway before too long, to take up that terrible group of unemployed that we now have in this Province?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

The hon. the Leader of the Opposition is presupposing that there is nothing in the Budget to start with, Mr. Speaker. Number two is that I think implicit in his question is that he takes as gospel everything that is in that environmental statement from the companies. Now, I remember another former Liberal member of the House of Assembly who took everything that the company said as gospel and I proved that hon. gentleman wrong back in 1977 and 1978. I think it would be the inclination of the Government of Newfoundland and Labrador to prove the numbers here wrong.

You see, Mr. Speaker, this is a statement by the companies based upon their analysis. Now all mode of development is subject to negotiations between the Government of Newfoundland and Labrador and the Government of Canada. The kind of pact or deal we are able to make with them applies both to the mode and the level of employment, so it is not altogether clear at all yet exactly what the level of employment, will be in the mode of development for the Hibernia field until such time as we sit down. We can put out our statement, too, and back up our numbers and the companies can put out theirs; then we sit down and negotiate and we will see what comes out of those negotiations. So I do not, like the Leader of the Opposition, take as gospel everything that is published by the oil companies.

They have their axes to grind and we have our axes to grind, and when we get into negotiations on the development plan we will see how many jobs will be created. Our position as a government is that we are going to maximize to the fullest extent possible employment opportunities from that first development, and we hope to have a much larger number than cited in this Environmental Impact Statement. That is not to say that the Mobil does not have the right to put out whatever kind of a statement they want to put out, that is fine. We will see what happens when we get into negotiations with Mobil and the group over the development plan as to how many jobs are going to be created and how much not only of the platform itself but the top side can be built in Newfoundland to get the numbers where we think they can be.

So Mobil has its point of view, the Government of Newfoundland and Labrador has its point of view, and we will see when the negotiations are completed on the development plan over the next few months just exactly how many jobs this government is going to be able to deliver to the people of Newfoundland and Labrador.

Secondly, Mr. Speaker, just let me say that we will not delay the Budget. We want to get on with the jobs that are contained in the Budget. Projects that are going to be ongoing this year from the Budget will be brought down tomorrow on schedule as announced by the Minister of Finance (Dr. Collins) earlier.

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the Leader of the Opposition.

MR. BARRY:

What we are seeing set out here are proposals, and they are only proposals. The purpose of the public hearings which will take place, Mr. Speaker, as the Premier noted correctly, means government will have an input in terms of attempting to modify the proposal of Mobil. But what is set forth here, Mr. Speaker, in terms of jobs has about the same impact as a Cat Arm project or an Upper Salmon project on this Province. Mr. Speaker, it does not in any way go to fulfill the expectations that have been raised by the Premier and by members of his Cabinet in recent months and years with respect to what to expect from a Hibernia development.

Now I would like to ask the Premier, in light of his commitment to maximize benefits, has he had an opportunity yet to establish with Ms. Carney or Mr. Mulroney what is needed in order to clarify Clause 54, I think it is, in the Atlantic Accord to ensure that oil and gas will be available for a refinery in this Province? The Premier mentioned in the course of a debate held during the election that he had a certain written commitment from Ms. Carney. Would the Premier indicate what that written commitment is and what it is that he sees will ensure that there are permanent jobs from processing of oil for this Province?

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

Now, Mr. Speaker, let us get back to the question that was first asked in the supplementary because

the hon. the Leader of the Opposition (Mr. Barry) is almost onto another tack now. On the question of jobs as it relates to the mode of development, as the Leader of the Opposition knows that is a subject of major negotiations between the three parties involved, the company group, the federal government and the Province. We just do not agree with the figures that are in that statement as it relates to the number of jobs that are going to be created from a fixed platform out there. We think that we can do much better than that in maximizing job opportunities.

Now, the other thing is that the Leader of the Opposition is playing down the other parts of the Accord, Mr. Speaker. Now it is nothing. If you listen to the Leader of the Opposition today, now it is nothing. We only have the right to levy taxes the same as if it were on land, and if we had left it to that party over there we would not have that today. We are going to get substantial revenues to create jobs in many other places. The development plan has got to have provisions for education, training and research and development, which will create jobs in this Province, Mr. Speaker. We are going to have a phase out.

MR. BARRY:

What about Come By Chance?

AN HON. MEMBER:

Oh, oh!

PREMIER PECKFORD:

It starts to hurt, Mr. Speaker, when we start to emphasize all the positive aspects of the Atlantic Accord when that party opposite were willing to sell out the heritage and future of

Newfoundland. We are not supposed to talk about that, that is all history now, Mr. Speaker. The Leader of the Opposition went over on the other side because he did not think without him we could do anything about negotiating a good deal for the people of Newfoundland and Labrador. That is all history now, we are not allowed to blow our own horn on perhaps the most important document in Newfoundland's history since 1497.

MR. BARRY:

What about Come By Chance and permanent jobs?

PREMIER PECKFORD:

Now on the processing, Mr. Speaker, and permanent jobs, we will have the opportunity to get whatever processing facilities we need from Hibernia and all the other fields offshore through Section 54 and through the commitment made by Ms Carney and the Prime Minister in the House of Commons.

MR. BARRY:

Where is it?

PREMIER PECKFORD:

In print.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

Order, please!

Before recognizing the hon. the member for Menihek (Mr. Fenwick), I have great pleasure in welcoming to the gallery the former MHA for Stephenville, Mr. Fred Stagg.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

I also have great pleasure also in welcoming students from Anthony Paddon Elementary School, Musgravetown to Terra Nova, with their teachers, Ms Guy, Mr. Muggeridge and Mr. Romaine.

SOME HON. MEMBERS:

hear, hear!

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

The item that we were discussing prior to the previous question on the Environmental Impact Statement was not really answered to my satisfaction. There is a general problem I see arising out of the particular problems that have been raised by the former Minister of Fisheries, the member for Bonavista South (Mr. Morgan). As I hear the Premier's explanation on it, it seems it is just a case that we did not have enough filing cabinets in the Department of Fisheries and that we were doing a nice little edit of them in order to get rid of the excess paper and really nothing has been destroyed. I cannot believe that in a \$2 billion or \$3 billion budget of this government that we are in a position where we have to save on filing cabinets. My general question is this: What is the policy for the files that belonged to ministers when they become ex-ministers? Does the member for St. John's East Extern (Mr. Hickey) have to rush back to the Department of Social Services to see if people are now ransacking his files as well?

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

Oh, my, oh, my! I mean, every time ministers leaves the Cabinet

they are at liberty to take their own files. No problem. They just go and take whatever their personal files are, whatever files are theirs, and the rest which are left are departmental files and that is all of it, as far as I know. I mean, that is theirs. For the hon. member to suggest that the government is going around doing this, I mean, government is not trying to do that. The government did not do this. This was done by secretaries, apparently in consultation with the Deputy Minister. As I said, as soon as I informed the member for Bonavista South (Mr. Morgan) of what I have been told by the Deputy Minister, then I will inform this hon. House of all I know, and the police will take it from there. Then we will see where it comes out whether there is any truth to it or whether anything has been destroyed of the hon. member's personal property. But there is no policy. I guess the Leader of the Opposition (Mr. Barry) himself can say that when he left the Cabinet there was no policy, he took whatever files he wanted to take. There was no policy then, and there is no different policy now than there was when the Leader of the Opposition left. And I do not think he is complaining about anything, and nothing has been changed. The present Minister of Social Services (Mr. Brett), when he left the Cabinet a number of years ago, I guess he took whatever files he wanted to take and left the rest. The Leader of the Opposition did the same. I guess the member for Twillingate (Mr. W. Carter) did the same thing. Nothing has changed. That is all. There are no Orders in Council or Cabinet Directives, there are no letters, there were no phone calls by me to anybody.

That is just it. So every minister when leaving can take whatever files they want to take, if they are personal.

MR. MORGAN:

If they have them to take.

MR. FENWICK:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Menihek.

MR. FENWICK:

If I heard the answer correctly, I get the impression that the Premier has just said that the decision was taken by the secretary of the individual concerned; at least that is what he seems to have said, since it was up to her discretion to edit out the file cabinet or not. A number of other ministers have left, and I am assuming that they did not all grab their filing cabinets the day afterwards and run with them. What has been the procedure in the other ministers' cases? Have they gone back and found their files stripped out by their secretaries or have their files been there?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I do not know because I have not checked into it, I had no reason to. I guess any minister who left the Cabinet, for whatever reason, over the next few weeks or months or whatever they took their personal files and put them in a new office and that was it. There is no time frame because there is no policy, it is entirely up to the individual. They are no longer in Cabinet, so then over the next few weeks take out files that are personal and belong to

them and leave the rest and that is all. That is all I know about it. I mean, I am just saying that. You know, anybody can answer this question as well as I can. All I am saying is that that would seem to me a logical progression. I guess that is what the Leader of the Opposition (Mr. Barry) did when he left Cabinet; over the following few days, weeks or whenever he got around to it, he took his personal files and left the rest. That is all I know.

MR. MORGAN:

Mr. Speaker, I have a question for the Premier.

MR. HICKEY:

Mr. Speaker, may I provide some information?

MR. SPEAKER:

Is this a point of order?

MR. MORGAN:

No, it is a question.

AN HON. MEMBER:

The time for Questions has expired.

MR. MORGAN:

If questions are over, Mr. Speaker, I rise on a point of order. I just checked with my personal staff, the secretary who works with me, again to confirm -

MR. SPEAKER (McNicholas):

Order, please!

I refer the hon. member to Beauchesne, page 134, Paragraph 366, which points out 'That a private member cannot ask questions during question time?'

MR. MORGAN:

Pardon?

SOME HON. MEMBERS:

Oh, oh!

MR. MORGAN:

Mr. Speaker, surely we can ask questions during Question Period in the House! Now I am really going to test my rights as a member of the House. Mr. Speaker, I have to rise on a point of personal privilege. Mr. Speaker, as the member for Bonavista South in this House of Assembly, if my right to ask questions of the ministers or the Premier is taken away, surely that indeed impinges on my rights as a member of the House of Assembly.

Mr. Speaker, I ask you to review and reconsider your ruling, because I think, Mr. Speaker, surely any member of the House may ask a question of any minister or the Premier anytime.

MR. SPEAKER:

Order, please!

I am sorry, but I misinterpreted that quotation from Beauchesne, page 134, Item 366. The hon. member is in order.

MR. MORGAN:

Is Question Period over, Mr. Speaker?

MR. SPEAKER:

No.

MR. MORGAN:

Well, Mr. Speaker, I have a question for the hon. the Premier. I would like to know, Sir, the policy on holding of Cabinet documents, including all documents and personal notes of the individual minister concerned, when they are left under lock and key - in this case, hopefully, adequate security by lock and key - can these documents be taken out of a minister's files and destroyed without the authority of the minister who owns that

personal property? Because in this case, Mr. Speaker, my three years of Cabinet files, from 1980 to 1983 were burnt, that has now been confirmed to me, and my other files were taken and shredded in the department, my personal Cabinet files. So, Mr. Speaker, I want to know the policy with regard to Cabinet documents. Could they be taken out, for anybody to peruse? Because Cabinet documents in my years as a minister have been strictly confidential. That is the reason I had them locked in a cabinet with bars going down through the handles and a padlock on them. Nobody can touch strictly confidential documents but in this case they did. They went into my files, took out the Cabinet documents and destroyed them, plus my other files.

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I cannot answer that in the way the member put it. I do not know. That is why the Justice Department decided upon a police investigation of it.

MR. MORGAN:

What is the policy? I am asking for the policy.

PREMIER PECKFORD:

You are asking for my opinion. The policy is, as the hon. member knows, that when ministers leave they usually take their files with them, those which are personal. I guess we will see during the police investigation whether there was any violation of the hon. member's rights on his personal property which were in the Department of Fisheries. The property was not in the member's home or in his new office. They

were still in the Department of Fisheries six or seven months after the hon. member left the department. So I do not now what the police are going to say about that. All I know is it is the policy of the government to look after Cabinet documents. If they are confidential the ministers have them all locked up in their offices and so on. I am not the one to judge. There is a police investigation underway. Obviously the hon. member is alleging that somebody went to the office and broke in a door -

MR. MORGAN

Broke into the cabinets.

MR. PECKFORD:

- went to an office which was the the property of the Department of Fisheries, the office was, I do not know who owns the filing cabinets, and then destroyed the files in the filing cabinets. This is the allegation, and now that allegation has to be tested by the investigation. The allegation is that the hon. member's personal files were destroyed and that is why the Justice Department has moved to have an investigation, because they are concerned about whether the rights of the hon. member were violated in this instance and whether there was criminal or some kind of illegal activity carried on. And I guess now the police are going to decide on that in their investigation.

MR. MORGAN:

A supplementary, Mr Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Bonavista South.

MR. MORGAN:

Over my years as a minister, I

always thought it was a very firm policy of this administration that Cabinet documents had to be adequately secured, specifically they had to be locked up, and Cabinet papers for 1981, which were involved in this case, are very current documents.

My supplementary is: What is the policy for any person, whether it be a former minister or an employee of the department, to take these Cabinet documents and destroy them? What is the policy with regards to destruction of current Cabinet documents? If current Cabinet documents are suddenly in the hands of some worker in Public Works, or something like that, going to be destroyed, which is the case with the Fisheries files, is that not a very serious breach of security of the system that is now in place for government confidential documents?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Obviously, the Department of Justice thinks that these allegations are very serious and, therefore, have to be investigated. So, obviously, there is a deep concern that certain regulations were violated.

Now, as the hon. member knows, as it relates to Cabinet documents, and even when the hon. member was a member of Cabinet, there are regulations that are sent out to every department and to every ministry. I can table those regulations, they are public. As to the keeping of Cabinet documents and this kind of thing,

there are regulations that have been issued by Cabinet about the security and confidentiality of Cabinet documents. The hon. member is aware of them as I am. So, I mean, those regulations are there and, I guess, they will be scrutinized by the police as well. Obviously, there are regulations governing the security of Cabinet documents. What has to be determined now, by the police, I guess, is whether in fact these Cabinet documents were the personal property of the hon. member for Bonavista South (Mr. Morgan), whether there was a violation of his rights and criminal activity occurred in burning these without his permission and this kind of thing. That is what will have to be determined by the police. But there is a policy of security of Cabinet documents which is firmly in place which the hon. member is very familiar with, as am I.

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

It being Wednesday, it is Private Members' Day.

Before calling Orders of the Day, I would like to rule on the point of privilege raised yesterday.

Hon. members will recall that the hon. member for Bonavista South (Mr. Morgan) rose on a point of privilege and tabled a letter written to the hon. the Premier respecting the destruction of his personal files. I am now ready to rule on that question.

I shall begin by reviewing the relevant parliamentary authorities from Beauchesne pages 11, 12 and

25 and from May, 19th edition, pages 3, 4 and 7 and I quote: "Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals."

"The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection of its members and the vindication of its own authority and dignity."

"A genuine question of privilege is a most serious matter and should be taken seriously by the House."

"Once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a prima facie case can be established. The Speaker requires to be satisfied, both that privilege appears to be sufficiently involved to justify him in giving such precedence (or as it is sometimes put, that there is a prima facie case that a breach of privilege has been committed); and also that the matter is being raised at the earliest opportunity."

"It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal

question, whether the case conforms with the conditions which alone entitle it to take precedence over the notices of motions and Orders of the Day standing on the Order Paper; and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed - a question which can only be decided by the House itself."

It should go without saying that a member of this House needs to perform his or her functions effectively and that anything tending to hinder a member in the performance of his or her duties to represent his or her constituents creates the possibility of an impediment to the fulfillment of that member's functions. Any action which impedes or tends to impede a member in the discharge of his or her duties is a breach of privilege. There are ample citations and precedents to bear this out.

In my opinion the destruction of a member's files would impede the discharge of that member's duties in this House and I rule that a prima facie case has been established by the hon. member.

MR. HICKEY:

On a point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

On a point of order, the hon. the member for St. John's East Extern.

MR. HICKEY:

I am sure Your Honour did not overlook me intentionally, but I want to bring to Your Honour's attention that I do not intend to grow old in this seat. When Your Honour is making his visual sweep of the House, would he not stop

there but come all the way?

I have something to offer with regard to the question raised by the member for Menihek (Mr. Fenwick), and I did not get the opportunity to provide it. There are no regulations, Your Honour, there is what you call convention or tradition with regard to ministers' files, and when I get another opportunity I will provide some information as to where mine are, what has happened to them, and whether they are intact or not.

MR. SPEAKER:

Order, please!

I would like to say to all hon. members, and I would like particularly to say it to the hon. the member for St. John's East Extern (Mr. Hickey), that I try to be fair to everybody.

During Question Period, I must admit I appear to have a selective vision on my right, because most of the questions, naturally, are coming from the right. But I certainly have no intention, at any time, to try to ignore the hon. member.

MR. HICKEY:

Your Honour, I guess that is the point I was making. Times have changed. There are two sides now.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I think we probably have to do a little bit of procedural consideration at the present time, but having ruled there is a prima facie case of

breach of privilege, not that Your Honour is saying there was a breach of privileges, but there are circumstances there that warrant, on the face of it, consideration, and the normal business of the House is then suspended at this particular time.

Now the rest of the procedure that Your Honour quoted: "A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action." I am reading, your Honour, from Page 26, paragraph 85. "That action is normally the reference of the matter to the Standing Committee on Privileges and Elections for examination. It may, however, be a statement of condemnation for a breach of privilege or an order for an individual to appear at the Bar."

Now, it would appear, Mr. Speaker, that the facts of this particular case are hazy at the present time, in any event, because of the fact that there is an investigation going on into it, and we do not know the facts. So I submit it would be inappropriate, and it would probably be damaging to innocent individuals, to take the latter part, 'a statement of condemnation for a breach of privilege or an order that an individual appear at the Bar.' The normal practice, I would suggest, and I make this suggestion to the House, that this particular prima facie case of breach of privilege having been found, that the appropriate remedy would be to refer it to the Standing Committee on Privileges and Elections, which is in the process of being established, and can be established immediately, actually.

As well, we have the added

complication, as it were, as the Minister of Justice (Ms Verge) has indicated, that the investigation into the whole matter has been expanded to the complaint of the hon. the member for Bonavista South (Mr. Morgan). And that being so, I am wondering, and I put this by way of suggestion, whether it might be more appropriate to have it at the present time referred to the Standing Committee, certainly, but have a determination afterwards, after the investigation has concluded, as to whether or not this Standing Committee should proceed further with the matter after they have had an opportunity to look at it.

The concern that I have is an investigation into the allegations and the Committee's considerations of a breach of privilege of the member going on co-incidentally at the particular time. So I just make that statement. I suppose the hon. the member for Bonavista South, although privileges are matters of privileges to the House, certainly he is the one most directly affected, and I think he would be the one primarily - certainly all members may wish to address themselves to the suggestion - whose views we would certainly be interested in. What I am proposing is that we let the police investigation go through and then, without prejudice, obviously, immediately thereafter, if it is necessary that the matter be pursued by the Committee on Privileges and Elections, that they proceed then.

MR. MORGAN:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the member for Bonavista

South.

MR. MORGAN:

Mr. Speaker, the nature of the police investigation is not a direct investigation into the matter. It is merely an enlargement of the ongoing investigation regarding the wrongdoing, or alleged wrongdoings, of surveillance officers, which came to light in the last little while. And by enlarging that investigation, I am a bit concerned, based on today's happenings, that the investigation will not be immediate enough for me. Based on statements made by the Deputy Minister to the Premier and made public, I want the investigation immediately - not next week, right now, commenced right now. So, it is either to be a direct police investigation, commencing immediately, so my files can be put in my office on the fifth floor where they should be, because they are my personal properties, or a committee of the House commence an immediate investigation, one of the two. I cannot accept, after today's happenings, any delay.

I just made a call to the RCMP to check to see if they could, this afternoon, accompany me to the offices of the Department of Fisheries so that I can clearly show them that my files are not there, despite the statements made by the Deputy Minister last evening in Ottawa to the Premier. I am hoping that I will be able to do that in the next twenty minutes to half an hour.

If the RCMP do not agree with my request - that I have asked as of the last few minutes - that means the investigation cannot be immediate and I want it, Mr. Speaker, immediately, without any

further dialogue of this nature that took place in this House this afternoon involving the Leader of the Opposition (Mr. Barry) and the Premier, and myself and the Premier. Let us clearly, first of all, show that the documents are missing. When it is clearly shown today the documents are missing, then let the RCMP start an immediate investigation to determine why they are missing, where they are, and, why they were destroyed.

Mr. Speaker, I cannot accept anything less than immediate investigation by a Committee on Privileges and Elections appointed by this Legislature here today. So, Mr. Speaker, it depends on the next little while, I guess. I do not know if the Minister of Justice (Ms Verge) can also assist me to ensure the RCMP commence their investigation right now, this afternoon. Mr. Speaker, the Premier may laugh, Sir, but to me it is a very, very serious matter.

PREMIER PECKFORD:

I was not laughing.

MR. MORGAN:

I certainly hope not, Sir, because it is a very, very serious matter. My memory in Fisheries has been destroyed. I want to know why and I want to know where the files have gone. I know where they have gone. They have gone through a shredding machine and to incinerators. If my files are in the Department of Fisheries, as the Deputy Minister says, let the RCMP go down, take the files out, and the member for Bonavista South (Mr. Morgan) will be asked: What are you doing calling a point of privilege in the House, making these wild accusations? If they are there, I will come to the House and apologize to the House

for even raising it in the beginning.

So, Mr. Speaker, I want immediate action on this matter and not a delayed process and an extension of the ongoing investigation involving alleged wrongdoings of surveillance officers. Mr. Speaker, since you have ruled that I have established a prima facie case of a breach of my privilege - I think for the first time in the history of this Assembly, to my knowledge - why not have the matter dealt with immediately? That is my position. I want it dealt with immediately. As I say, the Minister of Justice (Ms Verge) can arrange for the RCMP to commence their investigation on this matter this afternoon to, first of all, determine my personal files are not in the Department of Fisheries, and if they are not there, to immediately carry the investigation straightforward on that matter and not this other matter. It could tie in after. Again, I want to repeat, let the committee of this House commence its investigation no later than one hour from now. Let them accompany me, who has had his privileges breached, to the Department of Fisheries. It will be an independent group - all parties, I assume - a standing committee to take a look at this whole matter.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker. For your information and the information of the members of the House, I would like to repeat myself. The Associate Deputy Attorney General today requested the RCMP to commence immediately an investigation into all the

allegations made by the member for Bonavista South (Mr. Morgan) about the destruction and disappearance of personal files left in the Department of Fisheries. And it is my understanding that that investigation will encompass all aspects of the disappearance of all the files, or at least the allegations of such disappearances and not just those documents that pertain to the other police investigation into allegations of wrongdoings offshore by fisheries officers.

And, Mr. Speaker, it is my understanding that the police and the professional staff of the Department of Justice are acting expeditiously and impartially. They will be exercising their judgement about how and when they proceed with the investigation.

MR. SPEAKER:

To that point of order, the hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, to that point of order already on the floor, may I say that I would like to see the committee established immediately and that committee accompany me, or whoever else they want to summons, and commence the investigation within an hour from now. I am waiting for a phone call back from the RCMP to determine if they can commence their investigation this afternoon. This whole matter is so important to me that I would like to have it commenced immediately because of the statements made by the Deputy Minister that the files are not destroyed. Am I living in a dream world? If I am, I should resign from the House next week. But my files are not there. I have asked for my files on twenty occasions

and all I have gotten is a small box with the restructuring files of the Newfoundland fisheries. That is all I have. But I want my Cabinet documents. I want my P and P documents, my Treasury Board documents, my Resource Policy Committee documents and my personal files that were stacked there by my office. That is what I want. All I want is to have them delivered to my office on the 5th Floor. If that can be done this afternoon, we will have the police investigation called off and I will get up in this House and apologize. Mr. Speaker, I am willing to say that if those files are placed on my floor this afternoon, I will resign my seat! I will resign my seat, if I can have those files delivered this afternoon to my office, for misleading this House with the statements I made to date.

It is the most serious matter that I have come across in my years of politics. I know why the files are missing, and the story will unfold as to why the files are missing! I know why, suddenly, three years records of the Minister of the Department of Fisheries are wiped out! Do I ever know why! And I will tell the story to this hon. House one of these days, at my appropriate time! Indeed I will!

But this afternoon, Mr. Speaker, I will say again, I will not be in the House if these files can be placed in my office on the 5th Floor between now and 6:00 P.M., which allows an hour and a half. Or you can go down with a Committee of this House and say, 'No, Mr. Morgan, you are all wrong, here are the files. Here are all your Cabinet documents. Here are all your strictly confidential documents and your

personal files." I will then come back here, Mr. Speaker, and pass my resignation in to you, Sir. I put my seat on the line against the Deputy Minister's words that no files were destroyed! Mr. Speaker, that is calling a spade a spade. So let us hear it. Let us have a committee this afternoon, or an RCMP officer this afternoon, come down to fisheries and say, 'No, the files are all here', or come down and substantiate, in no uncertain terms, that the files are gone, they are missing. That is all I want this afternoon, Mr. Speaker. The investigation can go on from there for as long as the RCMP want to take to look into any wrongdoing and, hopefully, take the necessary action. But this afternoon, Mr. Speaker, there is the question of why is Jim Morgan getting on with this after being a minister for ten years, when a Deputy Minister, with two years or so of service, says, 'Oh, no, the files are down there!'

There is an even more serious matter, Mr. Speaker, because, in essence, his statement is completely contrary and contradictory to mine. So, let the RCMP, or a Select Committee of this House this afternoon, determine whether I am worthy of being here as a member or if, indeed, as I have already stated, my privileges have very seriously been breached and that it be dealt with by way of an RCMP investigation or an investigation of this House.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the Leader of the Opposition.

MR. BARRY:

If I could just speak briefly, Mr. Speaker, without delaying the House.

I think we have two issues here. One is the issue of whether there has been any criminal wrongdoing, which is a matter for the RCMP to investigate, while the second question, and a separate one, is whether there has been a breach of the privileges of a member of this House, and that is something not for the RCMP to investigate, but for this House to investigate. In that context, Mr. Speaker, there is no question that this House is the highest court in the land when it comes to dealing with the privileges of a member and many other matters as well.

We would not support, Mr. Speaker, the notion of waiting for the RCMP investigation. I gather that that is not necessarily now connected to the investigation with respect to fisheries observers, because that would take it even longer. I think, Mr. Speaker, even if that is a separate investigation, with respect to potential criminal wrongdoing in breaking into the minister's filing cabinets and destroying his personal property, even there it is a very dangerous precedent for this House to pass it over to the RCMP. I think we should appoint a committee of this House.

I have to confess, Mr. Speaker, that our inclination is to have the motion read that concerned individuals be called before the Bar of the House to give an explanation, but we will bend over backwards to make sure that we are fair to everybody, that nobody is put in a difficult position by not being able to completely give their side of the story in an impartial atmosphere. I think we

would go along with having the matter referred to the Committee on Privileges and Elections for investigation and reporting, but, I will say, Mr. Speaker, that members from this side of the House will be participating in that committee on the basis that it is a matter of highest urgency. It is a matter that, particularly with respect to the question of whether or not the files are missing, should be dealt with immediately, so as to avoid any imputation that the member has risen on a spurious issue, on a false issue, and I think, with that understanding, Mr. Speaker, we will support it if the minister wants to make such a motion. I understand that such a motion is debatable. I would not see a lengthy debate. There may be a brief period of debate that, unfortunately, will eat into Private Members' Day, but, so be it. This is an important matter.

So, if the Government House Leader (Mr. Marshall) would care to move that this matter be referred to the Committee on Privileges and Elections for immediate investigation and reporting, with all due haste then, we would support that motion.

PREMIER PECKFORD:
Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, I think given what has gone on here today and yesterday, that the Leader of the Opposition (Mr. Barry) is right. So let us get on with it and get the Committee established and have it investigated immediately and report back to the House on it.

Let us get on with it. It is an important matter, so I will leave it to the Government House Leader (Mr. Marshall) to go ahead and make the appropriate motion on it and we will get the thing on the road.

MR. MORGAN:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Bonavista South.

MR. MORGAN:
I would like to get a clarification of the word 'immediate' because, if 'immediate' means tomorrow, I am not willing to accept 'immediate' as tomorrow. I want 'immediate' this afternoon, Mr. Speaker. I want to have a committee, and anybody that wants to go with them, this afternoon go to the Department of Fisheries and look this afternoon, not tomorrow, and not next week.

PREMIER PECKFORD:
As long as we can keep a quorum in the House, fine.

MR. MARSHALL:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of the Council.

MR. MARSHALL:
Mr. Speaker, first of all, I will move the necessary motion. I move that the prima facie case, a breach of privilege raised by the hon. the member for Bonavista South (Mr. Morgan), be referred to the Committee on Privileges and Elections. I also move, Mr. Speaker - and this is pursuant to the Striking Committee, Standing Order 84, under which I proposed

some of the Committee members yesterday - that this Committee consist of the hon. the member for St. John's North (Mr. J. Carter) -

MR. BARRY:
Before the minister continues, I wonder if I may speak?

MR. SPEAKER:
The hon. the Leader of the Opposition.

MR. BARRY:
The name he gave you was the member for Fortune - Hermitage (Mr. Simmons) who, unfortunately, because of bereavement in his family that I was going to mention subsequently, has been unable to be present here today. Could we have the member for Windsor - Buchans (Mr. Flight) substituted?

MR. SPEAKER:
The hon. the President of the Council.

MR. MARSHALL:
Yes. Then, Mr. Speaker, I move that the Standing Committee on Privileges and Elections be constituted by the hon. members for St. John's North (Mr. W. Carter), the hon. the member for Port au Port (Mr. Hodder), the hon. the member for Humber Valley (Mr. Woodford), the hon. the member for Fogo (Mr. Tulk), 3rd the hon. the member for Windsor - Buchans (Mr. Flight).

MR. SPEAKER:
You have heard the motion. Those in favour, 'aye'.

SOME HON. MEMBERS:
Aye.

MR. SPEAKER:
Those against, 'nay'.

Carried.

ooo

MR. BARRY:

You have put the motion. The question now is does the minister want to start the debate on the motion?

MR. MARSHALL:

The question has already been put, I had thought, but if you want to debate it instead, sure.

MR. MORGAN:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, from my position, if the matter is going to be debated, I would like to have a chance to speak in the debate but I feel it more important - and I may look -

MR. SPEAKER:

Order, please!

MR. MORGAN:

I am on a point of order, Mr. Speaker.

MR. SPEAKER:

On a point of order, fine.

MR. MORGAN:

If the Committee just appointed will agree to immediately go to the Fifth Floor of Atlantic Place with me, I would not take part in debate at this time. If debate continued, I would like to take part, but I think I have made my points in expressing my prima facie case and I would like to have, moreso than taking part in debate in House, the Committee commence its work immediately, I mean this afternoon, and to come to the Fisheries offices. I will

immediately follow-up my call to the RCMP, made approximately twenty minutes ago, to see if they will do the same thing this afternoon. Based on that, I prefer immediate action over a debate on the matter because I think that considerable debate has taken place and we have heard considerable arguments on it. Moreso than debate the matter, let the matter be put to the House and the Committee commence its work in the next five or ten minutes.

MR. FENWICK:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To that point of order, the hon. the member for Menihek.

MR. FENWICK:

I agree that the security of the files is quite important at this point and I intend to exercise my privileges under Standing Order 86 (b) to sit in on the Committee hearings, which is my right as a member of the House. I wish to be with the committee, but I do not wish to miss the debate this afternoon. Do we not have Officers of the House who can accompany the member for Bonavista South (Mr. Morgan) to this particular location and make sure these files are secured immediately and then we can have the hearing itself, perhaps this evening, or tomorrow morning, or whenever is convenient to the Committee?

MR. MORGAN:

It is not to secure the files, it is to determine whether the files are there or not.

MR. FENWICK:

Well, determine whatever is there. I believe we have Officers

of the House. I am not sure who they are, or what their names are, but we do have some that can do this.

MR. SPEAKER:

To that point of order, there is no point of order. That was an opportunity the hon. member took to further explain his position.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I would just like to refer to what the hon. the member for Bonavista South (Mr. Morgan) said a moment ago.

MR. POWER:

Who is the chairman of the committee?

MR. MARSHALL:

Well, the first named, the member for St. John's North.

I would just like to refer to what the hon. the member for Bonavista South said a moment ago. We cannot have it both ways. If the Committee is going to meet and act forthwith or immediately, it would have to be passed by the House. If members of the House wish to debate the motion, we can certainly debate the motion. We are certainly at the pleasure of the House on that. As to what the hon. the member for Menihek (Mr. Fenwick) is saying, the fact of the matter is, if you refer it to the Committee, the Committee really has to deal with it. They should meet right away and do it.

We have an added little complication that we will get to

if and when we get to Private Members' Day, because the motion on the Order Paper is by the hon. the member for Port au Port (Mr. Hodder) and I do not think, because he is on the Committee, that he should be prejudiced from his normal speaking time. So, perhaps if we could arrange to go into his motion and allow him next week to speak twice as if he were opening and then the closing.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we would like a few brief moments on debating this motion. We do not intend to carry it out for too long, but what we have here is not just a minor incident. It becomes, I suppose, somewhat sensationalized in some respects because of, well, being blunt, the position that the member for Bonavista South finds himself in as one who was formerly a minister, is not now a minister, because of questions that have been raised, very pertinent questions recently dealing with fisheries observers and, therefore the material that is being dealt with is relates to a very hot issue at the present time. There are a number of reasons why this issue, I think, has grabbed the imagination of the general population. I am sure there is going to be much interest in ascertaining just how this sorry incident came about.

But, Mr. Speaker, what we have here is something that we should underscore as being significant in another respect and that has to do with the way in which members of

this House are treated. Now, I have been in this House, on and off, since 1972 and I have to confess, I have to say frankly that when I look around - and the longer I am in the House the more I realize it - it is not so much my own position now, as Leader of the Opposition, I am dealt with on another level now in terms of office space and staff and research capability and so forth. Mr. Speaker, what we are talking about is the way MHAs in this Province are dealt with. The more I am in this House of Assembly the more I see that they are dealt with as something less than - as I say God love them, there is a place for them, and they doing a good job - but they are dealt with as less than class A clerks, the lowest classification. I am sure it is not the clerk that has the lowest classification in the civil service, but whichever it is, the MHA is dealt with on the same level. We have convicts today, Mr. Speaker, in penitentiaries around this Province, complaining about double bunking. All right.

MR. PATTERSON:

What is wrong with double bunking?

MR. BARRY:

Well, the member says, what is wrong with double bunking? I guess it depends on who your bunk mate is, Mr. Speaker. But we have MHAs on both sides of this House double bunking, Mr. Speaker, with their colleagues.

MR. PATTERSON:

Male or female?

MR. BARRY:

Mr. Speaker, if a constituent comes in and wants to have a private conversation with a MHA, you have a situation where there is no privacy, there is nowhere to

talk to the constituent about what may be a highly personal matter. And why am I raising this? What is the relevance of that? Well I am pointing out, Mr. Speaker, that what has happened to the former minister's files and why it should be investigated should be in the context of how members of this House should be treated? And how should they be treated by members of the public service, up to and including deputy ministers? And how should they be treated generally by government? What we see here, I am afraid, is a symptom of the fact that MHAs, backbenchers on both sides of the House, tend to be treated as something less than individuals who represent - not for their own personal capability, but because of the wishes of their constituents - represent the views of many thousands of people in this Province. When members of this House speak, they have the voice of thousands because they have gone out and sought election and received the support of members of the voting population of this Province.

I do not think, Mr. Speaker, that members of this House should be treated the way they have been treated. I will tell you, for a fact, they are not treated this way in other provinces. The Minister of Public Works (Mr. Young) might stand up and give me square footage figures in terms of how many square feet a member for Nova Scotia has, or a member for Quebec, or a member for Ontario, but I tell you that members of the House of Assembly in other provinces are given more respect, not because of their own individual position, because they represent the voice of thousands. They are given more respect than they are given in this Province.

AN HON. MEMBER:

It is not true.

MR. BARRY:

And that is something, Mr. Speaker, that this Committee on Privileges and Elections should keep in mind when they are investigating this matter of the way in which the former minister has been dealt with, and the way in which his files have been treated.

Now, the Premier seemed to be alluding and hinting at something today, to the effect that it is the former minister's own fault. He was entitled to take his files with him. Well, Mr. Speaker, that may technically and legally be correct, but, Mr. Speaker, the history is and the precedents are, the public service makes themselves available from time to time with respect to the moving of files, and particularly where the former minister is still a member of this House. It is not as though the member were defeated, left Cabinet, and walked off somewhere into the great unknown where he could not be found or contacted. The member is still in this House of Assembly. So there is something, Mr. Speaker, that cries out for answering here. Why did the Deputy Minister not pick up a telephone and contact the member? The Premier in his letter states that he first learned about at 2:50 on Monday, and then goes on to say, on Tuesday morning, May 14 at 11:00 A.M., I went to Ottawa. Well, between 2:50 P.M. on Monday, and 11:00 A.M. on Tuesday, there are many hours during which the Premier could have picked up the telephone to say to the former minister, come in and tell me what is going on? What is your concern? How have you been dealt with? What can I

do? What explanation can I get from the public service? Instead of that we have the Premier throwing up his hands and saying, "I plead ignorance," and asking for time today to talk to the member.

Now that it has hit the fan, now that the issue is out in this House and out before the public, now we have the Premier asking for time to contact the member for Bonavista South (Mr. Morgan). Well, you know, between 2:50 P.M. on Monday, and 11:00 A.M. on Tuesday, there was a lot of time during which the Premier could have telephoned. I am sure we were in this House that afternoon. It would have taken all of thirty seconds for the Premier to make contact with the member for Bonavista South to find out what went on.

MR. TULK:

He ignored him.

MR. BARRY:

So that is not good enough. And it is not good enough, Mr. Speaker, that we have the Premier saying, "well, I have spoken to the Deputy Minister and he said that he thinks there are copies of everything that was destroyed."

MR. TULK:

The audacity.

MR. BARRY:

The utter audacity of this approach for a Deputy Minister to take it upon himself to vet the private files of a minister or a MHA.

MR. MORGAN:

He forced his way into my files too.

MR. BARRY:

Go through two locks, into a locked filing cabinet and decide to -

MR. TULK:

With bars up and down.

MR. BARRY:

- presumably for the purposes of making extra space - what do they call it when they weed out the extraneous paper from files? There is a word for it. Law firms regularly have the problem when they run out of storage space for dead files. You go in and you weed out all of the extraneous material. But for a Deputy Minister to take it upon himself - I cannot envisage a Deputy Minister who has worked his way up through the public service, I cannot envisage this person deciding for the sake of making space or obtaining room in a filing cabinet to take it upon himself to destroy, if not all, portions of the minister's files.

Now, there is something here that cries out for explanation. We have not seen it yet, we have not heard it, we have not received it from the Premier. How does a Deputy Minister know what to destroy? Is the Deputy Minister saying that there was no personal material there? I understood that there was personal memorandum of the member that presumably would not be in departmental files. So were these copied? Or have they now been taken over and put in the Deputy Minister's files or in some other files in the department? So we have, Mr. Speaker, a serious matter that cries out for explanation. It is a matter that can effect any of us in this House in the future.

It is a matter, Mr. Speaker, that,

I think, is a symptom of a greater problem. And it is a problem that has arisen because of an attitude towards members of this House generally that does not provide, either in terms of office space, in terms of research capability, in terms of, as the member for Menihek (Mr. Fenwick) says, or salary. In any respect, Mr. Speaker, the members of this House are not given the consideration that they should be given as elected representatives of thousands of Newfoundlanders and Labradorians. I think on an average we represent something in the order of between 10,000 and 12,000 fellow Newfoundlanders and Labradorians. Mr. Speaker, I think that that is the problem. It has to do with the fact that MHAs are not given the recognition that they should be given, are not given the respect, and I am talking about MHAs on all sides of the House, and I hope that as a result of this investigation by the Committee on Privileges and Elections we will see, not just a report dealing with this specific problem - and I know these are not the terms of reference - but I am sure that members will be aware of the need for bringing in a report which helps to deal with this problem of lack of respect for MHAs generally. If nothing else comes out of this unfortunate incident, I think that that would be a step forward.

MR. HICKEY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for St. John's East Extern.

MR. HICKEY:

I just want to make a few comments on this motion. Mr. Speaker, certainly a great deal of what the

Leader of the Opposition (Mr. Barry) had to say one cannot quarrel with in terms of the importance of appropriate treatment of MHAs. I do not think anyone can disagree with that. I, as one sitting on this side of the House acknowledge, there is an accommodations problem. I would not want to interpret the lack of space as deliberate on the part of this government, of which I am still a part, and certainly have been a Cabinet minister for so many years. I would not want to attribute the treatment afforded MHAs as any deliberate attempt by the government to treat them lesser than other provinces but cannot quarrel with a number of things that the Leader of the Opposition (Mr. Barry) has pointed out. They are there to be seen.

I cannot be so hypercritical, Mr. Speaker, as to not say this because, as the most recent casualty of the Cabinet, I have come to find out only too well the difficulties in facing the prospects of sharing an office, which I find totally intolerable. The people who come to see me, and who have come to see me and communicate with me over the years, as I have pointed out, do not just come to talk about the weather. They come to talk about very personal problems and they certainly do not want an audience when they are discussing those things.

More appropriate to the motion, Mr. Speaker, I want to say a couple of things I attempted to say earlier. I am having my files checked tomorrow. I should say, I am going to visit them tomorrow. A great number of my files, something in the order of about twelve or fourteen filing cabinets are stored in a building, I

believe, in Pleasantville, secured with a lock and with a bar, as my colleague the member for Bonavista South (Mr. Morgan) described. In those files, Mr. Speaker, are letters that I wrote to constituents of mine, and people who I was hoping to be constituents of mine, as far back as 1966. I can put my hand on a copy of that correspondence today, I hope. I sure better be able to do that.

Mr. Speaker, I think it is a fair bet that I will be able to because in my dealings with public servants over the years, most recently in Social Services, I have not come to know any ignorance on the part of, certainly senior management, as to how sacred, if I can put it that way, ministers' files are. They are to be preserved, they are to be locked, they are to be kept, and they are to be kept at the pleasure of that minister. Only that minister, Mr. Speaker, has the right or authority to determine whether they are going to be thrown in the garbage or whether they are going to be preserved.

Now, Mr. Speaker, a couple of points with regard to what has been traditional or conventional. As I said earlier, there are no regulations, to the best of my knowledge. I have seen none. I have enquired on a number of occasions. What is tradition or convention, or whatever one wants to call it, is and has been, not only in this Province, but in other jurisdictions, that ministers' files are kept under lock and key. They move with the minister. I understand my colleague did not move his because of the circumstances at the time and because of the lack of space

that he had where he is presently accommodated. I also understand that some of the minister's other files, other than Fisheries, are secure in other locations. But, Mr. Speaker, in my own case, the filing cabinets moved with me. My files grew over the years and a couple of months ago, when I moved from Social Services, my filing cabinets and files moved out of this building and stored.

Mr. Speaker, this issue is important to every single member of this House. It should not be minimized, and I am not suggesting it is, but I guess I want to highlight the fact, and emphasize the fact, that it must not be minimized. It is the member for Bonavista South's (Mr. Morgan) turn today, it could be someone else's tomorrow. I find it astounding that senior people in a department would permit the shredding of a minister's files, much less be in any way connected with it. I am not saying they are, I do not know. I raise the question. I find it nothing short of astonishing to find that a minister's files are indeed shredded without his knowledge. As I said earlier, he and he alone is the person to determine that.

Also, Mr. Speaker, the Premier said earlier, as far as he could gather, only the files that were duplicate, and one question comes to my mind. Does that mean that letters written by the member for Bonavista South, which were letters of the minister, which were not necessarily placed in another file but rather in his own personal file, is the Premier saying that the Deputy Minister said there were copies of that, there were duplicates of that? I think not, Mr. Speaker, certainly not in my case. I have files

stacked up, as I said, since 1972. I have four or five filing cabinets. I have kept with me this time, I believe, files dating back about three years. The rest are stored, as I said. But I have certainly copies of correspondence in those files which are not in any other file in the Department of Social Services, or in the Department of Tourism, or Transportation, or Rehabilitation or Recreation or a half a dozen more. And so, Mr. Speaker, I do not think that that covers the issue by saying that only the duplicate papers were destroyed. If only the duplicate papers were destroyed, then the member for Bonavista South, I suggest to Your Honour, would have been able to put his hand on and get or acquire the copies of correspondence that he, in fact, wanted and that, in fact, was the issue that brought this whole matter to light. I suggest that that is over simplifying the matter.

Mr. Speaker, let me conclude by saying, no member of this House, including the Premier, should unintentionally - I certainly would not suggest it was intentionally - but should unintentionally minimize the importance of this. It applies to every single member of this House. It comes very close to the privileges of the members of this House and it is critical because, Mr. Speaker, finally, let me say, to the best of my knowledge, and I asked a long, long time ago, why are files kept? Why would ministers want to keep all those files bundled up? Very often, Mr. Speaker, more often than not I suggest, the only protection a minister has if an issue should arise five years down the road after he leaves government services, after he leaves Cabinet,

the only opportunity that he has, in the true sense of the word, that gives him or her security, is to be able to go to his files and say, "This is the position I took on this matter, what happened afterwards is a different story. But here was my position and, therefore, do not lump me in or do not charge me with the responsibility on it." That is one reason, there are several others, but that is one reason, Mr. Speaker, which makes this issue critical to every single member of this House. And I for one would not want to see happen to anyone, any other member of the House, what has happened in the case of the member for Bonavista South.

MR. SPEAKER (McNicholas):

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I have had an opportunity to talk to the member for Bonavista South (Mr. Morgan). I would just like to continue what I started to say in answer to a question from the Leader of the Opposition earlier about the matter because, as I was being questioned, and as I was trying to answer, there was a point of order from the member for Bonavista South about him not hearing it from me first. I have met with him and just related to him what the Deputy Minister of Fisheries told me last night. I would just like to put it on the record here what I know about it.

As I indicated earlier today, this was first brought to my attention by Mr. Sullivan in my office, subsequent to a phone call from the member for Bonavista South to Mr. Sullivan. On Monday at around 2:50 p.m., as I was getting ready to come up to the House, I checked

it out with Mr. Sullivan and he mentioned to me that he had a call from the member for Bonavista South and that the call consisted of the member being upset over the fact that he had learned that files down in the Department of Fisheries, belonging to him, had been destroyed. The next day a letter arrived in my office at 11:15 a.m.. I saw it for the first time around 2:00 o'clock today because I left at 11 o'clock yesterday to go pack my bags and get to the airport for a flight at 12:15 p.m. yesterday.

When I got in Ottawa last night, I got off the plane. I had meetings at the Centre Block as soon as I got off the plane. So I went directly from the airport to the Centre Block, had some meetings, came back to change clothes and go to a meeting I had arranged for 7 o'clock. I did not have an opportunity to talk at length with the Deputy Minister until after the meetings late last night.

I spoke to the Deputy Minister about it, and the Minister of Fisheries (Mr. Rideout) was present, as was the Clerk of the Executive Council. The Deputy Minister of Fisheries said the following to me, as best I can recollect it: There were files in the office after the member for Bonavista South (Mr. Morgan) resigned as minister. After three months or so past, he inquired of one of the secretaries, by the name of Gertrude, 'What was Mr. Morgan going to do with the files?' Gertrude was one of the secretaries who the member had when he was Minister of Fisheries. Gertrude said to Mr. Andrews that she would get on to Donna, who was the other secretary the minister had, and who had moved with the member when he went

back into the other offices here in this building. So Mr. Andrews told me that Gertrude said that she would get on to Donna and find out from Donna what the member for Bonavista South would like done with the files. Some time then elapsed from that - I do not know how much time, weeks or a month or what - a fair amount of time had elapsed and then, finally, Gertrude came back to Mr. Andrews and told Mr. Andrews that she had been talking to Donna and Donna indicated to her that the member for Bonavista South wanted the following done - whatever that was. They then carried out those instructions that Donna had conveyed to Gertrude. So Gertrude went through all the files that were still there and, in every case, compared the files with what was in the registry so that anything that she destroyed and shredded there was still a copy available in the registry and that the member for Bonavista South, through Donna, had picked up all his political and personal files and brought it to the member for Bonavista South's office. So there were papers shredded and destroyed, which is the normal practice when Cabinet paper are involved.

That is all I know about it. I never had a chance this morning to further talk to Mr. Andrews because I wanted to get back. I had instructed him and Mr. Clark to stay to continue negotiations that we started last night. He is due back tonight at 11 o'clock. But, what he told me was that he had gone to Gertrude after three months and so on to find out what Mr. Morgan wanted done with his files, she got on to the other girl, whose name is Donna, Donna got back to Gertrude after some time elapsed, and then they

proceeded along the lines of the instructions that Donna had given Gertrude. That is all I know about it.

The only other thing he told me, as I questioned him further, was that for every single document or paper that was destroyed, there still remains a copy of that in the registry in the Department of Fisheries. So nothing has been, if you will, eliminated and no longer in existence. According to Mr. Andrews, there are still copies of all the things because they did a spot check all the way along in the files, or Gertrude was suppose to have done it, so Mr. Andrews told me. That is the extent of what I know about the situation.

As soon as I got off the plane, I immediately came to the office to read the letter and to take whatever action had to be taken and then got on to the Minister of Justice (Ms Verge), who had indicated to me that this morning, before I got back, action had been taken by the department for a police investigation based upon what was said in the House here yesterday by the member for Bonavista South (Mr. Morgan). Then I sat down and drafted a letter back to the member for Bonavista South and the bells rang. The member for Burin - Placentia West (Mr. Tobin) was waiting for the letter so it could be hand delivered after the bells rang because it was still being typed. I read it over and signed it and had it brought up to the member for Bonavista South and came on up at the same time myself to the House. That is the extent of my knowledge of the circumstances.

MR. MORGAN:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, I have put my job on the line this afternoon, in all sincerity, and I would like to see the same apply to the deputy minister.

MR. SPEAKER:

Order, please!

MR. MORGAN:

I am in debate, Mr. Speaker.

MR. SPEAKER:

Order, please!

I did not realize that the hon. member has already spoken in the debate.

MR. MORGAN:

No, Mr. Speaker. I have spoken on points of order, not in debate.

MR. BARRY:

Could I just, for a second, before the Premier leaves -

MR. SPEAKER:

To that point of order?

MR. BARRY:

Yes.

MR. MORGAN:

He is speaking in debate.

MR. BARRY:

No. I think it was understood that we would have a brief Question Period, if necessary, when the Premier came back. I think that, in fairness, the former minister should be entitled to have a question, and I have just one brief question that I would like to put to the Premier.

MR. SPEAKER (McNicholas):

In that case, the hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, we are back into Question Period and not into discussion on the motion, so in order to raise my point I have a preamble to it. First of all, the Forestry files were not perused or destroyed, but the Cabinet documents for the years 1980, 1981 and 1982 were selectively, in my view, destroyed, because they were taken out of my files - not the departmental files - and taken to the incinerator and burned. There is a difference between departmental files in any department and ministerial files. In this case, what Mr. Andrews chose to instruct the secretary, Gertrude, Mrs. Pike, to destroy, were ministerial files. There was no contact or communication with my private secretary regarding ministerial files. She was not working for me as minister, she worked on constituency matters. And to prove how efficient she is at keeping files, you can walk down to the fifth floor right now and find every file on my district since 1977, and the Committee will see them. Every file on my district has been kept by that same secretary, Donna, since 1977, every individual piece of correspondence is down there.

When I had kept the files from Transportaiton, and I did, the files from the Department for Tourism, Recreation and Culture, which I did, and the files for the Department of Forestry and Agriculture, later the Department of Forest Resources and Lands, and I did, why would I suddenly agree to have any files moved or destroyed? There was no communication, there was no

contact made. Prior to the deputy minister's conversation with the Premier, I think I made six or seven telephone calls to him. The last time I talked to him was at eight o'clock in the morning, at his home, and he agreed, that same morning, to meet with me that day. We had agreed to call in Gertrude, to call in Donna, with himself and I, to try to find out what happened to the files, where were they. When I called his office at approximately 11:45 a.m. that same morning to arrange that meeting, I then learned the deputy minister was on his way to the airport to go to Ottawa. So when I talked to him at his home at eight o'clock that morning, trying to set up a meeting to sort out the whole matter before making it public - the issue was not public then - the deputy minister knew he was not going to be available to meet with me, he was going to Ottawa that day. He did not mention it to me, but he did go to Ottawa, so I could not sit down to discuss the story he has told the Premier, and I repeat, 'the story he has told the Premier'.

Now, I am going to emphasize that. The Premier, I think, was very, very truthful when he revealed what the deputy minister had told him. But here is the key question: Why would a deputy minister take the word of a girl, Gertrude, as he told the Premier, who is not my employee, who has not been my employee since October, 1984? I resigned as minister in 1984. Gertrude was an employee of the Department of Fisheries and had nothing to do with me as a member of the House. I am away from Fisheries, so why should the deputy minister accept the word of an employee of the Department of Fisheries that is was okay to peruse my personal

files - he has now told the Premier that he has done that - sort through them - not departmental files but ministerial files - sort through them to find out what he wanted to make a copy of - if he wanted to make a copy of them - and shove the rest through a shredding machine, which was going for weeks in the Department of Fisheries? Now, if he has made copies of all the documents he had shredded, well, I will have to determine that, and so will the RCMP. But it is going to be awfully difficult, after their being perused and sorted out. After four and a half years as minister, how can I go out and say, 'Well, the one that was here is gone now. No, maybe it is over here in the Registry.' To have a deputy minister go into my files and peruse them and sort them out without even having the courtesy to make a call to my home, or my office to say, 'Jim' - we were on a first-name basis - or, 'Mr. Morgan, these files down here are all being shredded, you do not want them, do you? The idea, according to Gertrude, is that you do not want them, and they are being shredded.' Nor did he call shortly after the middle of January to enquire of me, nor did he call to enquire of my secretary, Donna, nor did Gertrude call to enquire of Donna. The files for the years 1980, 1981 and 1982, Cabinet documents, Treasury Board papers, P and P, Resource Policy documents, and all my personal notes attached to these, strictly mine, strictly confidential, did he call before these were taken out and piled in garbage bags and given to employees of the Department of Public Works to take to the incinerator to burn? No, Mr. Speaker. No. No communication, no contact. Suddenly, is it not

very funny? No, not funny, but very interesting.

I hope I have leave of the House to carry on with the preamble. It is a long preamble.

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER (McNicholas):

Agreed.

MR. MORGAN:

But is there not suddenly a big question mark, why the memory of a minister, for a period of his life as a minister, is suddenly all wiped out, his cabinet documents, his other documents sorted out and perused, and some taken to the Registry and filed? What the department decided to file they filed. How do I know what they want to file, when they are my documents?

Mr. Speaker, there was no communication with my secretary about my files, none whatsoever about the ministerial files in the Department of Fisheries, and she will attest to that. And Mrs. Pike, Gertrude, has already told me that, as well, the other secretary. She did not come to Donna, my secretary, or to me. She told me this. And she will tell the Committee. I am sure she will, because she is an honest, straightforward woman. She worked with me for ten years as minister's secretary. She told me that no contact was made, but the files were shredded after a discussion with Mr. Andrews, the deputy minister. Mrs. Pike is the kind of woman who would not destroy files. She worked with Mr. Val Earle, when he was a minister, and other ministers over the years. She did not destroy one file while I was minister, not

one, and suddenly she is going to destroy these files after I am no longer minister? Mr. Speaker, it is asking too much of anybody to ask them to believe that. On her own she would never do that. She never destroyed a file while she worked with me all those years. Not one file did she destroy, and neither did the other secretary, Donna. These files were all there. The interesting thing is that that same secretary did not destroy the Forestry, nor the Tourism or Recreation files. These files, apparently, are in boxes out in the warehouse, I was told late yesterday afternoon. Hopefully, the RCMP will find them. But she decided to sort through and shred Fisheries documents, and she decided to take out three years of Cabinet documents and have them burned. We never had a document destroyed before.

MR. TULK:

Were there notes attached to those Cabinet documents?.

MR. MORGAN:

My personal notes, personal memos, interdepartmental memos, comments on staff, comments on incidents involving staff, comments on incidents involving meetings in my office, comments involving delegations, and comments involving a very important meeting, where I sat down with observers on the offshore. Yes, indeed, I sat down with observers on offshore, and the names of all those who came to my office my office as a delegation while I was minister, and gave me the stories were in that file. That was all in a file, down in that department, that I was going to give to the RCMP. Well, maybe Mr. Andrews is right, and I am hoping he is, that that file is still

down in Fisheries, in the registry, so I can pass it on to the RCMP, about the activities of certain federal employees, allegations which the individuals did not want made public. Because there was innuendo and allegation, I could not go public. I did not at the time, as minister, without them coming behind me to back up what they were saying. But the names were there, and I am sure the RCMP would be interested in talking to these people. These were the kinds of files that were in there, strictly ministerial correspondence files, not departmental. All departmental files, involving departmental matters, went into the registry in the Department of Fisheries, whether it be minister's letters or otherwise. But outside my door, when I was minister, was a whole range of cabinets, and in these cabinets were my confidential documents involving Cabinet meetings, etc., and other documents involving me as a minister, and strictly me as minister. These are the documents that the department employees, in this case, Mrs. Pike and Mr. Andrews, decided to peruse and sort out, according to the information given the Premier. He is the deputy minister. He told the Premier that. At this time, the Premier has given the man's story to the House.

MR. TULK:

Did the Minister of Fisheries (Mr. Rideout) have any control over that?

MR. MORGAN:

Well, if these files were perused in that way, why were they perused a short time after the Provincial Election Campaign, a couple of days after? My good friend, who is no longer a colleague in the

House of Assembly, attested to me, and will to the RCMP, and to this Committee, that when he came back from Labrador - I am talking about Mr. Goudie, the former Minister of Fisheries - that he saw the minister's secretary there shredding all of these documents. He did not know they were my documents, my files, but they were being shredded. Other witnesses, I am sure, will talk to the Committee and give information to the Committee and to the RCMP.

I want to repeat that these files should have been there, locked, as they always were over the years, secured in the department, and at my wish, as the minister who owned these files, I could have called the Minister of Public Works (Mr. Young) at any time and said, 'Mr. Young, my colleague, can you take those filing cabinets out of Fisheries and move them over to Confederation Building somewhere, because I want to go through them to get out documents. The same occurred in other departments. They were not destroyed, they sat there until they were moved, from Transportation to Tourism, and from Tourism on to other departments mentioned earlier. They were not destroyed then, so why is it that suddenly, out of my work as Minister of Fisheries, there are files destroyed, files put through shredding machines, when it did not happen in other departments I have worked in? That is the obvious question the Committee on Privileges and Elections is going to have to address.

As I said earlier, Mr. Speaker, because the impression has been clearly left by a deputy minister with the Premier of Province, and it is very important for a minister or a deputy minister

never to lie to this House of Assembly, and I always respect the position never lie to the Premier of the Province. Never lie to the Premier of the Province. I am not saying Mr. Andrews lied. I am not making that accusation right now, but I am saying that he can prove that he is being truthful if we can go into Fisheries, and I think we will. I have been talking to the Committee members, and as soon as this debate is over, we will go down to Fisheries and we will see the former Minister of Fisheries' files, see them there, especially the Cabinet documents.

Now, Mr. Andrews, apparently - the Premier can correct me - did not talk about Cabinet documents, he talked about files which were departmental files versus ministerial files. Cabinet documents are never seen by employees of departments, except the deputy ministers. In fact, it is quite improper to have your Cabinet documents floating around to be seen by the ordinary employees, we will call them, secretaries who are not minister's secretaries, or any other employees of the departments. You do not have these documents floating around. But apparently the deputy minister did not refer to that matter when talking to the Premier, or mention how he approved, or somebody approved, the destruction of, though burning, Cabinet documents, strictly confidential Cabinet documents, with my personal notes attached to all of them. Sure, Cabinet documents are not an important matter. For example, my colleague, the new Minister of Fisheries (Mr. Rideout), no, maybe yes, but my colleague, the Minister of Public Works (Mr. Young) can probably arrange, or I can arrange through the

Secretariat to have all copies of the Cabinet papers that were in the system over the years, but my notes attached to these Cabinet documents is the key. When you discuss items, you have to respond to these items and make your own notes and comments and put them in your own files. So getting copies of documents from the records of the Cabinet documents themselves without my personal notes, is not getting my personal files.

Mr. Speaker, without taking too much longer, I did speak on points of order earlier, not in the debate on the motion itself, so maybe you can take this as part of my debate on the motion, or the debate itself, because I do not want to carry it too long, moreso in the Question Period. If we have leave, and it is rather a serious matter, I said that if those documents are in Fisheries that I have been trying to get for the last number of days, well, a number of employees of Fisheries are not telling the truth. Because I have been trying to get those documents since last Friday. If they are there, and they are all intact, as I left them, Mr. Speaker, I will be in Your office on Monday morning. Monday morning? I will not wait until Monday morning, maybe tomorrow afternoon, and resign my seat. But, if they are not there, Mr. Speaker, the same should apply to the deputy minister. Because, how can he, maybe not directly lie, but how could he in any way or form, mislead the Premier of the Province? And I am saying he did by telling the Premier what he told him last night. He did! So, if it can be shown that he did mislead the Premier, and I am going to put my seat on the line, let him place his job on the line as well. I mean it, Mr. Speaker,

I am dead serious. Because if you cannot be honest and straightforward in dealing with government matters, and especially in dealing with the Premier - and I have to say with all respect to the Premier of the Province, I worked with him over the years, he does not want anybody around who is not honest and straightforward with him. If one is intentionally, or in any way deceptive, I am sure there is no room for him in any part of his administration, as a minister, a deputy minister, an assistant deputy minister, or at any other level.

I am saying, Mr. Speaker, this afternoon, that my documents with my personal comments, the results of my meetings with delegations in my office, results of meetings with the Fishermen's Union, results of meetings with the Fish Trades, the Saltfish Corporation and so on, including observers involved in the offshore, which is a rather controversial and important issue now under an RCMP investigation, if all these files are down there sitting in Fisheries in filing cabinets as they were, or in the registry, where the deputy minister has said they are now, copied, if they are there, why during the last three or four days have employees told me they are not there, they are destroyed? Why is that? If my Cabinet documents are all there, that is the issue I will resign on, because it will be totally irresponsible of me to leave the impression in any way, shape or form, that documents which are strictly and totally confidential to any outside party from government - when I took my oath of secrecy it was for life. I cannot divulge the contents of Cabinet documents to anyone.

Well, how could anybody else take my confidential documents and divulge their contents to ordinary employees of Public Works? - hauled away in garbage bags with the instructions that they be taken out to the incinerator and burned, as was done, and with my notes attached. There is no way these kinds of documents can be replaced, it is impossible.

So, Mr. Speaker, I did contact the RCMP. My secretary, Donna, downstairs on the 5th Floor, is of the understanding that the man that I talked to at length last Friday and the man that I talked to at length on Monday morning, who is in charge of the Commercial Crime Investigation Division, will go himself, or will assign an officer to go, as soon as this House closes, to the premises of the Department of Fisheries on the 5th Floor, we will open the filing cabinets that are there which were mine and we will see if the Cabinet documents I am talking about, and Mr. Deputy Minister was talking about to the Premier, are there. Tomorrow morning, we will see if my other files are there. And if they are not, Mr. Speaker, as I wrote in my letter to the Premier - I think I left the clear indication at the close of the letter. I said in closing: "I leave it to your discretion, as Premier of the Province, as to how the matter is to be dealt with." The House can deal with me, as a member of the House, and I will deal with my own affairs accordingly, but I am hoping that, indeed, the Premier will deal with the others because it is at his discretion to do so. Mr. Speaker, I will close by saying that everything I have said in this House the last few days on this matter is absolutely, totally true and I am convinced that the RCMP

investigation, and I sincerely hope the Committee of this House, will show that everything I said is total truth.

Thank you.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, just very briefly on this matter. What we are debating, of course, is a motion -

MR. BARRY:

We are in Question Period.

MR. OTTENHEIMER:

I am sorry.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I just wanted to clarify what the Premier said. Is it the Premier's understanding that the deputy minister, himself, went through the private files, or is it that the deputy minister assumed or understood that Mrs. Pike would be going through the files?

PREMIER PECKFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

It is unclear in my mind, but, as I recollect, Mrs. Pike was the one who went through the files. I do not know if the Minister of Fisheries can help me or not on that. 'It is my recollection that Mr. Andrews indicated that Mrs.

Pike did the shredding and the separation of the papers and all that kind of thing, and that he did not at all himself. The committee will be able to ask him, but my recollection is that he initiated the saying to Mrs. Pike, 'What are we going to do with the member's files after three months or so being there, and then she got on to Donna - this is the story - and that Donna, after some time elapsed - it might have been another month, it might have been two months, I am not sure of the time frame - got back and said, 'Here is what Mr. Morgan wants done with his files. Here is the procedure.' And then, she went ahead and did it. That is it, as I understand it, and that Mr. Andrews did not himself go through the files. That is my recollection and understanding.

MR. MORGAN:

Mr. Speaker, I would like to rise on a point of brief clarification, if I may.

There were, I believe, seven or eight of the cabinets we are talking about and the keys to the padlocks on the cabinets were left with Mrs. Pike. She was my former secretary. The only thing that is left today, I understand, from these filing cabinets is one cabinet, and the Committee will see it. I have not been down there. I enquired about the files. I sent my secretary down. I have not been in the Department of Fisheries. The only cabinet down there now is a cabinet which my secretary, on the fifth floor, has the key to, and these are also confidential documents. Now, that one cabinet is still there which contains documents for the last few months I was there as minister. But all the other cabinets, the documents that were

in these are all gone. At least six, and possibly seven other cabinets, as I told the House a few days ago on a point of privilege, are gone, and they were my personal property. How could a deputy minister interfere with the private property of a former minister by merely checking with an employee, a secretary in his department? Not my secretary. How could he do that? Is that responsibility on the part of a deputy minister, to say he can check with a secretary, an employee, and say it is okay to peruse through a minister's personal files, shred those files, and file in the registry what is needed from these personal files? Is that responsible? Surely the man knew my phone number at home. He has confirmed to me he made no attempt to contact me. He made no attempt to contact me at my office or my home. Now, is that not rather strange, a deputy minister in the department, especially immediately after the election campaign, hon. members of the House, keep in mind, especially after that, because there was no minister as such -

AN HON. MEMBER:

Mr. Goudie was there.

MR. MORGAN:

Well, yes, he was there. Because he had lost his seat, he, quite obviously, was not there as minister because he could not stay. And many of these files were destroyed after the election campaign was over. Now, Mr. Andrews was then totally in charge of the department. Mr. Goudie was in Labrador. Now, surely the deputy minister should be more responsible than to accept the word of an employee of his department, not now connected at all with me, accept their word,

'Yes, it is okay to destroy the files, throw all the files out, or take the Cabinet documents and destroy them. Surely out of mere courtesy he could have picked up the phone and called me at my home, or called me at the office, and said, 'These files we have here, do you want them moved, do you want them to go somewhere else, or do you want them destroyed?' My policy over the years has not been to destroy files. The files from the other departments of which I was minister are all down stairs and out in the warehouse, but the files from Fisheries are destroyed. So on that point of clarification, the deputy minister has told the Premier that the matter was discussed between him and Gertrude Pike, who is an employee of the department, and he got the impression from Mrs. Pike, because she had had a conversation with Donna, my other secretary - not with me, but with Donna, my other secretary - that it was okay to open up my filing cabinets, peruse through them and to take out what she wanted for him. And that is important, by the way. The deputy minister surely has more important work to do than to sort through files and shred papers. Surely he is not doing that in the department, so she was doing it for him on his instructions. And that is what worries me about this whole issue, why a deputy minister would arrange to do that. And it really worries me more today that he would try to leave the impression with the Premier that the files were shredded because he thought it was okay to do so, because he thought his employee in the department had talked to Donna, because he thought Donna had talked to me. Because he thought all these things, he thought he

could go ahead and take all my files and destroy them. An unbelievable story from a Deputy Minister.

Now, Mr. Speaker, I do not know how long the debate will go on, but I would like some clarification of the authority of the Committee. Mr. Speaker, I do not think we have had this kind of a situation before in this House of Assembly, where a prima facie case was established in a breach of privilege, involving documents, etc. I would like to know the authority of the Committee, because I would like to see the Committee tonight, for example, in case we have a problem in getting into the Department of Fisheries itself, have the necessary authority to call people, get them out, get the keys, open the office doors, open the filing cabinets, etc. That kind of authority is important for this Committee of the House to function properly and immediately. I do not want to wait until tomorrow morning to go down to the Department of Fisheries about those files, as I said earlier. So, Mr. Speaker, maybe when the former Minister of Justice speaks, a member who is a former Speaker of this hon. House, I am sure he is quite aware of the rules, etc., and I am not saying the Your Honour is not, but, Mr. Speaker, I am addressing the kinds of guidelines or powers which can be indicated from this House to that Committee and how that Committee can function. Can we, tomorrow morning, for example, have the authority to go into the registry of the Department of Fisheries and get the department employees to see exactly what they copied from my files and put in the registry? Because they are no longer my files, they are the Department of Fisheries' files.

They were my files while they were in the cabinets, but now, because they are filed in the registry of the Department of Fisheries, they are departmental files. And I cannot take them from the departmental files, and maybe the Committee cannot take them. Surely the Committee will have to have that kind of power, to second individuals, or summon them, whatever you want to call it, for the Committee to function properly. If not, well, there is no point in wasting time with the Committee, it would be better to spend my time, in the next three or four hours, with the RCMP who, I think, will agree to accompany me to the Fisheries Department. Maybe it would be ideal if we had the RCMP and the Committee go to the Department of Fisheries at the same time.

Mr. Speaker, unless there is more debate on this subject - maybe the member for Waterford-Kenmount (Mr. Ottenheimer) wants to speak - if the House will agree, I would like to see debate cease so we can call it six o'clock as quickly as possible, so we can get moving on this whole matter as quickly as possible.

MR. SPEAKER (McNicholas):

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, I certainly agree with the hon. member for Bonavista South (Mr. Morgan) that probably it is very soon appropriate to conclude the debate on this. Obviously what we are debating is the motion that a committee on elections and privileges be struck consisting of, and hon. members know whom the hon. five members are, to enquire into and report to the House upon - it may not be

word for word, but that is essentially what it is - the allegations made by the hon. the member for Bonavista South and the resultant ruling by the Chair that there was a prima facie case. That is essentially what it comes down to.

And, of course, as His Honour, the Speaker, explained, the Speaker himself does not rule on whether there is a substantive breach of privilege, only the House can do that. What the Speaker rules on is, in short hand, whether there was a prima facie case, which essentially means whether the matter of privilege, the matter itself is involved, is inherent in the allegations, and whether it therefore appears that debate or resolution of that should take precedence over everything else in the House. That is essentially what the Speaker has ruled.

I would just like to say a few words on what I think. This may well be a personal view, but I think we should be very careful not to confuse two things: one is a police investigation, and one is the Committee on Privileges and Elections of this House. The police investigation, if you wish, is an act which comes through the administration and it is conducted, presumably, under the authority of the Criminal Code. It deals with, presumably, I am not sure what other headings it would come under, theft, or break and entry, or conversion, but it is a matter dealt with by the Criminal Code, which is a federal area of jurisdiction which can be altered by the Federal Parliament at any time. And that is a completely distinct area from the area of parliamentary privilege.

The privileges of this House do

not depend upon the Criminal Code. The Criminal Code cannot alter the privileges of this House. It can in no way impugn the privileges of this House. The privileges of this House are inherent in it, they date from pre-Confederation, when parliamentary government was re-established. They came intact from the parliamentary privileges of Responsible Government, and, indeed, they got there through a transmission from Westminster. So they predate Confederation, they are completely independent of the Criminal Code, the federal area of jurisdiction cannot alter them. It would be my view that any attempt in federal legislation to alter privileges of a provincial legislature would be ultra vires. It is, I think, arguable that even a provincial statute which would purport to alter them might well be - there you would be in a very interesting position, because of Parliament, itself, with respect to its own privileges, but there is certainly a well-established principle that they cannot be added to or subtracted from. They are there, they may be interpreted and applied, but they cannot be added to and they cannot be subtracted from.

So I think it is important to make the distinction between those areas, that whatever results from a police investigation, that is an entirely different area, if you wish, an area of government, a certain administrative area. A police investigation is carried on under the authority of the Criminal Code, and what results from that results from that. But the privileges of the House are an entirely different matter, not related to or dependent upon the Criminal Code, not synonymous with the Criminal Code and independent

of it.

So I just say I think it would be confusing, and indeed wrong historically, constitutionally, and in a parliamentary sense, to confuse the two. One should really have nothing to do with the other. And through the Speaker's ruling, having found a prima facie case, what the House is now debating is the establishment of that Committee on Privileges and Elections.

I just want to address very briefly what appeared to be a question from the hon. member from Bonavista South who asked in a general way what would be the authority of such a committee. They are here, I have not looked them up but I am quite sure of them, I stand to be corrected. Such a committee of the House has the authority to subpoena witnesses, to take evidence under oath, and, indeed, to ask for the production of documents and to affect what is necessary to carry out its purpose. So certainly a Committee on Privileges and Elections, being a Committee of this Legislature, has all the necessary authority to subpoena witnesses, to take evidence under oath, to require attendance at their meetings, to search for documents, to do what is necessary to affect the purpose for which they are created, and get their authority, obviously, from this Legislature. So that, in general, is what the authority is, and certainly it has always been viewed as completely sufficient and satisfactory and adequate to fulfill the purposes of protecting the privileges of the House. That was the basic point I wished to make.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER (McNicholas):
The hon. member for Menihek.

MR. FENWICK:

I have a few procedural questions, and I bring them up so that you can listen to them and see what the situation is with them. I would prefer not to continue the line of questioning on the motion itself, and to be able to partake in whatever the committee is doing. If you would care to look at it, Standing Order 86(b) says, "Any member of the House who is not a member of a Standing Committee, may, unless the House or the committee concerned otherwise orders, take part in the public proceedings of the committee, but he may not vote or move any motion, nor shall he be part of any quorum."

Well, since the House Committee that set up the committee saw fit not to appoint me to any committees in the House, I felt that the only recourse I had was under 86(b). What I am asking now is whether I would be able to sit in on the proceedings of this Committee and ask whichever questions I want to? I am curious about that, because it says 'Public proceedings of the Committee' and I am not sure what the status of these Committee proceedings are. Because if I cannot do that, then I want to ask a series of questions now, since this will be my only chance to talk about it. So, Mr. Speaker, I am at your mercy. Is it possible to sit in on the proceedings of that Committee and ask questions?

MR. SPEAKER:

As I understand it, the hon. member is entitled to sit in on these Committees and ask

questions, but he cannot make up part of the quorum or vote in the proceedings.

MR. FENWICK:

That is fine..

The second question I have is, and I am not sure if that has been discussed very fully here, what is the privileges of this Committee in the sense that it will be looking into documents which are Cabinet documents? I am not sure what the ruling on that is, but I understand, from what I have heard of the House of Commons, that the Cabinet very jealously guards Cabinet secrecy, and a committee made up of non-Cabinet members, which is indeed what this committee will be, does it now have the rights and privileges to go and look into Cabinet documents or not? Now, I do not know the answer to that question, but I assume that there certainly is a question there, that objection can be made on the part of the -

MR. BARRY:

That is a hypothetical question.

MR. OTTENHEIMER:

It is just a question of identification, I would think

MR. FENWICK:

In that case, I really do not have much more to say other than the question that we are trying to resolve at this point which is, listening to the Premier's comment on it, whether a deputy minister, listening to what has gone on so far, has grossly exceeded whatever authority he had, or whether he, under some conception, thought he had more authority than he had, and that would have only been able to come from, I suggest, another Cabinet minister, most likely the Premier. But the Premier has

assured us today that he had no knowledge whatsoever of the shredding incident prior to, I think it was 2:00 p.m. on Monday. There seems to be a very major problem there. I do not understand how a deputy minister can exceed his authority like that, and, quite frankly, I find the Simon Says procedure between the secretaries to be almost comical if it were not such a serious matter. I find that a very difficult way to have authorized the destruction of that amount of files, just on the say-so of a secretary, but then, again, I think we will be able to determine that in the Committee hearings.

Motion, that the matter of the prima facie case be referred to the Committee on Privileges and Elections, and that it consist of the members named, carried.

MR. OTTENHEIMER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

It would hardly appear appropriate now to get into Private Members' Day, so I move that we adjourn until 3:00 p.m. tomorrow, which, as hon. members know, is budget day.

On motion, the House at its rising adjourned until tomorrow, Thursday, May 16, 1985, at 3:00 p.m.