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*Speaker: Honourable Tom Osborne, MHA*

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The House met at 1:30 p.m.

**MR. SPEAKER (Osborne):** Order, please!

Admit strangers.

I would like to welcome to the Speaker's gallery Vic Powers and Bruce Chaulk. I'm sure every Member of the House knows Mr. Powers and Mr. Chaulk. I'd like to acknowledge Mr. Vic Powers, Chief Electoral Officer and the Commissioner for Legislative Standards who, today, is retiring.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Mr. Powers was first appointed by a resolution of the House of Assembly on May 26, 2011, as the Chief Electoral Officer and the Commissioner for Legislative Standards. Prior to assuming this role, he held a position of Assistant Chief Electoral Officer and Director of Election Finance. Mr. Powers has over 38 years working with both the provincial and federal governments.

Congratulations and happy retirement!

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** As well, we'd like to welcome to the Speaker's gallery Zachary Yetman. Zachary is a grade nine student from St. John Bosco. He was job shadowing me today.

As well, in the public galleries we have Zachary's classmates from St. John Bosco School and their teacher Adonna Williams.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** As well, I've just been passed a note and I'm hoping Mayor Stone from Red Bay is also in the gallery. Welcome, Mayor Stone.

**SOME HON. MEMBERS:** Hear, hear!

#### Statements by Members

**MR. SPEAKER:** Today we have Members' statements for the Members for the Districts of

St. John's Centre, Baie Verte – Green Bay, Lewisporte – Twillingate, Fogo Island – Cape Freels, Conception Bay East – Bell Island and Placentia West – Bellevue.

The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Speaker.

I am delighted to announce that tonight at Wesley United Church in St. John's Centre, 150 people will sit down to a dinner of flipper pie, prepared entirely by volunteers. If you are lucky and have a ticket, you will have the pleasure of watching the wonderful Reverend Bill Mercer eat a flipper – now an important part of this annual church fundraiser.

It's always a bit of fun because poor Reverend Bill, in his own words, can't stand the taste of flipper. Imagine. Thankfully, Wesley Church always gets the last laugh. Their flipper dinner raises thousands of dollars each year.

This church, like so many in my district, is bursting with outstanding volunteers. Best known for founding one of the oldest public radio stations in Canada, VOWR Radio station continues, to this day, run entirely by volunteers determined to build a more supportive community.

Hard-working volunteers open their church doors every Tuesday to people living in poverty. They serve lunch, provide support and run a thrift shop selling clothing and small household items – nearly everything is 50 cents.

Last year these volunteers were inducted – all together – into the Newfoundland and Labrador Volunteer Hall of Fame.

Bravo to them, Mr. Speaker.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Baie Verte – Green Bay.

**MR. WARR:** Thank you, Mr. Speaker.

I rise in this hon. House today to recognize the important youth empowerment work done by 837 Northeast Air Cadet Squadron, operating out of Springdale.

I had the honour of participating in the Air Cadets annual inspection earlier this month. The cadets delivered a fine display of skill and discipline, and it was a privilege to offer remarks to a group of bright and talented youth.

This year marks the 75th anniversary of Air Cadets in Canada. This is a remarkable milestone, signifying 75 years of teaching young people practical skills like first aid and marksmanship, and valuable life skills like leadership and teamwork. Participating in cadets offers our youth an opportunity to develop all the tools and experience necessary for a lifetime of good citizenship and community membership.

I would like to thank the Lions Club and the sponsoring committee members: Jerry Brett, Leonard Harvey, and Sadie Huxter for providing invaluable support for this very worthwhile initiative.

I would ask all hon. Members to join me in recognizing the work of 837 Northeast Air Cadet Squadron, and in congratulating the Air Cadet movement in Canada on its 75 years of youth empowerment.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Lewisporte – Twillingate.

**MR. D. BENNETT:** Thank you, Mr. Speaker.

I rise in this hon. House to recognize Dr. Mohamed Ravalia of Twillingate. Dr. Rav, as he is affectionately known, was recently awarded the Order of Canada.

His membership was awarded on May 17, 2015, and he was invested on May 13, 2016, in recognition of his contributions to rural medicine in Newfoundland and Labrador as a family physician, mentor and community leader.

A graduate of Godfrey Higgins School of Medicine in Zimbabwe, Dr. Ravalia came to Twillingate in the mid-1980s and soon realized he found in Twillingate a place he could call home, and the community welcomed him into their lives.

In 1992, Dr. Ravalia married Dianne Collins and together they have two sons, Adam and Mikhail.

Dr. Ravalia is a Diamond Jubilee Medal recipient, a C.F.P.C. Donald I. Rice award winner, and the 2004 Doctor of the Year. He continues to advocate rural medicine to medical students and new doctors in his position with the Faculty of Medicine at Memorial University.

Mr. Speaker, I ask all Members to join me in congratulating and thanking Dr. Ravalia for his hard work and dedication to the people of Twillingate area and our great province.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Fogo Island – Cape Freels.

**MR. BRAGG:** Thank you, Mr. Speaker.

It is a privilege to rise in this hon. House to acknowledge the achievements of a young constituent of mine.

Brent Broaders from Tilting, Fogo Island, took up ball hockey two years ago. Now, at the age of 16, his calibre of play has secured him a spot on Team Canada Under 16 and will compete in the World Junior Ball Hockey Championships in England this July.

He is also a great ice hockey player, having had a busy season with the Icepak, with practices on Tuesday and Thursday evenings involving overnight stays in Lewisporte, and games on most weekends.

Brent took part in the Quebec Major Junior Hockey League Under 16 Gold Cup in April, and he was invited to the Montreal Meltdown in May.

When school wraps up this year, he'll be gearing up for a trip across the pond. The ball hockey championship will see him travel to England on July 2, with the competition getting underway on July 6.

I ask all hon. Members to join me in wishing Brent and his team much success at the upcoming competition.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Conception Bay East – Bell Island.

**MR. BRAZIL:** Thank you, Mr. Speaker.

I stand today to recognize a very active organization in my district. I speak of the Portugal Cove-St. Philip's Lions Club, who for the past 20 years has supported the residents of Portugal Cove-St. Philip's through a multitude of special events and unique events.

I've had the privilege of working with the members of the Lions Club and have seen first-hand the impressive work they do to engage and improve the lives of the citizens in our community. From partnering with the town to offer seniors programs, to donating playground equipment to ensure disabled young people can be active, to donating special health equipment for citizens to improve their quality of life, and the list of supports they offer goes on and on.

But this past fall, the club took on a special project and sent their president, Mr. Bradly Moss, to Haiti in a partnership with Project Broken Earth to help provide free eye screening to over 650 patients and issued eyeglasses from the Lions Club to 423 men, women and children.

I ask all Members to join me in congratulating and thanking president Moss and all the members of the Portugal Cove-St. Philip's Lions Club.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The Member for the District of Placentia West – Bellevue.

**MR. BROWNE:** Mr. Speaker, it is truly a pleasure to rise today to recognize two significant milestones for the residents and community of Monkstown.

Over the weekend, I attended the local Salvation Army's 116th anniversary celebrations. Hundreds came from far and near to partake in the celebrations, including the night of fellowship and song at the Citadel, in which I even joined in in the performances. Congratulations to ministry leader Marilyn Frampton and all the organizers.

In addition, a special occasion was marked. On May 17, Mr. George Monk celebrated 105 years.

Born in 1911, Uncle George, as he is locally known, operated his sawmill and a small business for many years in the community. He and his wife raised five children, three of whom were present on Saturday night in Monkstown. A life-long resident of Monkstown, Uncle George now resides in Clarenville.

I ask all Members of this House to join with e in congratulating the Salvation Army on its 116th anniversary and, indeed, in wishing Uncle George Monk a happy, happy 105th birthday! We wish you many more to come.

**SOME HON. MEMBERS:** Hear, hear!

**The Commemoration of the First World War  
and the Battle of Beaumont-Hamel**

**MR. SPEAKER:** Today for Honour 100, we have the Member for the District of St. George's – Humber.

**MR. REID:** I will now read into the record the following 40 names of those who lost their lives in the First World War in the Royal Newfoundland Regiment, the Royal Newfoundland Naval Reserve or the Newfoundland Mercantile Marine. This will be followed by a moment of silence.

Lest we forget: Joseph Russell, Melville R. Russell, William Russell, Robert S. Ryall, William Thomas Ryall, Albert Ryan, Bernard

Ryan, Chesley Ryan, Patrick Ryan, William Joseph Ryan, George R. Samms, Neville Samson, John Sargent, Charles Saunders, Eli Saunders, Fred J. Saunders, John Saunders, Walter Scammell, David Scanlon, Allan Daniel Sceviour, Martin Sceviour, Maxwell Scott, Frederick Christopher Seabright, Frederick Sealey, Edward H. Seaward, Allan Augustus Sellars, Henry Sellars, Richard Alexander Sellars, Ralph Senior, Frederick T. Seward, Horatius Seward, George Seymour, Thomas Seymour, Charles Sharp, Edwin L. Shave, George R. Shave, Edward Sheehan, John Sheehan, John A. Sheehan, Joseph Shelley.

(Moment of silence.)

**MR. SPEAKER:** Please be seated.

Statements by Ministers.

**Statements by Ministers**

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

I rise today to acknowledge the more than 100 recipients of the 2016 Premier's Athletic Awards.

I had the honour of presenting this year's awards in St. John's on Tuesday and was joined by the Minister of Seniors, Wellness and Social Development for the event.

These awards were developed to honour our province's top athletes for their extraordinary accomplishments and to provide them with the financial support to offset the costs associated with training and the competition at the elite level. The Premier's Athletic Awards Program provides awards ranging from \$500 to \$1,500 per athlete. The amount that each athlete receives is dependent on the level of competition of which they are engaged, and their respective accomplishments.

Tuesday's event also included the presentation of the Team Gushue Awards, and they were awarded for academic and athletic excellence and valued at \$5,000 each. The recipients were Jillian Forsey of Kippens in the sport of athletics and to rugby player Patrick Parfrey of St. John's.

I want to thank the Olympic gold medalists Jamie Korab and Mike Adam for joining me to present these awards.

Mr. Speaker, our government is committed to supporting sport, recreation and healthy living at all levels, and I ask all Members to join me in congratulating all the recipients at this year's Premier's Athletic Awards.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I thank the Premier for the advance copy of his statement today. As the Official Opposition, we join with government in congratulating this year's recipients. We know this is a very prestigious award and looked forward to by many. I want to acknowledge the Team Gushue Award winners in particular who strive in working very, very hard for success.

Mr. Speaker, we all recognize the importance and benefit of organized sports on a person's health and their physical and mental health and their well-being, but also I'd be remiss if I didn't reflect on the great concern by many of the slashing and reduction in recreation and grants programs in Newfoundland and Labrador.

Jumpstart program, widely recognized and supported – it used to be anyway – Sport Newfoundland, SportFest, Stars and Legends, coaching, Recreation Newfoundland leadership development, all with reductions, Mr. Speaker. Various recreations and sports grants that impact youth from the island and as well in Labrador –

**MR. SPEAKER:** Order, please!

**MR. P. DAVIS:** – and we hope that the negative impacts won't be too long lasting for our youth, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

I, too, thank the Premier for the advance copy of his statement. It is important to recognize excellence in sport and I congratulate the award recipients. Unfortunately, with \$700,000 in cuts to sport and recreation in *Budget 2016*, it will be much harder for organizations to deliver programs. Likewise, families will have less means to make programs available to their children.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Further statements by ministers?

Oral Questions.

#### Oral Questions

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Mr. Speaker, yesterday the Premier said he was hands off the severance settlement for the former CEO of Nalcor. He stated to the media yesterday outside the House that there was a lot going on. We've not been able to get a straight answer on this matter.

I ask the Premier again today: Did you discuss a contract or a settlement with Mr. Martin in your April 19 meeting that you and the Minister of Natural Resources had with him?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

I would agree with the former premier, after April 20 or April 19 there was a lot going on. What we had was of course we had the former CEO who had resigned or stepped aside and we had a board that a few days later had resigned. So there was a lot of work going on around this time frame I would say, Mr. Speaker.

When you look at the contracts that were in place with the former CEO, this is a contract that was in place by the board of directors. The negotiations around the severance and the activities related to those contracts, these negotiations were had with the board of directors.

It is not a negotiation that was with me. This information, as I said yesterday, nothing new to report. It's now back with the officials at the Department of Justice.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I'll ask the Premier once again: Did you discuss the contract settlement with him on April 19?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** No, I did not, Mr. Speaker. I've not had that discussion. It was not a discussion for me to have. It was with the board. Any discussion on those circumstances or conditions would have been with the people that actually had the contract in place. That would have been with the board of directors of Nalcor.

That is where the contract lies. That's where any negotiations would have been. I did not have any access at all to the specifics around any of this information until May 5.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Finally, we get a straight answer after asking numerous times if it was part of the discussion. The Premier just went on the record as saying it was not discussed. Severance, settlement was not discussed with Mr. Martin.

Yesterday, outside the House of Assembly the Premier stated that he knew on April 20 that Mr. Martin was being terminated without cause. Mr.

Speaker, on April 20 the Premier stood before the people of the province and said that Mr. Martin had resigned.

Premier, why two different stories?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

It's really not two different stories. What you saw on April 20 were two stories of the same thing because they were based on the facts. When I stood in front of the people of Newfoundland and Labrador and gave the advisory Mr. Martin was stepping down at around 11 o'clock on April 20, and just a few minutes after that actually Mr. Martin did the same thing at the offices of Nalcor. It was his decision to step aside, and he made that very clear within his public announcement that he made to the people of the province.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Well, yesterday the Premier said outside the House that on April 20 he was aware that Mr. Martin was being terminated. Now that's a different statement, Mr. Speaker, than saying when he stood in front of the cameras and said he resigned.

So why the two different stories, Premier?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

It's not two different stories. The statement yesterday about the termination was a decision that was made by the board of Nalcor. That was a decision that was made by them. It was very clear when I spoke to the people of the province on April 20, it was Mr. Martin was stepping aside. Mr. Martin actually spoke to the people of the province at around 11:45; the same thing, he was stepping aside.

Any decision around the relationship between the former CEO of Nalcor is with the former board of directors of Nalcor. All the information related to those events is now with the Department of Justice.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Well, I'll make it easier for the Premier then. On April 20, you stood before the people of the province, you said Mr. Martin resigned. You've also said that on April 20 you knew he was terminated without cause. Now that's your words, Premier, you've said it, that he was terminated without cause. I'm not sure how that can be the same thing. You can stand in front of the people and say he resigned, yet you knew he was terminated without cause.

How do you square that?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, I'll try and clarify this for the former premier. The contract with the former CEO was clearly with the board of directors of Nalcor. So any termination of the CEO would have been the responsibility of the people that held the contract.

When I appeared before the people of the Province of Newfoundland and Labrador it was based on the discussion we had with Mr. Martin. He was stepping aside from his role at Nalcor – which he concurred with, by the way, just 45 minutes later when he spoke to the people of the province that he was stepping aside from his position as CEO of Nalcor.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

It's not the question.

The question is, when you spoke to the people of the province on April 20, you stood out here with the Minister of Natural Resources: Did you know at that time the board was terminating Mr. Martin?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** No, I did not.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Mr. Speaker, yesterday the Premier said outside here that on April 20 he was aware that he was being terminated without cause.

How do you explain that?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

The question that the former premier asked me is when I stood out, did I know. No, I did not.

Mr. Speaker, the conditions of the termination of Mr. Martin were clearly with the board of directors of Nalcor. That information is now with the Department of Justice. They are going to review it, they are going to look at the information provided by them, and we will get direction on what we should do next, Mr. Speaker.

So it's with the Department of Justice right now. When the work is done there'll be more information, of course, that we'll be able to determine what the direction will be for us as a government.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Mr. Speaker, the Premier stood outside of the House of Assembly yesterday, in front of the media, and he said that on April 20 he knew that Mr. Martin was being terminated

by the board without cause. Now, he said that yesterday.

So are you changing now your version of events? Why a different version now then?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

When we stood outside the House of Assembly on April 20 and spoke to the people of the province announcing that the former CEO of Nalcor was stepping aside, it was his decision to step aside. It was the same – if the former premier would like to listen to the 11:45 o'clock address that the former CEO, what he did when he spoke to the media from the office of Nalcor, he, himself, said he was stepping aside from his current position at Nalcor.

That was the decision that was made by the former CEO, Mr. Speaker. In his address, he clearly outlines and gives his reasons why he was stepping down. It was clearly his decision.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Again, that's not the question. The question is: Yesterday, the Premier stood before the media speaking to the people of the province and he said that on April 20 he was aware that Mr. Martin was being terminated without cause. Now he's giving different information to the House of Assembly here today.

So my question to you is: Premier, why did you tell the media yesterday you knew on April 20 he was being terminated without cause?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, what I said yesterday is that when I stood in front of the House of Assembly and gave the address to the people of the province, it was

based on the fact that Mr. Martin was stepping aside. Mr. Martin himself reiterated that and said the same thing at 11:45 o'clock when he addressed the people of the province.

The board of Nalcor made a decision. It was their decision because it was their contract. From the interpretation and from what I gather, some advice that they were given, they made their decision. That decision clearly was with the board of directors of Nalcor, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I'm going to suggest to the Premier that he was quite aware that there was a settlement offer and there was going to be an agreement. I'm going to suggest that to the Premier. He also said that he was too busy and there was too much going on to follow up.

I say to the Premier, if you knew Mr. Martin was entitled to a settlement, there was too much going on and you were too busy to follow up, why was that not important enough? Why was that not an important enough matter to keep your eye on?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, I'm glad the former premier asked that question, because we have a megaproject. We've done extensive reviews with EY. We had schedules. We had costs. We obviously had the government's issues that were outlined in the EY report. So I found myself in the position where the CEO had just left. We had a megaproject that was ongoing at Muskrat Falls.

So I will tell you, my focus was really making sure that we put measures in place to secure the work that was being done. We have many Newfoundlanders and Labradorians who are currently working on that project. It's a megaproject, I say, Mr. Speaker.

My job, as Premier of this province – the board now was going to resign. We now had to get in place a board. We needed to find a CEO. We needed to find some people who could actually keep Nalcor operating. We had a great group of people over there working on a day-to-day basis, but my focus clearly shifted to the operations of Nalcor.

**SOME HON. MEMBERS:** Hear, hear!

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** Mr. Speaker, I ask the Premier: How did you find out and when did you find – I know you said May 5. How did you find out that Mr. Martin was receiving severance?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

As I said, all this information is now with the Department of Justice. There is information I became aware of on May 5 in terms of the details around the severance package of Mr. Martin. All this information is now with the Department of Justice. When they've completed their review, then that information, hopefully, will be available to the public. There is a process that we must adhere to. It's now with the Department of Justice.

As you know, the former board no longer exists so people who made those decisions are not board members anymore. Clearly, Mr. Speaker, there's some work to be done with the Department of Justice. They will review all the activities that happened around April 20, then again on May 5 and the time frame in between. Once the Department of Justice has completed their work, then we'll have more information that will be available.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** How did you become aware there was a severance package?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

I think what the former premier is trying to get at right now will best be determined by the Department of Justice. All this information has been turned over to the Department of Justice in terms of timelines and so on, all the activity.

Mr. Speaker, when the Department of Justice is finished their work, we will then be in the better position to determine what direction needs to be taken. We're doing that on behalf of the people of our province right now.

Let's let the Department of Justice do their work on this particular issue. When that is done, in due course, then we will have more information we will be able to provide.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Mr. Speaker, I'm going to try this again because you know it's difficult getting information. When a person avoids a question like this, it leads someone to believe is there something that he's trying to hide.

I'll ask the Premier one more time: How did you become aware that Mr. Martin was receiving a severance package?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

The former board of directors had made the decision. They made their interpretation, their decision based on the information that they had available to them. This information is now with the board of directors. There is nothing to hide. What we're doing is we're working within an established process now with the Department of

Justice, keeping in mind that we have protection of privacy, we have access to information.

There is a process that we need to allow to happen here, Mr. Speaker. This process is not a long – this will not take too long, I hope. So we'll get this information out there as soon as we possibly can.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Mr. Speaker, the Premier won't tell us. Maybe, Premier, I'll try to prompt your memory a little bit. Maybe you can tell us if this is true.

Did you receive correspondence from anybody on the board, maybe an email, a letter, a phone call, or have a discussion to discuss this very matter?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

There's a lot of information, I guess, that would have been back and forth. That information is now with the Department of Justice. From the timeline and the logistics, as soon as the information and the schedule, the time tables are completed, that information – what we are able to put out there, protecting people's privacy, protecting the process that we must adhere to, Mr. Speaker, I can't wait to get that information out there as soon as Justice is finished their work.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

It's apparent the Premier doesn't want to share the information.

I'll ask him a very simple question: Yes or no, did you receive any correspondence from the

board or a representative of the board regarding compensation for Mr. Martin? Yes or no.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Justice officials right now are preparing all the schedules, the timelines around the logistics, the information. It's all with them right now, Mr. Speaker. That information will be shared once they have completed their work which should not take too long.

We're hoping to have this done in a very timely fashion, Mr. Speaker. I want to get this information out there too. Once the Department of Justice is finished their work, then we'll be sharing it with the people of the province.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

The Premier referenced what Mr. Martin had said, and I'll remind him. On April 20, Mr. Martin, when he spoke to the media and announced he was leaving Nalcor, said that he met with the Premier and I quote: "... talked things through and found a way forward that was acceptable" to us both. He also said: I waited until we had alignment.

I ask the Premier again: Did you have a conversation with Mr. Martin about a settlement or a financial package? What kind of alignment did you reach?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** No, Mr. Speaker, that conversation did not happen with me. The details are in the severance package. I became aware of it on May 5. These decisions were made by the former board at Nalcor, Mr. Speaker. They held the contract. It was them who put the contract and they were responsible

for the developments that occurred. That information, I became aware of on May 5.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Well, the Premier said, when referencing the same meeting, they talked about a number of different scenarios between the meeting on April 17 and April 19 – a number of scenarios.

I ask the Premier: What were the scenarios you discussed?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

We have had many discussions, of course, with the former CEO of Nalcor over the last few months in terms of the Muskrat Falls Project, Nalcor in general. What was discussed at that meeting, those two meetings on the 17th and the 19th of April, Mr. Speaker, these were private meetings we had with Mr. Martin. It was really about the way forward. Obviously, during the discussion he came out of that suggesting then that he was going to be stepping aside at Nalcor. It was a decision that he made.

Mr. Speaker, as I said on April 20, we respect the decision that Mr. Martin made to step aside at Nalcor. He reiterated and said many, many times that was a decision he made for his own best interest.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

The Premier said they discussed a variety of scenarios, different scenarios.

Will you or will you not tell us what those scenarios are? Yes or no.

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

As I said, the information that occurred in all those meetings now will be shared with the Department of Justice. They will review all of this, Mr. Speaker, and once they do their work, which I'm looking forward to them having completed, then obviously there's a process in what can be shared through the access to information and through protection of privacy and so on.

Once the process is finalized, then we'll be able to share all the information that's available once the process has done its due course. Mr. Speaker, I really look forward to getting that information out there.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you.

Premier, on April 17 and April 19 you say you've shared the discussions with the Department of Justice. Was there notes taken at these meetings? Was there an agenda that was followed? Were there minutes kept, and who did that, Premier?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Whatever information came out of that meeting will be – the Department of Justice will have access to all of that. Mr. Speaker, we're letting them do their job, which is the prudent, responsible thing to do.

Once that information is all compiled, then that information will be taken – and what can be released of course when we think of the interests of Mr. Martin in this particular case as the former CEO. Mr. Speaker, I really want to get

this information out there on behalf of the people of our province, but first and foremost we will let the Department of Justice do their work and do their analysis and do their review of the work and the proceedings and the information that they have available to them.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

We want the Department of Justice to do their work too. They've had it for three weeks, they're making a decision if Mr. Martin was entitled to severance or not, was it properly paid. It's taken three weeks to get a legal opinion on that, Mr. Speaker.

The question is for the Premier, very simply, he's saying that the contents and discussions were shared with Justice from the meeting on April 17 and the meeting of April 19. Now, there were either minutes kept or there was an agreement or an alignment, as Mr. Martin says, reached around severance or his departure from Nalcor.

So, Premier: What records were kept on those two meetings, April 17, April 19? You've shared the records with Justice. What records were kept?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, one more time. Whatever information that's available from those meetings, the April 20 and so on, will be reviewed by Justice, is currently being reviewed by Justice. They are doing their work. We're going to allow them to do their work. We don't anticipate this to be a long, drawn-out process. I do not want that either. I don't think anyone really wants it to be a long, drawn-out process.

When Justice has completed their work, we will have the information and be able to determine then what can best be shared with the people of our province right now. Mr. Speaker, clearly, I hope all of it can be.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

So let's just recap what we have. We have the Premier saying there were a number of scenarios discussed. We have Mr. Martin saying that between the 17th of April and the 19th of April they wanted to reach what he referred to as an alignment.

The Premier now says the results of those meetings and documents and information kept of those meetings has been shared with the Department of Justice.

Premier: Will you share that here in the House, or are you going to wait for the House to close for the summer break before you wrap this up?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, there are two things – and I will say for that to come from the former premier, of all the information that he himself has withheld from the people of our province, Mr. Speaker, it is absolutely shameful. We will not put our province in a position – when the information is readily available, when it's ready to be released, when Justice has done the review, it will be released, I will say, Mr. Speaker.

If this House is open – and I hope it is; I hope this House is open so we can put it out there, whenever it is, but we will do it at the earliest possible date. I question the former premier why it is he would not do the same.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** I'll tell you what's shameful, Mr. Speaker, is that the Premier won't give

answers to the people of the province. That's what's shameful.

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** The people in the province want to know what actually happened here, and we can't get answers from the Premier. Now, Premier, you say there are records kept in those meetings.

Simple question: Were there minutes kept in the April 17 and April 19 meetings? Were there records kept or minutes kept of those meetings? Simple question, yes or no.

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

All the information that we have available to us is given to the Department of Justice for them to review. There was nothing here, Mr. Speaker, but we must go through the process with the Department of Justice right now to allow them to do their work and to get their work completed.

This will not be a long, drawn-out affair, as I said, Mr. Speaker. I'm anticipating this to be just in days the Department of Justice will have their work reviewed. I look forward to getting that information out there as quickly as possible.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

We know the Minister of Natural Resources participated in these meetings, so I'll ask the minister: Did you keep notes of those meetings?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**MS. COADY:** Thank you very much, Mr. Speaker.

As the Premier has recounted many, many times, the information is with the Department of Justice. All the information, the review of the decision of the board of directors regarding Mr. Martin's contract is with the Department of Justice.

We're hoping to have something clarified from the Department of Justice in due course. With the parameters around what can be released, we will absolutely make that available.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I'll ask the Minister of Natural Resources again, a very simple question, yes or no. We fully understand and get what the Department of Justice is doing – we fully get it.

The question is very simple: Do you have records from those two meetings, April 17 and April 19?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**MS. COADY:** Thank you very much, Mr. Speaker.

Again, this is a simple process of reviewing the decision of a board of directors around a contract with the CEO. As a government, as the shareholder, we are reviewing that decision.

The decision rests with the board of directors. We are taking a point of looking at the decision of the board of directors on behalf of the shareholders of this province, the people of this province. We've referred the information that we have to the Department of Justice for their review.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I'll ask the Minister of Natural Resources this: Did you turn over records from the April 17 and April 19 meeting with you and the Premier and Mr. Martin? Did you turn over records to the Department of Justice?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**MS. COADY:** Thank you, Mr. Speaker.

I think the Premier was quite clear that everything pertaining to the decision made by the board of directors for Mr. Martin has been referred to the Department of Justice.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

There's a trend over across the way that Members don't want to answer questions on this very important matter.

I'll ask the Minister of Natural Resources: Did you turn over records to the Department of Justice? It's a very simple question, Minister. Did you – yes or no – turn over records?

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**MS. COADY:** Thank you, Mr. Speaker.

I think the Premier has been quite clear that we've provided the Department of Justice everything that we have regarding the decision that was made by the board of directors of Nalcor concerning the contract of Mr. Martin.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Leader of the Opposition, for a very quick question.

**MR. P. DAVIS:** Oh, I'll be quick, Mr. Speaker.

When did you find out Mr. Martin received severance?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Natural Resources.

**MS. COADY:** As I said yesterday, I received the details around the severance information on May 9 when I returned from Houston. It was available to me at that point.

**MR. SPEAKER:** The hon. the Minister of St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

The Premier has said it is responsible and prudent to let the Department of Justice, a government department now represented on the board of Nalcor, do an inquiry into the matter of the severance pay to the outgoing Nalcor CEO.

I ask the Premier: Has he read section 16 and 17 of the *Auditor General Act* giving the Auditor General, an impartial body, unfettered powers in conducting inquiries into the financial affairs of public properties?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

We value a lot of the public sector people and officers that we have within government and within this House of Assembly. Once the Department of Justice has completed their review, they have done their work, they have done the analysis, then we'll see what options or what direction we need to go from there.

As the Member talks about the AG, it could be one of the options that as a government we will be able to use. We'll just see where this goes once the Department of Justice has completed their work. We have some great people in the Department of Justice as well that is doing their

work right now and, for sure, the AG is certainly someone who is well equipped to actually take a look at this, if that's required.

This is a decision that will be made once the Department of Justice has completed their review.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

We've been waiting weeks; we'll be waiting weeks more.

I ask the Premier: Why is he wasting time asking a government department without the same legislative powers of investigation into Crown corporations as the Auditor General to carry on an inquiry for which it has no defined process?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, quite frankly, I don't consider it a waste of time. What the officials at the Department of Justice are doing right now, I think, is a very good process that they have been engaged in. Once their work is done, we'll see what options we have available to us.

As the Member opposite speaks about the AG, that is possibly one option that is available to us. But first of all, let's be very clear, we'll let the Department of Justice do their work. I look forward to them getting their work completed so we can move on with this.

The Department of Justice, they will get their work completed. As I said, I don't consider this to be a long drawn-out affair; this should happen very quickly. Then, Mr. Speaker, we'll decide in the interest of Newfoundlanders and Labradorians what the best next option is.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

Could the Premier tell us under which branch of the Department of Justice and Public Safety such an inquiry would fit?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, it's with the Department of Justice is where it is. It is not an inquiry. As I said, they're doing a review and analysis of the information that's been given to them, that they have available to them. The information, as I said, much of which I gathered through our office on May 5, the Department of Justice is reviewing all of this, Mr. Speaker.

So this is really just a review and an analysis of the information that's available. The decision that's been made, that information, once the Department of Justice has completed their work, we'll then see what options we have available to us.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Mr. Speaker, I ask the Premier did he or anyone from his office have a conversation with anyone from the former board of Nalcor regarding Mr. Martin's resignation, the termination of his contract, or the possible severance payout?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, the former board of directors of Nalcor, as I said yesterday, I've never met with the board of directors at Nalcor. I've had many discussions over the course of the last three or four months with the outgoing chair.

Mr. Speaker, the decision that was made was made on April 20, from what I gather. They made the decision to terminate without cause. It was the board's decision. Mr. Speaker, all of the information around the termination without cause, as I said, is now with the Department of Justice. Let them get their work completed. It should not take long and then we'll know what the next steps will be on this particular issue.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Mr. Speaker, with the sudden departure of such an important position, why would the Premier's office not be involved?

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Well, the contract with the CEO was with the board of directors at Nalcor, the outgoing board of directors. They made their decision. They made their decision to terminate without cause, which was a contract that they held and they were responsible for, Mr. Speaker. It was their decision. They did the work on this.

All of the information that we now have available to us is with the Department of Justice and they will do their work. Mr. Speaker, it was with the board of directors; they're ultimately responsible for the CEO of Nalcor.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

#### Notices of Motion

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

**MR. JOYCE:** Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Highway Traffic Act No. 2, Bill 33.

**MR. SPEAKER:** Further notices of motion?

The hon. the Minister of Finance and President of Treasury Board.

**MS. C. BENNETT:** Thank you, Mr. Speaker.

I give notice that I will move that the House resolve itself into the Committee of the Whole to consider a resolution relating to the raising of loans by the province, Bill 32.

Thank you.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Yes, Mr. Speaker.

I give notice pursuant to Standing Order 11, that this House do not adjourn at 5:30 p.m. on Monday, May 30.

Further, I give notice pursuant to Standing Order 11, that this House do not adjourn at 10 p.m. on Monday, May 30.

Thank you.

**MR. SPEAKER:** Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

**MR. SPEAKER:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS the Deficit Reduction Levy is an extremely regressive surtax placing a higher tax burden on low- and middle-income taxpayers; and

WHEREAS surtaxes are typically levied on the highest income earners only, as currently demonstrated in other provinces, as well as Australia, Norway and other countries; and

WHEREAS government states in the 2016 provincial budget that the personal income tax schedule needs to be revised and promises to do so;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to ensure that the Deficit Reduction Levy be eliminated and any replacement measure be based on progressive taxation principles, and that an independent review of the Newfoundland and Labrador provincial income tax system begin immediately to make it fairer to Newfoundlanders and Labradorians.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the people of the province feel there is a somewhat partial victory in terms of the measures that government announced yesterday on the levy. It's a direct result of the work we have done on this side of the House, but also a direct result of the activism and the activities that have been undertaken by the people of the province.

Tens of thousands – not thousands, but tens of thousands of people have signed petitions. They have written their MHAs. They have written every MHA here in this House. They have made phone calls. They have made visits, because they know many measures in this budget are unfair, that they are regressive. So they signed this petition not only asking for the complete elimination of the levy, which they've not achieved, which we have not yet achieved in this House, but also for review of our taxation principles to look at fair taxation. We know that is so necessary in this province right now.

Mr. Speaker, I believe the people of the province will continue to push and that this government

was a desperate move, what they did yesterday was a desperate move. They are not listening to the people of the province. All that they're doing is they made a desperate move to hope that people will just simply be satisfied the levy has been altered and that people will go off camping now for the rest of the summer.

Well, Mr. Speaker, I believe the people of the province are going to keep up their pressure, because they know there are so many measures in this budget that are a result of the Government Renewal Initiative measures, the 'GRIM' operation that this government did, and that the people of the province know what is fair and what is just. Obviously, there are other measures in this budget that need to be taken care of. The issue of the closure of libraries.

**MR. SPEAKER (Warr):** Order, please!

**MS. ROGERS:** The issue of closure of schools.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Cape St. Francis.

**MR. K. PARSONS:** Thank you very much, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS policy regulations link snow crab harvesting quotas to vessel length; and

WHEREAS many harvesters own fishing vessels of various sizes but because of the policy regulations are restricted to using a smaller vessel, often putting their crews in danger;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to make representation to the federal government to encourage them to change the policy, thus ensuring the safety of those harvesting snow crab.

And as in duty bound, your petitioners will ever pray.

I brought this petition again a couple of times now to the House of Assembly. It's very important to people who are out on the water. Especially, our fishermen are out in adverse conditions all the time. We know weather changes and some days you can go out in smaller boats and it's okay, but there are a lot of times and more often that they have to go out in conditions where safety is not there and they can't go out. Yet, in a lot of enterprises you'll see that people have different-sized vessels depending on what crab quota they have, whether it's an inshore quota or it's an offshore quota or the mid-quota, and it depends on the size of vessel that you can catch these quotas in.

So what I'm saying here is that when a harvester has a large-size boat and it's safer for them to go out and catch that quota, that's the boat they should be allowed to use. That's very important because too often we see our harvesters out on the water taking their lives really and you know their lives are at risk. We've seen it in this province where people have had larger boats tied up at the wharf and went out in a smaller vessel to harvest crab and ended up losing their lives. That only happened last year in Arnold's Cove.

We should be lobbying the federal government every chance we get to change some of these policies because they're policies that are really putting our people in danger. Any time that we can – safety should be foremost in every job, no matter if it's onshore or offshore, or on the water or on the land. Safety should always be the foremost thing that we be concerned with. I ask government to lobby their cousins in Ottawa to change this policy.

Thank you very much.

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

To the hon. House of Assembly of the province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS government has once again cut the libraries budget, forcing the closure of 54 libraries; and

WHEREAS libraries are often the backbone of their communities, especially for those with little access to government services where they offer learning opportunities and computer access; and

WHEREAS libraries and librarians are critical in efforts to improve the province's literacy levels which are among the lowest in Canada; and

WHEREAS already strapped municipalities are not in a position to take over the operation and cost of libraries;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to keep these libraries open and work on a long-term plan to strengthen the library system.

And as in duty bound, your petitioners will ever pray.

Once again, Mr. Speaker, I'm happy to stand and present petitions of people who are quite concerned throughout the province. Today, we have signatures from CBS, from the Southern Shore of the Avalon Peninsula. We have them from Torbay. We have from further up the shore as well. I think I saw some from the West Coast of the Island also.

People all over – Trinity Bay, I knew I saw another bay involved. People everywhere, whether they're losing their own library or not, are signing this petition imploring the government to look at what this budget is doing to people.

As of yesterday, I continue to get messages from people who are concerned. One yesterday from a teacher who calls herself an educated individual who can see how the loss of libraries will affect our communities. For many in the province it is their only access to books and the Internet. Libraries are essential services and we cannot afford to reduce their numbers. These are the messages that continue to come in, Mr. Speaker, and the government continues to be focused on the decisions they've made.

This letter I received has pointed out that the changes were made in the levy tax yesterday mean nothing to this person. She's pointing out that government did that because of the loud voice and the province demanding it, but there's so much else in the budget such as the closure of libraries, which will continue to do harm to our people. As she puts it this budget is going to be doing total damage to the people in the province, to the economy of the province itself, that it's going to beggar the people of the province. That's the verb she used, which struck me.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Mount Pearl North.

**MR. KENT:** Thank you, Mr. Speaker.

You're looking mighty fine in that Chair today, I might add as well. A nice new outfit.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** Mr. Speaker, I'd like to present a petition on behalf of residents of St. John's and Mount Pearl.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS an extension is urgently needed at St. Peter's Primary school in Mount Pearl in order to accommodate full-day kindergarten and the growing school population;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to clarify its position and plan so that St. Peter's Primary and other schools in Newfoundland and Labrador can properly accommodate students when full-day kindergarten commences in September 2016.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the folks that have signed this petition, and many others that I've spoken too,

and hundreds that I spoke to on the steps of Confederation Building last evening do not believe that full-day kindergarten should proceed in Newfoundland and Labrador in September 2016. There will come a time where it should proceed. Most people I talked to, most reasonable people agree that full-day kindergarten is the right thing to do, but it's not the right thing to do right now. It's not the right thing to do at the expense of the K-12 system in our province.

Cuts are being made throughout the K-12 system while more resources are going to be needed to establish full-day kindergarten. It just doesn't make sense. It's impacting schools not only in Mount Pearl, but schools throughout Newfoundland and Labrador, and there is a better way.

Making cuts to French Immersion programs and Intensive Core French and reducing special services that are desperately needed for our students and are under resourced in our schools as it is, taking teachers out of our schools, these are not the right moves. Increasing class sizes, these are not the right moves.

Some of these moves are being made because government is blindly pursuing its commitment to full-day kindergarten. We all believe that full-day kindergarten is the right thing to do. The previous government committed to bringing it in, but in light of our fiscal situation it can't proceed right now when you're going to make all these devastating cuts to schools right across Newfoundland and Labrador. It just doesn't make sense.

What makes matters even worse in this situation we have with St. Peter's Primary, we have a school that's grossly overcrowded and has an inadequate amount of resources provided to it as it is. I've made constructive suggestions on behalf of residents about how we can improve the situation, yet down the road we're going to have another school in my district with six empty classrooms in September with multi-grade classrooms at the same time. It just does not make sense. There is a better way.

I would urge government to reconsider its position on full-day kindergarten and the drastic,

devastating cuts they're making to our K to 12 school system.

Thank you.

**MR. SPEAKER:** The hon. the Member for Conception Bay East – Bell Island.

**MR. BRAZIL:** Thank you, Mr. Speaker.

It's indeed an honour to stand and present this petition.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the current 2016 provincial budget impacts adversely and directly the education programs at Beachy Cove Elementary in Portugal Cove-St. Philip's; and

WHEREAS parents request a delay in the implementation of full-day kindergarten at our school until September 2018 when at such time the new five to nine school in Portugal Cove-St. Philip's will be open; and

WHEREAS the student population in Beachy Cove Elementary is growing exponentially and this growth is sustainable into the future; and

WHEREAS parents request the reinstatement of previous teacher allocation formula for Beachy Cove for this year and subsequent years to service the growth in enrolment to be able to provide all students with equal opportunities to enrol in French immersion programming;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reinstate the previous teacher allocations and delay the implementation of full-day kindergarten in order to provide the children of Beachy Cove Elementary the right to a quality education.

And as in duty bound, your petitioners will ever pray.

As my colleague from Mount Pearl has stated, delaying all-day kindergarten is a move forward in enhancing and preserving the quality of education we have in our system right here in Newfoundland and Labrador. It's not to say we don't support all-day kindergarten, because it was this administration who put it forward. What we're saying is we need to be better prepared for it and at the time we can't put it in place at the expense of the existing school system.

I've been fortunate enough to have been at a number of meetings with parents, with students themselves, on the steps of Confederation Building yesterday and have seen the impact the changes to the education system and the cuts to the education system, particularly in this budget, are going to have on administrators, on teachers, on parents, but particularly the students themselves.

The lack of access to certain programs and services within the school system, the lack of access to an educational program they took for granted would be available for them when they were ready to jump into that program. The fact that there are going to be larger classrooms, teachers won't have the same ability to work with the students on a one-on-one basis. The resources are going to be minimal when it comes to some of our school systems. The overcrowding is going to be a detriment to our school system.

I had the privilege last night to talk to one young student, probably a grade three or four student, who came up and shook my hand and said: Mr. Brazil, can you save our school? I'm glad we're not at that level about saving schools, but I know to that student, the loss of the education process that he's been engaged in is like losing his school. He's going to lose his friends in his classroom. There are certain programs he won't have access to.

He's in a classroom that is conducive for 15 students and he's in with 30. He's going to have blended classroom settings. It's going to be confusing for students. It's going to cause challenges for the administration. It's going to take away from the time they're going to be able to have for social recreation and interim engagement and better opportunities for them to

be able to actually be more engaged within their school system.

These cuts are obviously detrimental. One way we can address some of these, the immediate ones – it won't solve all the education issues around this budget but it definitely would address some of the particular needs right now. The cap sizes, the blending of classrooms and the intensive core French being able to do that, by delaying the implementation of the all-day kindergarten process.

I know there are petitions with hundreds, if not thousands, of names out there from schools all over this province asking and begging the Members on that side to revisit that, and the Minister of Education, to do the right thing and put a delay on the implementation of all-day kindergarten.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

The hon. the Member for Conception Bay South.

**MR. PETTEN:** Thank you, Mr. Speaker.

I present this petition – as I said previously, I have a lot of these so I try to get as many of them presented as I can. It's dealing with my District of Conception Bay South on policing.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS policing is vital to the protection and service of our province's communities;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to increase the presence of law enforcement in the Conception Bay South area.

And as in duty bound, your petitioners will ever pray.

As I stated, Mr. Speaker, I have presented this similar petition by a lot of our residents

numerous times. I'll continue to do it, as I committed to the residents.

CBS is the largest town in the province. We're nearing probably 26,000, 27,000 people. As I stated a while back, there has been some increase in police services, extra patrol cars, which has made somewhat of a difference.

I obviously have stated previously too, I mean we don't have any dedicated office. I'm not looking for a full detachment, but it would be nice to have somewhere people could come, any issues they have, to speak to someone in person, which a lot of our residents are calling out for. There used to be an office there; it's no longer.

As I say, I've stated this numerous times. I guess the most recent thing now that's going on in the district is there's a concerned group on traffic speeds, byroad speeds and whatnot, and policing in general. They're very active. A conversation last week over a lot of policing issues, I said I would present the petition once more.

They've reached out to the town. The town has a committee formed. It's a really simple question – a simple request actually. We have a municipality the size of CBS which is, I would say based on numbers near and outside of St. John's, probably the largest area. Most times you're lucky to have two police cars, maybe a third one. There are lots of times the second or third one is called in from neighbouring Mount Pearl or Paradise.

It's a town that deserves more attention. It's a growing town. There are various issues. The crime levels have increased; we have a lot of traffic accidents – a serious situation that happened out in CBS. It's no longer the little bedroom community that it used to be 25, 30 years ago. It's a very active, growing community and policing is very important. As we all know, it's vital to all our communities.

I call upon the government to give some strong consideration to increasing policing in CBS.

Thank you.

**MR. SPEAKER (Osborne):** Further petitions?

Orders of the Day.

### Orders of the Day

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I would call from the Order Paper, third reading of Bill 29.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Yes, Mr. Speaker, I move, seconded by the Minister of Advanced Education and Skills, that Bill 29, An Act To Amend The College Act, 1996, be now read the third time.

**MR. SPEAKER:** It is moved and seconded that Bill 29, An Act To Amend The College Act, 1996, be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 29 be read a third time?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

Carried.

**CLERK (Barnes):** A bill, An Act To Amend The College Act, 1996. (Bill 29)

**MR. SPEAKER:** This bill has been now read a third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The College Act, 1996," read a third time, ordered passed and its title be as on the Order Paper. (Bill 29)

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I move, seconded by the Minister of Municipal Affairs, for leave to introduce a bill entitled, An Act To Amend The Pensions Funding Act And

The Teachers' Pensions Act, Bill 28, and I further move that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded by the hon. Government House Leader that he shall have leave to introduce Bill 28 and that the said bill shall be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 28?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

Motion, the hon. the Minister of Finance and President of Treasury Board to introduce a bill, "An Act To Amend The Pensions Funding Act And The Teachers' Pensions Act," carried. (Bill 28)

**CLERK:** A bill, An Act To Amend The Pensions Funding Act And The Teachers' Pensions Act. (Bill 28)

**MR. SPEAKER:** This bill has now been read a first time.

When shall the bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 28 read a first time, ordered read a second time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Service NL, for leave to introduce a bill entitled, An Act To Amend The Co-operatives Act, Bill 30, and I further move that the said bill be now read a first time.

**MR. SPEAKER:** It is moved and seconded by the hon. Government House Leader that he shall

have leave to introduce a bill entitled, An Act To Amend The Co-operatives Act, Bill 30, and that the said bill shall now be read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 30 and that it shall be read a first time?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

Motion, the hon. the Minister of Service NL to introduce a bill, "An Act To Amend The Co-operatives Act," carried. (Bill 30)

**CLERK:** A bill, An Act To Amend The Co-operatives Act. (Bill 30)

**MR. SPEAKER:** This bill has now been read a first time.

When shall the bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 30 read a first time, ordered read a second time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Environment and Conservation, for leave to introduce a bill entitled, An Act To Amend The Labour Standards Act, Bill 31, and I further move that the said bill be now read a first time.

**MR. SPEAKER:** It is moved and seconded by the hon. Government House Leader that he shall have leave to introduce a bill entitled, An Act To Amend The Labour Standards Act, Bill 31, and that the said bill shall now be read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 31 and that that bill shall now be read a first time?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

Carried.

Motion, the hon. Minister of Environment and Conservation and Minister Responsible for the Labour Relations Agency to introduce a bill, "An Act To Amend The Labour Standards Act," carried. (Bill 31)

**CLERK:** A bill, An Act To Amend The Labour Standards Act. (Bill 31)

**MR. SPEAKER:** This bill has now been read a first time.

When shall the bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 31 read a first time, ordered read a second time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I would call from the Order Paper, Motion 11.

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Mr. Speaker, I move, seconded by the Minister of Justice and Public Safety:

WHEREAS the Lieutenant Governor in Council appointed a tribunal under section 28 of the *Provincial Court Act, 1991* to make recommendations on the salaries and benefits of judges and the chief judge; and

WHEREAS the tribunal submitted its recommendations to the Minister of Justice and Public Safety on December 21, 2015; and

WHEREAS the *Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal Report* was tabled in this hon. House

on March 17, 2016 as required by section 28.2 of the act; and

WHEREAS the House of Assembly is required to approve, vary or reject the report within the period of time referred to in that section; and

WHEREAS government has decided to ask the hon. House to accept all but one of the recommendations of the tribunal as contained in its report of December 21, 2015; and

WHEREAS Government has decided to ask this hon. House to reject one of the recommendations;

THEREFORE BE IT RESOLVED that this hon. House accept the recommendations of the 2015 Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal set out in Schedule A; and

THEREFORE BE IT RESOLVED that this hon. House reject the recommendation set out in Schedule B for the reasons given; and

THEREFORE BE IT FURTHER RESOLVED that the recommendations of the tribunal that this hon. House accepts and rejects, as set out in Schedules A and B, be implemented effective April 1, 2013.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Is the House ready for the question?

Is it the pleasure of the House to adopt the motion?

The hon. the Leader of the Opposition.

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I apologize; I thought the Premier was going to take some time to discuss the motion. I apologize, Mr. Speaker, on procedure.

Does the Premier rise at some point?

**AN HON. MEMBER:** (Inaudible).

**MR. P. DAVIS:** Okay.

**PREMIER BALL:** Thank you, Mr. Speaker.

As we do often in this House, you push pause, play and record and so on. But the House Leader there just handed me, of course, and when I was reading this, I wanted to put it through to allow its due course. Of course, it's not like the House Leader at all to actually do this. He's usually much better than this, yet today, Mr. Speaker, it is my pleasure, I will say, the hon. the Minister of Justice and Public Safety, to move:

WHEREAS – I am very proud today – subsection 6(3) of the *Independent Appointments Commission Act* provides that five members are to be appointed to an Independent Appointments Commission by the Lieutenant Governor in Council on a resolution of the House of Assembly; and

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER BALL:** WHEREAS subsection 6(4) of the act provides that the Lieutenant Governor in Council designate one of the members of the commission to be chairperson;

NOW THEREFORE BE IT RESOLVED that the following persons be appointed members of the Independent Appointments Commission: Clyde K. Wells, Chairperson; M. Zita Cobb; Shannie Duff; Philip R. Earle; and Derek Young.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

As well, before we call for debate on the motion, I would like to welcome to the Speaker's gallery and to the House of Assembly the hon. Clyde K. Wells, former chief justice and former premier; Ms. Zita Cobb; Shannie Duff; Philip R. Earle; and Derek Young.

Welcome to our Legislature.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** We're now debating the Independent Appointments Commission, and I will ask if the House is ready for the question?

Any debate on the question?

The hon. the Member for Mount Pearl North.

**MR. KENT:** Thank you, Mr. Speaker.

Is the Premier speaking to this motion?

**PREMIER BALL:** Yes.

**MR. SPEAKER:** Okay.

**MR. KENT:** Okay, I'll sit down and let the Premier speak first.

**MR. SPEAKER:** The hon. the Premier.

**PREMIER BALL:** Thank you, Mr. Speaker.

Thank you to the Member opposite for the privilege of speaking to this bill first, Bill 1. Mr. Speaker, it's my pleasure today to rise in this hon. House to speak to our government's inaugural piece of legislation. This is an important piece of legislation for our province. One that ensures an appointment process that is focused on merit, appointing what will be the most qualified people and creating one of the most open, non-partisan processes in Canada.

Mr. Speaker, this is something that I have discussed and talked and debated and had much discussion on now for many, many years. It was something that I've always felt, whether I was Leader of the Opposition or in this current chair, it was always something that I always said I would advocate and promote for our province.

Mr. Speaker, the important work that we have in our province around agencies, boards and commissions, these boards and commissions deliver some of the important services to Newfoundlanders and Labradorians. What's critically important for us is that when we have those boards, commissions and agencies in place, that we put in place the most experienced members and Newfoundlanders and Labradorians that we have available to us to serve on those boards. We think about the big decisions that are made around health care, around education, our K to 12, post-secondary education.

Natural resources; the big decisions that are made around the development of natural resources. We think about the impact that Nalcor

is having on our province in terms of the Muskrat Falls Project and how important it is to have individuals who sit on those boards and those agencies that are able and equipped to make the best decisions for Newfoundlanders and Labradorians.

Mr. Speaker, on top of that, something I want to add is that the budgets of these agencies, these boards and these commissions make up 43 per cent of the total government expenditures and 75 per cent of the total public sector employment in our province. A substantial part of our budget, a substantial part of the decisions that are made in our province lies squarely with those boards, those agencies and commissions. They play a valuable role in the activities in our province.

Mr. Speaker, Newfoundlanders and Labradorians, as residents, as people who actually use – they are the constituents who actually use the services that are often governed and impacted by decisions around those appointments. Those residents, Newfoundlanders and Labradorians, they must have confidence in the people seated to lead those agencies, those boards and those commissions because they are making decisions that have a big impact, that have a definite impact on delivering the important services to the public.

We, as a government, and I, as a Premier, have committed to improving the appointments process so that we are doing just that. So that we are achieving the best outcomes. We are putting in place the best people in our communities, in our province that are put in place to lead those decisions-making processes.

Mr. Speaker, for the first time in Newfoundland and Labrador, a merit-based appointment process will be in place to put people who are interested in serving Newfoundland and Labrador – for the first time in our history, we will now have a merit-based process in place.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER BALL:** Mr. Speaker, the legislation creates the opportunity for people to apply for a position to an agency, on one of those boards or commissions. This merit-based process we are implementing, as a result of this legislation,

allows people who would not normally be given the opportunity to sit in those important roles, to actually play a role for Newfoundland and Labrador. We now give them the opportunity because they can apply for themselves.

These are normally people who would not have undertaken such activities. They would be interested, and in many cases they watched it from afar, but now as a result of this decision and this legislation, people can apply. If they come forward with their interest, put their resumes out there, then, Mr. Speaker, we have an Independent Appointments Commission that is designed to take the politics out of all this.

Mr. Speaker, this is a very fair process. It is based on merit versus who you know. It gives greater accountability, greater transparency and it improves organizational governance. We know some of the big decisions we make as a province squarely lies with those agencies, it is with those boards, it is with those commissions. Now finally, we have an opportunity put in place people who could help us make those decisions that are in the best interest of our province.

Mr. Speaker, you'll take the recommended names, these recommended names will go to Cabinet and the ministers responsible for the various departments. It will be generated through the professional merit-based appointment process. This assessment will be done. It's not a political identification process. It's a decision that will be made when people show their interest to apply for those positions.

Mr. Speaker, I also want to talk about the valuable role of the Public Service Commission in all of this. This is a longstanding institution that we have within government. Over the course of the debate we see Members opposite ask questions related to why the Public Service Commission is recommending names for the bulk of the agencies, boards and commissions.

Mr. Speaker, I want to expand on that. I want to expand on the role of the Public Service Commission. To support the Independent Appointments Commission, the Public Service Commission will serve as the secretariat. They will be the resources that will be required to help the Independent Appointments Commission to do their work. As a secretariat, they will work

with government departments to develop the skill and the qualifications, a profile for each of the agencies, for those boards and those commissions. So once that profile is developed, it is then – as we put this information out there – people can apply for those positions.

Mr. Speaker, this is the first time this has ever been done in our province. Mr. Speaker, I would argue that when you look at all the provinces that we have across the country, this is something that is truly unprecedented. This is indeed groundbreaking and this is something that I think – and I will predict and forecast that in the future you will see other provinces put something like this in place.

The Public Service Commission is, as I said earlier, a longstanding, independent and impartial government agency. Its primary focus is ensuring that a professional and non-partisan public service has the authority to require the appointments to the public sector jobs, which is based on merit. We are using the experience that we have in the Public Service Commission right now as a secretariat to support the Independent Appointments Commission.

Mr. Speaker, the new merit-based process and the Independent Appointments Commission – we will all benefit from the experience that we see within the Public Service Commission. The Independent Appointments Commission will get the benefit from that experience; therefore, Mr. Speaker, better decisions can be made. With better decisions, we will have better decision making at our boards, agencies and commissions.

If people are interested in applying – this is people in our communities all throughout Newfoundland and Labrador. If they are interested in applying for any of those positions, the profile that we have for those positions – if you apply there, that application, that resume will be kept in place for two years. This allows the Public Service Commission to match the qualified individuals with the vacant positions. This is an important piece. Because we have people all across our province that are keenly interested in sitting in those positions, once you apply your profile, your resume, will be kept intact, will be kept in place for two years.

Mr. Speaker, the independence of the Independent Appointments Commission is extremely important and so is the role of the Public Service Commission. Establishing the appointment process in legislation signals our commitment to a process that is open and is based on selecting qualified, highly skilled individuals for a specific position – for a position, for the seats on those boards.

As I said, they actually manage many of the large budgets. We see our health care boards, our education boards, the Nalcor board. We see the many, many other boards in our province right now that manage some of the biggest budgets we have in our province. This gives the everyday Newfoundlander and Labradorian who is equipped and has the expertise and the interest in doing this – this now gives them, finally, the opportunity to be able to do that.

Mr. Speaker, it is clear from the recommended members of our commission, that we have in place some of the most highly respected and capable individuals that we have in our province. As the names were read out, I will say that I've received a number of messages over the last few days about the qualifications of the Independent Appointments Commission. The individuals that are in place, they truly have the experience. They have the wherewithal, as we'd say in our province, to make the decisions, put people in place that are truly qualified with the recommendations that they would make to their departments and to our Cabinet.

Mr. Speaker, I want to reiterate and repeat one more time how important this is because those five members are offering up their time. They, themselves, are volunteers, and that speaks loudly.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER BALL:** We have people all across our province who spend a lot of time volunteering in their community but when you get the opportunity in this particular case to bring people in with the ability, with the experience that we have in those five individuals – truly skilled, highly respected across our province, names that people will recognize – volunteering their time to make decisions that

will impact all Newfoundlanders and Labradorians.

Mr. Speaker, as Premier of this province, I can tell you right now I am truly honoured that they have all accepted. They have accepted on behalf of our province to lead the first Independent Appointments Commission in our province.

Mr. Speaker, the commission itself will recommend three individuals for approximately – we have 30 tier-one organizations in our province. Many of you would know who those tier-one agencies and boards would be. These are things like the Board of Regents at Memorial University, at Nalcor. It's the Housing Corporation and so on. We have 30 of those very important tier-ones.

Why are they tier one? Often because of the responsibility that exists within those tier-one boards and agencies but also because of the budget process and the amount of dollars and the economic impact it is having on our province.

The Independent Appointments Commission, as I said, will recommend three individuals for the approximately 30 of those tier-one organizations that we have. These are the organizations with the greater decision-making responsibilities and the larger budgets that we see in the province.

Mr. Speaker, at all times the Independent Appointments Commission will be expected to act in an independent, non-partisan manner. I'm going to repeat that. At all times the Independent Appointments Commission will be expected to act in an independent, non-partisan manner. That's critically important. It's critically important and I have no doubt in my mind when I look at those five individuals that they will do this and they will do it because it's actually what they've done all their lives. Mr. Speaker, they will make good decisions, good sound decisions on behalf of our province.

Bill 1 expanded the scope of the Public Service Commission to include the development of a merit-based recommendation for appointments to those boards, agencies and commissions.

For the tier-two organizations; we have 128 tier-two organizations. These are some of the smaller boards we have. They are sprinkled throughout

our province. They support many of the departments and many of the communities that we would see around Newfoundland and Labrador.

Mr. Speaker, the role of the Public Service Commission in those tier-two organizations, again, is critical because what they will do, they will review the applications and assess the skills and provide a list of individuals qualified for the appointment by ministers.

And we have many, many examples of these boards. So we will have the Independent Appointments Commission leading the appointments and making the recommendations to the tier-one boards, and we had the Public Service Commission now leading the appointment process for our tier-two boards.

Mr. Speaker, there are other agencies and there are other boards and commissions that are not included, and in those situations – because we have many, many organizations that support the role of government throughout our province. Indeed, many of those are internal. We want to say thank you for the work that is normally done in these particular cases by our public service employees.

So, Mr. Speaker, we have volunteers from every single community, all the areas, all the organizations in our province, and I think all of us – Members in this House of Assembly – really appreciate the work that volunteers do on all those boards.

So we have our tier-one boards. The responsibility for those recommendations to Cabinet will be through the Independent Appointments Commission. We will see the role of the Public Service Commission then supporting the tier-two boards.

Mr. Speaker, as part of the mandate of the Independent Appointments Commission and the Public Service Commission, they will work very diligently to develop the initiatives and to address any of the identified representation that is needed. It is very important that these agencies, the boards and the commissions, reflect on the communities they serve.

This is important, because when you look at our boards and our agencies it's important that we have the gender balance, it's important that we include youth, it's important that we include people that live in all the areas in our province. If it's in Western, if it's in Labrador, Central, in Eastern – all the areas. People living in those communities, there are areas of interest that need to be reflected, because what we see within those boards is a reflection of who we are as a province. So it's important that when we go looking for positions to be filled on those boards that it reflects what Newfoundland and Labrador truly is.

I can assure you that within that lens, as the names of the merit-based people that are experienced and can do this job, these are the decisions that we anticipate under this lens that we will see boards and agencies reflect really who we truly are, and the services that we require as a province.

Mr. Speaker, this is the strongest commitment to removing politics from appointments in our province in the history of Newfoundland and Labrador. It is one of the best processes that we see not really in the country right now. As I said earlier, I would anticipate that you will see other provinces follow the lead of this Legislature, follow the lead of what we are doing in our province and put in similar processes in the future.

Mr. Speaker, during debate on Bill 1 some Members questioned the role of government and the Cabinet in making the final decision on appointments. So I think it's important for me now, as Premier, to address this today and to be very clear that the job as a government is to make decisions that are in the best interests of Newfoundlanders and Labradorians. As a government and as elected officials, you cannot delegate that responsibility.

We're elected with the responsibility to make the decisions for Newfoundlanders and Labradorians. We will use processes like the Independent Appointments Commission to make sure that we can access and have available to us the best people that we have in Newfoundland and Labrador to serve on those boards and those commissions. The delegation of the responsibility to make the final decision

squarely rests and clearly rests with the government of the day, Mr. Speaker.

Legislation governing these boards is enabled by legislation that requires that Cabinet make their appointment. What we are doing today is ensuring that we have a very reputable process in place, taking the politics out of these appointments, making sure that we put in place an independent thinking process that enables us to challenge the best and brightest minds that we have in our province right now to sit on those boards and help us as a province make the best decisions that we can for our future.

Mr. Speaker, regardless of what the debate has been, when you compare what we're establishing here today to what we've had in the past, I would say this is a far cry from what we've seen on previous processes. I know from my own role in our communities that I volunteered for many, many hours and I've volunteered with some very capable people. I can assure you that the people out there are willing to get involved. This is a process that will help them put in place the best people to make this decision.

When you look at this and you say, okay then, if Cabinet is going to have the final say, well, then what prohibits a Cabinet or what prohibits government to actually just ignoring the work that this Appointments Commission is going to do. I would challenge you to look at those five names that you see on this paper – look at those five names that you see there. Are these people that would actually tolerate that they would put themselves out there in a volunteer capacity, they would volunteer their time to allow them to go through a process and recommend names to a Cabinet or to a minister only to see those names dismissed? I can assure you that from what I know of those five people, that's not the five people that we're recommending today.

They would tell this Premier, they would tell any premier, they would tell any minister where to go if they were constantly – if their decisions were ignored, and I would encourage them to do that.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER BALL:** Mr. Speaker, the Member for Bay of Islands just reminds me of some of his past and maybe he has been – but, Mr. Speaker, I won't go there; I think enough said about that.

I can assure you that we have some highly skilled, respected individuals that have volunteered their time and their decisions will be respected by this government.

Mr. Speaker, the recruitment process and the desired skills and the appointment will be public. It is a public process, as it should be, because this is about being open, accountable and being transparent to Newfoundlanders and Labradorians.

As I said, ultimately it's a government that will be judged by their actions. When you see those names that will be made public, well then it will be determined that if you reject a recommendation that – of course, to reject those recommendations is not something that I foresee this government doing.

Mr. Speaker, we value the input that those commissioners are doing. We value the work. We value their time. I can tell you what the recommendations that will come to Cabinet, will come to the ministers, I'm anticipating that those names would be accepted.

Mr. Speaker, if we find ourselves in an exceptional circumstance that this could not be done, well then the public will know and the commissioners would have to know as well.

In some cases, finding the individuals that are required to actually do the job, we may have to broaden the search, and this is not unusual when you look at the recruitment that we see today in key positions in our province. But at all times a position that can be proven to be challenging to fill, we will broaden the search because what's important is to get the right people in place in those key positions.

Mr. Speaker, all the appointments will be done openly and we will be, as a government, accountable for them. We'll be acting in the best interest of the province and placing the focus on merit, not who you know. This is about a merit-

based process; it is an independent appointments process.

The report mechanisms in Bill 1 will ensure that it is open and it is accountable. The reporting process will allow for this to be the most open, most transparent and most accountable process when it comes to appointments that we've ever seen in the history of our province.

Mr. Speaker, to support the increased openness and transparency, a website is in the process of being created. This will be live in the next few days. The website will include – so the information that you will see there is really the background information. This is important because when people consider applying for those positions, we need to give them the information, all the background information that will help them make the informed decision that they need to make.

The terms and the vacancies for the available positions – so people will need to know what the commitment is. Is this a two-year commitment, a three-year commitment? What is the commitment that we're being asked to do? The vacancies – when these vacancies become available are important, so people can actually make plans if indeed they are interested in all of this. People need to know where they are in their lives so they can actually plan for those things.

Mr. Speaker, the opportunity for people to apply online once the website is live. Appointments for specific agencies, boards and commissions, those opportunities where you put your information in, we will use the website to enable us to do that.

Additionally, a report will be submitted annually to this House, to the House of Assembly, and an order-in-council will be available online for appointments made through the process of Cabinet. Once the processes and the appointments are finalized, of course you will see that information made available as well.

Mr. Speaker, I spoke a few minutes about gender and diversity and making sure that we have both men, women, youth and people from all areas of our province – making sure that we have as much gender and diversity that we would have. This is all part of this process that

we're establishing here today. This is important for us so that we actually truly reflect the communities in our province.

We have made it quite clear that we will take gender equity and diversity very seriously through this process. We encourage women, we encourage all Newfoundlanders and Labradorians to actively participate and seek out leadership roles.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER BALL:** That's what we have to do because the leaders in our province, Mr. Speaker, this gives them an opportunity to use the experience that they have to take that, in some cases, to the next level on some of those most important.

We want to see our young men and women get involved and making themselves available for those positions, Mr. Speaker. This open process allows this to occur. It gives them the opportunity where, in the past they would, in many cases, have been overlooked.

We would like to see the agencies, board and commissions to be as diverse and reflective, as I said, as the communities we all live in. Women and all Newfoundlanders and Labradorians are encouraged to take advantage of the opportunities we are now putting before them. We are challenging people. We are challenging all individuals in our province to look at the opportunities that will now be available to them as a result of this process.

To assist many of the women we have available – because it's important to us that we get the gender equity we have in our province – we will engage the Women's Policy Office as well as many of our community and advocacy groups that we have available to us. This is important. It is a position that we will be taking and we will be making sure that we will be encouraging young women and women all across our province and our young people in all communities to get involved in this.

The Women's Policy Office will also be working with the Public Service Commission to help us develop a process to ensure that equity and diversity is considered throughout this. This

process, ultimately, is about merit and the importance of diversity is a key part of this process. Mr. Speaker, I would say not only is it a key part of the process, but it is also a key part of its success.

For the first time, in an Independent Appointments Commission we are following the same set of rules that the Public Service Commission will follow also. We have sought some highly qualified individuals whose experience reflects the broad representation of our society as well as the knowledge of industry. We see it with our social and economic development in our province. This process is a critical process as we see the successes of our boards and our agencies in the future.

The people of the province will trust the actions of government. They want to trust the actions of government and what we see here, through this process, is one other way in enabling them to do this. This is why we have brought forward the names of the individuals for the commission to a vote. This is something, again, in this House – to create the independence, all Members in this House of Assembly will be given the opportunity to vote and debate amongst our Members.

What happens after the initial three-year term expires? What happens with this commission? When the initial three-year term for the Independent Appointments Commission ends, we will look for replacements and have the existing commission members make the recommendations for government.

I say, Mr. Speaker, that is kind of the unique set when you look at the first commission that gets in place. From here on, the next commission then will also be part of the process of enabling who the Independent Appointments Commission is into the future.

The first three-year term, and they are then asked to be engaged in the selection of who the next Independent Appointments Commission is. Mr. Speaker, I think that is pretty unique when you think about all of this. These appointments then will also be subject to a resolution right here on the floor of the House of Assembly.

The terms will be for three years, plus the option of a one renewal per individual. This will ensure that the members of the commission are given a fair and adequate time to thoroughly adjust to the role and the responsibilities. We often see, Mr. Speaker, no matter what you're doing, that three years can go by pretty quickly. So this gives them an opportunity to actually expand with a second term.

Mr. Speaker, I mentioned before that these are volunteer positions. These are unpaid positions and we need to be respectful of the time consideration. So three years – in some cases when you look at the conditions we're putting in place here, that too, but we'll leave that to the best judgement of the people who are in place.

Mr. Speaker, I would now like to introduce the proposed individuals and give a brief overview of the skills of the individuals that we now know, those five names that have been introduced.

The first one is the hon. Clyde K. Wells. As a matter of fact, even in this chair I would suggest – there's no introduction required for this individual. Mr. Wells has had an extensive legal and a long political career. He's made a big difference, I can assure you, in Newfoundland and Labrador.

He's a name that's known just not to Newfoundlanders and Labradorians, but he's a name that comes up no matter where you go in our country. He is known nationally for the work he's done. We really appreciate the fact that he's able to accept his role in this.

He was "A graduate of Dalhousie Law School. Mr. Wells built a thriving legal practice before serving as the fifth Premier of Newfoundland and Labrador from 1989 to 1996."

Even in the times we face today, many people often refer to the tenure of Mr. Wells when he served as premier. I can assure you there were some difficult times then, but as Newfoundlanders and Labradorians we made it through, just like we are today. I know we will get through this tough spot we are in today. People like Mr. Wells have laid the foundation for us as a province that will help us get through

the difficult times. He has shown us the way, I would suggest, in the past.

Not only did he not stop there, he continued his career as he "... served as a justice of the Supreme Court of Newfoundland and Labrador (Court of Appeal) and was appointed Chief Justice of the province in 1999, a position he held until 2009. Mr. Wells remained as a supernumerary justice in the appellate court until his full retirement from the bench in November 2012." It doesn't really seem that long ago because I don't think his work ever stopped actually. He has continued to work.

He now practices, of course, with a law firm here in St. John's. He also serves as a chairman of the board of directors at that law firm. Mr. Speaker, I'm pleased to say that he will chair the Independent Appointments Commission.

"Zita Cobb is Chief Executive Officer and founder of the Shorefast Foundation, which uses a social entrepreneurship model to contribute to cultural and economic resiliency for Fogo Island." All of us, I think, are familiar with the impact that Shorefast Foundation has had on Fogo Island.

She is known I think – I guess if you look at the icon you would associate her with, it would be "the Fogo Island Inn, Fogo Island Arts, Fogo Island Shop and Fogo Island fish." Certainly someone that Newfoundland and Labrador has come to know. She's had a considerable impact on Fogo Island but really a considerable impact in the province in general. She "has considerable experience in the telecommunications industry and has received Honourary Doctorates from Memorial University, Carleton University and McGill University, as well as a Honourary Fellowship from the Royal Architectural Institute of Canada and the Dr. Gill Chin Lim Global Award."

Her resume speaks for itself. I think those qualifications that I just outlined there, I think she is truly equipped to serve as a member of the Independent Appointments Commission.

Third, is Shannie Duff. Again, a name that is synonymous throughout Newfoundland and Labrador. She "served on St. John's City Council from 1997 to 2013 where she served as

Mayor, Deputy Mayor, Councillor-at-Large. She also briefly served as a member of the House of Assembly. Throughout her municipal career, she has been a strong advocate of developing strong and sustainable communities. Ms. Duff has been a champion for affordable housing, inner city revitalization, heritage conservation and environmental sustainability.” – within the City of St. John’s and throughout the province. “Ms. Duff has been inducted into the Order of Canada and Order of Newfoundland and Labrador and received a honorary doctor of laws degree from Memorial University. She has also received the Anne MacLean Award of Excellence by the Canadian Federation of Municipalities.” So the third individual, I can assure you I think is fully equipped to serve in this capacity on the Independent Appointments Commission.

“Philip Earle is a business partner and Chief Executive Officer of Air Labrador Limited, an Inuit-owned company” and one of the world’s oldest successful operating airlines. “While growing the company, Mr. Earle has placed considerable focus on building human resource capacity by promoting Labrador Inuit to key positions” within the airline. It’s a true partnership that Mr. Earle’s been part of. His “background is steeped in rural and indigenous communities where he has built strong knowledge and experience through working with aboriginal leaders and understanding their culture and values. Mr. Earle also serves on the Board of Directors of the Air Transport Association of Canada and Destination Labrador.” Again, someone who’s fully equipped to sit as a commissioner and a member on this commission.

“Derek Young was the Ford franchise leader for 31 years operating four locations on the province’s west coast and in southern Labrador. Mr. Young was the first chairman of the Ford Motor Company National Roundtable Board consisting of Ford Motor Company and Ford dealer representatives and also served two years as a Director on the Federation of Automobile Dealers Association of Canada and two years as President of the Newfoundland and Labrador Dealers Association. Mr. Young received MacLean’s magazine’s Newfoundland and Labrador Dealer of Excellence Award in 1996.”

When you talk about volunteers, I can assure you that if you’re on the West Coast, Mr. Young is widely known for the work he’s done at Western Memorial Regional Hospital and that foundation which led to many fundraising initiatives. He served in that capacity for six years.

Mr. Speaker, in conclusion today, I would like to thank these five individuals for agreeing to be nominated. They are an impressive group of individuals, I would say. They have a long history of serving the interests of Newfoundland and Labrador. Government, and the people of the province, will undoubtedly benefit from their leadership, their role of ensuring the most qualified individuals fill the available positions within agencies, boards and commissions.

As I’ve stated, Mr. Speaker, the new merit-based appointment process that we are creating will be a fair, measured process. It is a process that will provide greater consistency and transparency. It will improve organizational performance and enhance the quality of public services and public confidence. Mr. Speaker, I believe it will also provide a more meaningful experience for the appointees.

Mr. Speaker, I believe with this piece of legislation, the boards, the agencies, the commissions within our province – I believe in our province in a general sense, and I believe that the role of government is enhanced and will be better and these decisions will be in capable hands as a result of the work and the efforts of the Independent Appointments Commission.

So, Mr. Speaker, I want to thank those individuals and I look forward to the continued debate on this resolution.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Any further debate on Motion 12?

The hon. the Member for Mount Pearl North.

**MR. KENT:** Thank you, Mr. Speaker.

I am pleased to rise today and speak to Motion 12, to appoint the Appointments Commission, the initial five members. Mr. Speaker, let me say up front that I intend vote in support of this motion, and I suspect that there will be other Members of the Opposition that will do the same. The comments that I'm about to make will do nothing to take away from the qualifications and the experience and the credibility of the five individuals that are being appointed today.

Let me begin by extending my congratulations to the five appointees: Clyde Wells, as chairperson; Zita Cobb; Shannie Duff; Philip R. Earle; and Derek Young. These are well-known, capable, credible community leaders and business leaders. So I congratulate these individuals on their appointments and commend government for selecting qualified, capable people to serve in this role.

However, Mr. Speaker, I need to reflect on some of the Premier's comments, and I also need to highlight some of the concerns we have here today about process. Our issue is not with the appointees. These are great citizens of our province. Our issue is with the process.

During debate on Bill 1 the New Democratic Party brought forward an amendment regarding the appointment of the first Liberal Appointments Commission. Bill 1 said that the Cabinet would choose five names to bring to the House in a resolution. The Opposition Parties wanted to take this out of the hands of Cabinet so that it would be independent, as the name of the act implies.

The NDP amendment came before ours and it stated: The commission shall consist of five members selected by an all-party committee of the House of Assembly and appointed by the Lieutenant Governor in Council on resolution of the House of Assembly. The House debated the amendment and voted it down, unfortunately.

So after this, we attempted to bring forward four different amendments, but all of these amendments were ruled out of order because the NDP resolution had been voted down, and because of the connection to the NDP amendment. Our first amendment was to have the Public Service Commission undertake a merit-based process to choose eligible

candidates, to send those candidates' names to a select committee, and to have the select committee draft a resolution to the House.

Our second amendment was to an all-party select committee of the House choose the chair of the Liberal Appointments Commission. This is important because it's the chair who determines which Appointments Commission members review which appointments and make recommendations.

Our third amendment was to have an all-party select committee of the House review the appointments committee rules so there would be a multi-party lens on those rules. Mr. Speaker, we still believe that all of these things are the right things to do.

Our fourth amendment was to have an all-party select committee of the House, not Cabinet, choose any replacement commission members when the House is closed. We believe that all four of these amendments would have strengthened the legislation and made the Appointments Commission actually a little bit independent, but the government voted down the NDP amendment and never had the opportunity, as a result, to vote on our four subsequent amendments.

So we're left with the process before us now with five candidates selected by Cabinet. Again, I don't want to say anything at all negatively about the character or the abilities of these five individuals. These are strong, confident, capable Newfoundlanders and Labradorians. I more than hope, I believe that they will take seriously the oath of impartiality that another of our amendments established. We expect they will do a thorough job. I don't doubt that at all, but I respectfully say to them, Mr. Speaker, that the truly sad thing is that the government you are now agreeing to work for can and will at times completely ignore your recommendations and no one will be the wiser, contrary to what the Premier would have you believe today.

We brought forward amendments to expose instances where Cabinet ignores the recommendations of the Appointments Commission. One amendment would have required a public report whenever Cabinet appoints someone other than a person that the

commission recommends, and that has to be exposed, Mr. Speaker. It's a critical point because if it is not exposed, the entire process is a sham, particularly if Cabinet pretends an appointee was recommended by the commission when that wasn't the case.

The Liberal government, once again, voted down our amendment. The Premier's only suggestion, which he sort of joked about today, is that the commission members can resign if their recommendations are ignored, but the government makes it appear that they recommended the appointees when they did not.

Well, I say to the Premier and I say to the Members of the government that's not good enough. Perhaps, as a result of members resigning or speaking out or not tolerating that kind of behaviour of Cabinet, perhaps we will find another way to learn when the commission's recommendations are ignored.

We also called for an annual independent review of the merit process to ensure it's being respected. Government voted down that amendment as well. I found it ironic to hear the Premier talking about diversity and gender today, when that was another amendment that was voted down. An amendment that was put forward by the NDP – I can't recall if it was voted down or ruled out of order.

**MS. MICHAEL:** Ruled out of order.

**MR. KENT:** I was ruled out of order; I apologize. It was ruled out of order because it would not be in line with the merit process. That's really unfortunate.

We called for an annual independent review of the merit process and government voted that down. It's really unfortunate that I have to stand in this House and say this today. We have a process that doesn't live up to the promise that the Liberals made when they said they were going to take the politics out of appointments.

This is no reflection on the appointees that are here in this Chamber today, Mr. Speaker. It's a reflection on the process. It's the process that is flawed. I wish these individuals well with their work. I have no doubt they'll do their best, but they're working under a flawed piece of

legislation. They're working within a process that is, unfortunately, to a large degree, smoke and mirrors; because, at the end of the day, this respected group of citizens, who will volunteer their time to do this work, can't make a single appointment. They can only make recommendations and those recommendations will be discussed behind closed doors in ministers' offices and in the Cabinet room.

That's not fair. It's not fair to the people of the province. It's not fair to the individuals who are going to do this work on behalf of the people of the province. It shows complete disrespect for the electorate because it's yet another broken promise by this Liberal government. I can't name one they've kept yet, Mr. Speaker.

I want to pick up on some of the Premier's additional comments today around how groundbreaking this all is. We're not fooled and I don't believe the people of the province will be fooled either. The Premier surely didn't suggest today again that Bill 1 and the establishment of this commission provides a groundbreaking example of something that's actually independent, or even an example of an independent appointments process in Canada, because that wouldn't be accurate. In fact, Mr. Speaker, Ontario has had an Independent Appointments Commission for decades – decades. Ontario has had a standing committee on government agencies since 1978 – a great year in Newfoundland and Labrador.

**MR. HUTCHINGS:** Mount Pearl.

**MR. KENT:** And in Mount Pearl.

Initially, the function of the committee was to select and review a small number of agencies and boards and commissions each year, but in 1990 the standing committee was given a fresh mandate and there were changes made 25 years ago in 1991. That mandate reflected recommendations of an all-party committee report in 1986. So it's interesting that we could have learned a lot from some of the experiences, good and bad, in other provinces in Canada.

So that committee now reviews intended appointees to agencies, boards and commissions and of directors to corporations in which the Crown in right of Ontario is majority

shareholder. Intended appointees may be requested to appear before the committee to discuss their qualifications. The committee reports back, not to a secret Cabinet group, but to the legislature, on whether or not it concurs with the intended appointments.

At the outset in Ontario, Mr. Speaker, there were over 5,000 appointments to be considered by the committee. Complementing the work of that standing committee in Ontario is the Public Appointments Secretariat. That secretariat is to ensure the most qualified women and men having the highest personal and professional integrity serve the public on the province's agencies and other entities. Persons selected to serve must reflect the true face of Ontario, in terms of diversity and in terms of regional representation. The amendments put forward to this government related to diversity and regional representation were not supported.

So there's a lot we can learn from other jurisdictions, but to suggest in this hon. House, for the Premier to stand in his place today and suggest once again that this is groundbreaking when it exists in other provinces, it's very unfortunate, Mr. Speaker, but I doubt people of the province are surprised by that kind of behaviour from this Premier.

Ontario also has a Tribunals Accountability, Governance and Appointments Act, which enforces a competitive merit-based process in order to ensure the tribunals are accountable, transparent and efficient in their operations while remaining independent in their decision making.

So let's look further west, beyond the Ontario example. Ontario's not the only province that makes appointments based on merit. In British Columbia's *Public Service Act* Part 2 you'll find a position called the merit commissioner. Before you get to Part 2 you'll notice the act applies "to any board, commission, agency or organization of the government and its members or employees, to which the Lieutenant Governor in Council declares this Act, or a provision of this Act, to apply."

The merit commissioner doesn't report to Cabinet, "The merit commissioner is an officer of the Legislature and must (a) faithfully,

honestly and impartially exercise the powers and perform the duties of the office ...." The Legislative Assembly in British Columbia must not recommend an individual to be appointed as merit commissioner "unless a special committee of the Legislative Assembly has unanimously recommended to the Legislative Assembly that the individual be appointed."

In British Columbia, "The merit commissioner is responsible for monitoring the application of the merit principle under this Act by (a) conducting random audits of appointments ...." So we put forward an amendment that there should be an annual review to ensure compliance with the merit principle. Something very similar exists in British Columbia.

In addition to that, the commissioner is responsible for also assessing whether "the recruitment and selection processes were properly applied to result in appointments based on merit, and (ii) the individuals when appointed possessed the required qualifications for the positions to which they were appointed ...." The commissioner must also ensure that the audit results are reported to deputy ministers and other persons having overall responsibility for ministries, boards, commissions, agencies and so on. That's a great example of a merit review in British Columbia. We could have learned from that as well.

We brought forward a series of amendments that would have made this process more respectable and more legitimate, and would have shown more respect for the role that these individuals are going to play in this process. That's what we attempted to do, Mr. Speaker. At the end of the day, even if all the amendments had passed, we still believe there would have been fundamental flaws with the approach and with the legislation, but we did our best to make it better.

Granted, there were a few amendments that government supported and there were some changes made. The most significant changes, the ones that I've just spent the last 15 minutes or so outlining, were rejected and they weren't rejected for good reason. They would have added some legitimacy and credibility to this process that government continues to claim is going to be independent.

It's not independent if all the decisions get made behind closed doors at the Cabinet table with no accountability, Mr. Speaker, other than forcing people to resign. It's hardly an Appointments Commission if these individuals are going to give hours, days and weeks of their time and not be able to make appointments. They're only going to be able to make recommendations and decisions will be made behind closed doors. That's not respectful. We could have done better. We proposed amendments that would have made it better.

While I support the resolution today, and while I think government has done an excellent job in identifying five outstanding Newfoundlanders and Labradorians to take on this challenge on behalf of the people of the province, I respectfully suggest once again for a final time to this House of Assembly that the process that they're going to have to work within is severely flawed. It represents yet another broken promise by this Liberal government.

Let me finish, Mr. Speaker, by once again sincerely congratulating the five individuals who have been chosen. As I said at the beginning of my remarks, these are outstanding community leaders and business leaders who I have no doubt will serve the province to the best of their ability. It's unfortunate they don't have a better set of rules to work within as they do so.

I wish them well with their work. I know they'll do their best to serve the people of the province. For that reason, I'm very pleased to support Motion 12 today.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

I am delighted to stand this afternoon and speak to the resolution that's on the floor. As my colleague for Mount Pearl North said, and I will repeat, my very first thing is to congratulate and thank the five members of the commission. I, too, say five upstanding members of our

community. It's almost an insult to say that to them. I hope they know the contribution they have all made in different ways in our community in this province.

**SOME HON. MEMBERS:** Hear, hear!

**MS. MICHAEL:** They've taken on a very, very important job, an extremely important job. I think we all know – we don't have to give details or anything, but we're all, most of us, old enough to remember things in this province where a lot of people got into positions because of who they knew in a political party, got into positions because of who they knew in government. I think what has happened here with the bill that was brought forward by government with Bill 1 is an attempt to undo that history in this province.

We're not the only province who's had that history. I mean, let's recognize that fact. We're not the only ones who did. Other provinces have taken action to try to undo that kind of appointment process that has gone on. We don't want it to continue. We want to do everything in our power to make sure it doesn't continue. The appointment of this commission is a step in undoing that history in this province.

Having said that, I do want to speak to my concern about the process that has been put in place, not about the people who have been appointed. I need to refer to our discussion in Bill 1 because Bill 1 was the legislation that has enabled what we're doing here today.

One of the biggest concerns we had as a caucus and I had about Bill 1 was the very appointment of the commission itself, the process of appointment of the commission. There are lots of pieces of legislation where individuals or boards get appointed in our province, and appointed by government. Very often, you'll say in consultation with the other parties, in consultation with the Opposition.

One of the things that was so striking about Bill 1 and the section I was concerned about, "WHEREAS subsection 6(3) of the *Independent Appointments Commission Act* provides that 5 members are to be appointed to an Independent Appointments Commission by the Lieutenant-

Governor in Council on a resolution of the House of Assembly.”

I remember when I read that for the first time in the bill when I received it, I wrote on the outside: no consultation. And we raised that issue here in this House by bringing in an amendment, an amendment that was in order, asking that the commission be appointed yes, by LG in Council, but on recommendations from an all-party committee; not on recommendations from individuals in Cabinet or Cabinet to itself, but an all-party committee that would do the recommendations of who should sit on the commission. That would be real, active consultation.

And we have examples of such consultation happening in the province right now. I pointed this out in the debate on Bill 1. The work that we've done on the All-Party Committee on Northern Shrimp – I'll speak to that one because I'm sitting on that Committee – and the fact that we could, two days ago, or three days ago, sit in front of the federal ministerial advisory committee and present jointly, in total unanimity, a position with regard to the Northern Shrimp, a position with regard to the LIFO policy, and something that we came to after hours and years of work.

It wasn't something that happened overnight. We were first formed in 2014 and we didn't automatically agree on all points. We all agreed LIFO shouldn't happen, but did we agree on things like offshore, totally out of one of the fishing areas, SFA 6. We didn't all agree on that initially. We took time together and we did present a completely unified position to that federal panel on Tuesday. We were proud of that work and it's a real example that all-party committees, which we're not used to in this House, can work can work. It is something that we have to move forward on.

We were extremely disappointed when government voted against that resolution. We weren't asking, as the Premier implied when he spoke, to make the appointments. We absolutely know that the final decision has to be in the hands of the Lieutenant Governor in Council. We're well aware of that fact and that phrase refer is in the bill, throughout the bill, and we accept that.

However, we believed, and still do, that the recommendations to LG in Council should come from an all-party committee. That would have been an ultimate step in openness and transparency with regard to the whole process, actually having the commission recommend it by an all-party Member of the House of Assembly.

Now, having said that, the Premier did say to me in debate that I shouldn't be concerned and I would be happy with the people they would come up with, and I am. I am; however, it shouldn't be by chance. It shouldn't be hoping that government is going to make right decisions.

When you have a piece of legislation that's based on chance, that's not good enough – that is not good enough. I'm really delighted that today I can honestly look at all these five people and say welcome and I applaud you and I am delighted that you are on this commission.

One of the points that were raised in the debate on the bill the Premier said to me in debate that you'll get your chance because the resolution will come to the House of Assembly. The resolution will come to the floor and you will be able to speak to the resolution and debate it. That's the consultation. That's your role.

I said back, to the Premier, well, that's not really true because when names are brought to this House of Assembly, we are not going to stand in this House and take apart somebody in this House. We're not going to do it.

**MS. ROGERS:** It's not appropriate.

**MS. MICHAEL:** It is not appropriate, as my colleague has just said. It's not appropriate and that's not the way it should be done.

I'm delighted today that I don't have that concern, but what if there was somebody sitting in the gallery right now that I really believed should not be there? I'm not going to stand in this House and say it. That's not going to happen.

So from that perspective, what I said in the debate of Bill 1 I want to repeat. Any piece of legislation can be changed, and I would hope this government will continue to think about the

debate we had here in the House on Bill 1, and maybe the next round, for process sake – not because we don't have a good group now, but for process sake an all-party committee would be put in place to come up with the nominations. We still stand by that as something that really is necessary in order for the process to be completely open.

When we debated Bill 1, we had another resolution as well, which was ruled out of order. I'm not going to speak to that part, because my colleague from St. John's Centre will speak to it. It's extremely important for the commission – and I think we have it – the members of the commission, that it be representative of experience, representative gender-wise, representative of region. We have that on this commission. This is something that has to be a concern of ours throughout the whole process. This is one of the things we're going to have to be worried about.

I'm not going to repeat everything I said in the debate on the bill. As I said, overall the bill was somewhat acceptable; however, it started with a basic flaw. The fact that is still there is bothersome to me. I voted against it for that reason, because you want the first step to be completely open. Especially because the ultimate decision is government's decision. It is ultimately the LG in Council.

At the most important moment of the process, why should government be cutting off consultation? Bringing it to the House is not consultation. We all know it's affirmation when it comes to appointments. We affirm, because we're not going to stand here and speak against an individual or a group of individuals, we're not going to do that. I'm pleased today that I have no desire to do that, because we have five wonderful individuals.

I look forward to being able to communicate with the commissioners. I think they probably would like us to do that. That if we have concerns we let them know. I don't mean in any kind of way of influence. I mean before they start the work, not related to the work, but overall concerns that we raised during the debate on the bill. I think it would be good for them to hear it. I don't think we'll lay on them to say, go sit down and read Hansard. I don't think they

need to do that, but certainly I think communicating with the commission, letting them know our concerns I think is our responsibility and we certainly will take that very seriously.

Having said that, Mr. Speaker, once again I congratulate the members of the commission. I thank them for taking on this responsibility. I have great trust that when we do communicate with them and we share with them the concerns we have with regard to the process, as they now will carry it forward, then they will want to hear what we have to say.

Just one more point, because part of that process – and I think this is where a challenge for them is going to come in. Part of the process will be the relationship with the Public Service Commission. The Public Service Commission has its own process of hiring, or making recommendations for hiring. I think the commission is going to have a great responsibility in making sure that what they want will work with what the Public Service Commission does.

That will be something they're going to have to try to work on and figure out. That one, I have no idea how that will work but I have no doubt the commission will see that as a responsibility of theirs.

Having said that, Mr. Speaker, once again thanks to the commission, and thank you.

**MR. SPEAKER:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Speaker.

It is certainly an honour once again to stand in this hon. House and speak to the resolution.

Mr. Speaker, I did want to take a few moments because I didn't speak to the bill but certainly as an independent Member I think it is important for all of the bills, but at least I put it on the record where I stand on particular issues. I intend to do that each and every time, even if it's just simply to say I endorse something or I'm against something for the record and to be accountable to the people I represent.

Mr. Speaker, as has been said, and I don't want to be too repetitive but I do want to put it out there. I want to join everybody in, first of all, not congratulating the five individuals who have been selected but thanking them. Because as we know, they are doing this on their own accord. They are doing it without remuneration and they're doing it because they believe in Newfoundland and Labrador, as we all do.

I sincerely do want to publicly thank them for the work they're going to undertake. I have absolutely no problem whatsoever with the individuals who have been selected. They are all outstanding individuals in their own right. I don't know them personally, most of them, except for Ms. Duff, I know through the municipal world. Our paths have crossed on numerous occasions. I know she's a fine person, a very intelligent person. I know she'll do the right thing. The other people I know more so through reputation. I have nothing but the utmost respect for each and every one of them. I know they will do a great job and they will take this role very seriously.

That being said, Mr. Speaker, I think it is important just to reiterate some of the points that have been made here today, and some of the points that were made when we had the actual debate. Just a couple of the concerns that I have; the first one is when it comes to – and I just want to talk about the tier-two for a second.

Before I talk to tier-two, I also want to say that given where we are right now at this very moment, I see this bill as an improvement. As it currently stands and as it has stood in the past, it was all totally political appointments. The minister could appoint whoever he or she felt like appointing and there was no independent process at all. There was nothing. Building upon that, whatever we do, I think is going to be an improvement.

So I would say that right off the bat. Putting in legislation to try to make the process more independent is a positive thing. I agree with that in principle, but there are some specific issues with the particular bill.

Speaking to the tier-two, first of all, basically the way the bill is written and the way it would go now is if you had appointments available on

various committees – and we know there are a lot of committees. In some committees people receive remuneration, and in some committees they don't receive any remuneration, but I guess their expenses are paid and so on.

A lot of these tier-two committees, some of them have more critical roles than others might have. For some of these committees there may be a requirement for people that have some sort of special training or experience. Perhaps on a particular committee you may want somebody who has an accounting background, maybe you'll want someone who would be a chartered accountant, maybe you would want someone who has business experience, maybe you would want someone with a legal background and so on.

For a lot of the other committees, though, a lot of the positions, there may be people who it may not necessarily be required to have any of those special qualifications or degrees or whatever, but it's just a requirement to obviously be an individual through different work experiences and so on who have the knowledge and experience to serve on some of these boards and committees.

The process that's going to be in place now is that would be advertised through the Public Service Commission. Anybody can apply. That's a good thing, and that there is a big improvement. The fact that it now goes out publicly and anybody can apply as opposed to if the minister or somebody happens to call you up because they know you or you're in a certain circle where someone says there's a committee, are you interested in serving, that type of thing. Now it will be totally open to anyone. That's a positive thing.

At the end of the day, the Public Service Commission are going to screen those people to determine whether or not they meet, I would assume, the basic qualifications to serve on a particular committee. Then those names are going to be forwarded to the minister, a list of all those individuals who meet those basic qualifications, and then the minister can choose whoever he or she decides they want to choose.

Again, what this process is doing – I guess at best what it's doing is it's ensuring, at least, that

the individuals who are placed on committees, that they at least meet the requirements and they are at least capable and qualified to be on those committees. That's a good thing, but if you had say five positions on a committee and you had 20 people who applied for those five positions and all 20 of them met that basic qualification or criteria, and there are 20 names, then the minister still has the option to pick five of those 20.

Who is to say that the five that particular minister or department chooses are not the five people they want to choose for their own partisan reasons or whatever? I'm not saying that's going to be done. I'm just saying it's open to that. In that regard, it's not really changing a whole lot. The only thing we're guaranteed in the process, we are guaranteed that the Public Service Commission have determined that the individuals on the committees are qualified to be on the committees but we're still not guaranteeing there is no partisanship involved in selecting the people of that larger list. That's one flaw that is here as I see it, for the record.

The other one, of course, we talk about the tier-one candidates. Again, now we're going to go through a double process whereby you would apply through the Public Service Commission. They would do an initial screening to make sure the individuals meet the basic requirements for the position. Then those names will go the Independent Appointments Committee and they will take that list of five or 10, or whatever it is, and they will get it down to three.

The Public Service Commission is making sure the people are qualified, and the Independent Appointments Committee are going to make sure that of those people, the best three are on the list. That's an improvement to what we're currently doing, and I applaud the government for doing it. I agree with that, but as has been said, the problem you have is when the names go to the committee, if they come up with a recommendation and it's only a recommendation of three names, there's nothing to stop a particular minister from saying: Do you know what? I don't want any of those names. I was hoping a certain individual was going to be on that list. They went through the process and they didn't end up on that list, but I want that person there anyway. So I'm going to reject those three

names. I'm going to put the person who I wanted there anyway.

If that were to happen, the public would not be aware of it. I think that's why there was an amendment put in, or something saying if three names go forward and the minister chooses to pick an individual who wasn't on the list – we're not saying you have to post the names of those three people, but at least there should be some public disclosure to say that someone was chosen who wasn't on the list, and that's not there. So there's nothing to stop that from happening.

This is not accusing any particular minister of doing it. The thing is if this legislation is placed, or if the government changed in four years' time or in eight years' time or whatever, it would apply to whoever that is. It's got nothing to do with what party you're with or whatever. It has to just do with the process. That's a loophole that exists in the legislation. What was being suggested is there should be a way to close that loophole and it's not there. So it's a concern. I'm not saying that it would happen, but it's a concern.

We do know the Premier had said these are professional people on this commission, and if that type of thing were to happen they could quit. He said they could quit. Do you know what? I honestly believe if that were to happen I believe they would quit, because they are fine people. I know they wouldn't put up with it. I know they wouldn't, but the point of the matter is that the loophole still exists. That's the point.

**MR. KING:** (Inaudible).

**MR. LANE:** I'd ask the Member for Bonavista, if he wants to make some comments he's certainly welcome to when I sit down.

Mr. Speaker, those were a couple of the main concerns. Certainly, I know there was another concern that was raised by one of the Members in the NDP during the debate. That had to do with diversity, whether it be gender or region or cultural diversity, whatever the case might be, to be more reflective of our society.

While I'm very glad to see gender and regional diversity, in this particular case, was taken into

account – and that’s a good thing – I think what they were looking for is that it should have been included in the legislation to say it should be a consideration for the Independent Appointments Commission, and for that matter for the Public Service Commission in tier-two appointments as well or recommendations. That should be a factor. It should be in there to say that’s a factor.

I have every reason to believe that, as far as the Independent Appointments Commission goes, they will take that into account. I believe they will. Obviously, it can’t out trump merit, we all know that. You can’t say we have great people here, but we’re going to pick somebody who doesn’t meet the qualifications or they’re not a good fit just for the sake of diversity. When we have qualified individuals, then we should take in diversity as part of that equation. I’m sure they’re going to do it anyway, but it’s not included in the legislation. That was the point that was being made here and that’s a point I would have to agree with.

The last point I just want to raise – and it speaks to the three names. I don’t think it’s here, correct me if I’m wrong, but I believe that if they’re going to recommend three, personally, I would like to see them ranked. Potentially, you could have three individuals and one person could be head and shoulders above the other two in theory, but a list of three names is what goes in there.

Personally, I think it would be even better again if they were ranked one, two, three. Be that as it may, under this legislation even if they were ranked one, two, three, the minister has the right to simply disregard all the recommendations and do what he or she wants anyway, which, again, goes back to that flaw.

Other than that, Mr. Speaker, that’s all I wanted to say about it. I do support the legislation. I support the legislation from the perspective that it’s much better than what we’re currently doing. It’s definitely a step in the right direction. I definitely support the individuals who have been chosen, but it is important to be able to note that there are legitimate concerns, legitimate issues, legitimate amendments which could have been made. I think it really ties into the whole concept even of the all-party committees which we hear about all the time, where some of these things

could be hashed out before it ever got to the floor of the House of Assembly and then we would have much better legislation anyway for all legislation.

So those were the only points I wanted to make, Mr. Speaker. Thank you for the time. I will be supporting the legislation.

**MR. SPEAKER:** The hon. the Member for St. John’s Centre.

**MS. ROGERS:** Thank you very much, Mr. Speaker.

I’m very happy to rise and to speak to this resolution. What we have at hand is an incredible, incredible appointment to our commission and the task at hand for these people who have been risk takers, who have been community builders, who have been builders of our province on so many different levels, the task at hand for them is to find our brightest and our best. Our brightest and our best community builders, visionaries, those who are risk takers, with various experiences to be able to help our province move forward, to be able to help in our agencies and our boards and our commissions in the operation of our province.

What an incredible task that has been given to them, and how lucky are we to have such an esteemed collection of commissioners to do so. So I commend that, Mr. Speaker, I feel very thankful, and I’m sure the people of Newfoundland and Labrador feel incredibly thankful and grateful for those who have said, yes, I will serve my province in this way in the next three years.

I will imagine that although we are in extremely challenging times right now, with an incredible fiscal challenge, that it’s also an exciting time, an exciting time to say we can do this, we can move forward and we can help find the people in the province who can best help us do that.

So what an incredible, wonderful task, and I believe a privilege and an honour to have these people fulfill that task for us; but also an incredible privilege and an honour for these commissioners to be able to do that, to have the honour to be able to find our best and our brightest and our most appropriate to fill the

positions that will continue to come up in the next three years.

Again, these folks, our commissioners, have in their own rights, have been visionaries, and I know they will bring that experience to the task that they have on hand.

What I would like to speak to today once again, as I spoke in the House on previous occasions, is the missed opportunity in the legislation that was before us. A missed opportunity to embed, to ensure that we have gender representation, gender equity and diversity represented in all of our agencies, boards and commissions.

We would all like to think that it's 2016 and that is a given, yet all we have to do is to look in our House, to look around us at all the desks here and out of the 40 Members of the House of Assembly, we have nine women who were elected; only 28 per cent now of our House of Assembly have women representatives. That does not reflect the true diversity of our province.

When we look around in terms of cultural diversity, when we look around and look at the situation of indigenous people, again our numbers are so underrepresented. So although we may believe in it in theory, although we may believe in it in practice, although we may support it we do not see the actual concrete realization of those beliefs or of that political leaning or of that philosophical leaning. We cannot leave it just to chance. We cannot leave it to luck because it doesn't work. It simply doesn't work.

We have a policy here in Newfoundland and Labrador where there is a gender analysis, a gender lens, applied on all legislation that comes before the House. We have seen, in the last few weeks, this has not happened. It was not applied to our budget and we can see how women are disproportionately negatively affected by the current budget that is before us. That gender analysis, that gender tool, was not applied to the budget.

The gender analysis and the gender tool which was supposed to be applied to every piece of legislation before coming to this House was not applied to Bill 1, the Liberal flagship bill.

Although we may all say, oh, we truly believe in equality. It's not going to happen. It doesn't happen just because of somebody thinking that it should happen.

We need to have those policies and guiding principles embedded in our legislation and those policies and guiding principles must be embedded in legislation for the Independent Appointments Commission.

I believe it's a missed opportunity. I know that we will rely on the goodwill and the experience and the vision of the commissioners who are currently on the board. When we look at the status of women across our country, across our province, we can see how just goodwill doesn't work. It's not embodied in the realities of our day-to-day living. That is a missed opportunity.

I raised this issue before in the House when we were speaking about the bill. The way Denmark approached the issue in their country on under representation of women is that they made legislation that would require 40 per cent representation of women, 40 representation of men and the 20 per cent is up for grabs. It works for them. So there are ways. We know that the United Nations has embedded gender equality and diversity in any of the work that they do. We, too, need to do that.

I want to speak particularly to the issue of women. Women live in every nook and cranny of Newfoundland and Labrador. Women work from stars in the sky morning to stars in the sky night. Women work in the fishery, in agriculture. Women are elected in this House. Women are their community leaders. Women work in their communities. Women are indigenous people. Women are immigrants. Women are differently abled, but we do not see women in our leadership roles.

We found out only a few weeks ago that 96 per cent of top earners in Nalcor are men. I also stood in this House and started reading out the heads, the chairs and the CEOs of our agencies, boards and commissions. It was a tedious exercise because I went men, men, men, men, women, but it's not as tedious as the reality of the fact that so many women embody the leadership roles in our agency, boards and

commissions. So it is a missed opportunity that this is not embedded in our legislation.

The Premier said that the Women's Policy Office will work with the Public Service Commission. Well, that has been going on for years. We see some progress but we really have not achieved anything near equality or equity. I would appeal to the commissioners to really keep in mind the need for aggressive actions to ensure that women are recruited, to ensure that women are presented. Merit and gender, and merit and affirmative action, in terms of diversity, are not mutually exclusive terms, that it can be done, that we have a lot of women with a lot of experience and expertise, and it is incumbent upon this House, and it is incumbent upon the commission, to ensure that women are represented. It is to ensure the representation on our boards and our agencies and commissions actually reflect the diversity of our province.

I, again, would like to thank so much the commissioners who have been appointed. Your task is a magnificent task that faces you. Thank you for your vision and for your commitment. I look forward to the appointments that you will put forward, the recommendations that you would put forward.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Is the House ready for the question?

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

I declare the motion carried.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I would now call from the Order Paper, Motion 11.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I move, seconded by the Minister of Natural Resources, the following resolution:

WHEREAS the Lieutenant Governor in Council appointed a tribunal under section 28 of the *Provincial Court Act, 1991* to make recommendations on the salaries and benefits of judges and the chief judge; and

WHEREAS the tribunal submitted its recommendations to the Minister of Justice and Public Safety on December 21, 2015; and

WHEREAS the *Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal Report* was tabled in this hon. House on March 17, 2016 as required by section 28.2 of the Act; and

WHEREAS the House of Assembly is required to approve, vary or reject the report within the period of time referred to in that section; and

WHEREAS government has decided to ask this hon. House to accept all but one of the recommendations of the tribunal as contained in its report of December 21, 2015; and

WHEREAS government has decided to ask this hon. House to reject one of the recommendations;

THEREFORE BE IT RESOLVED that this hon. House accept the recommendations of the 2015 *Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal* set out in Schedule A; and

THEREFORE BE IT RESOLVED that this hon. House reject the recommendation set out in Schedule B for the reasons given; and

THEREFORE BE IT FURTHER RESOLVED that the recommendations of the Tribunal that this hon. House accepts and rejects, as set out in

Schedules A and B, be implemented effective April 1, 2013.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I'm happy to speak to this matter. Maybe before I get into my comments, I would like to – going back to the previous motion that this House had – just to thank all Members, our Premier, the Members opposite for their comments on this matter, and also to thank the inaugural members of the Independent Appointments Commission for their attendance here today on this important day.

Mr. Speaker, this afternoon I'm introducing a resolution which will address the recommendations of the 2014 Provincial Court Judges Salary and Benefits Tribunal. I'm going to try to provide some background before we get into the specific motion.

The tribunal process is set out in the *Provincial Court Act, 1991*. It's a process that is required by the Constitution of Canada. It is articulated by the Supreme Court of Canada in a series of judgments concerning judicial independence.

There are three aspects to judicial independence; first, is security of tenure. Under the *Provincial Court Act, 1991*, a judge is appointed for good behaviour, and a judge cannot be removed from office except by an independent body known as the adjudication tribunal.

The second is administrative independence. Once in the courtroom, it is the judge who manages and controls what happens with respect to matters that directly and immediately affect the exercise of the judicial function.

Third is financial independence. The Supreme Court of Canada concluded that judicial independence precludes direct negotiation between the judges and the government regarding salary and benefits. Instead, there must be an independent tribunal that acts as a buffer between government and judges to prevent direct negotiation.

I wanted to lay those principles out. I think they're very important not just to the Members of this House, but also to members of the public who may not understand the background here. I think this is something that is linked to government having the ability to just impose their will. That is not the case, nor is it related or reflected in other negotiations that may be ongoing.

I want to provide some background to the tribunals in our history. The first tribunal was the Whalen Tribunal. It started in 1991 and reported in 1992. It made recommendations from '92 to 1996. The recommendations at that time were deferred by the government of the day. It was public sector restraint legislation they were dealing with.

In 1996, the government appointed the Roberts Tribunal which reported in 1997. In 1997 there was a Supreme Court of Canada case. It was the PEI reference case which determined that judicial independence required independent compensation commissions be established to periodically inquire into the adequacy of judges' compensation and benefits.

Following the PEI reference case, Provincial Court judges in this province commenced a challenge that culminated in fall of 2000. Our Court of Appeal here in the province declared the Roberts Tribunal report a nullity and ordered the implementation of the Whalen report which had originally called for 11 per cent increases in 1992 and 1994. At that time, this resulted in an annual salary of \$112,000 for Provincial Court judges.

Spring 2001, the Hoegg Tribunal came into place and made recommendations as to salary and compensation and benefits for judges for the period 1996 through 2004. This tribunal reported later that year. Government introduced a resolution which varied the salary recommendations of the Hoegg Tribunal. The Supreme Court of Newfoundland and Labrador ordered implementation of the Hoegg Tribunal salary recommendation following an application by the judges seeking review of government's decision. As a result, judges saw their salary rise through a series of steps to \$159,181.

The Steele Tribunal was appointed in 2005 to make recommendations to government for five fiscal years from 2004-2005 to 2008-2009. A report was provided May 2006 and all its recommendations, including salary, were implemented by the government. The salary recommendation had two components. There was a 3.8 per cent increase for assuming Justice of the Peace, JP duties. Increases totalling 7 per cent for the last three years of the tribunal's mandate, combined with the 3.8 per cent for JP duties, resulted in a salary of \$177,063 for the 2008-2009 fiscal year.

In 2009, we had the Andrews Tribunal. Their mandate was to make recommendation for the fiscal year 2009-10 to 2012-13. That tribunal's report was provided to government September 2010. Recommendations all implemented by government resulted in an increase in annual vacation from 25 to 30 days. Implementation of the judicial indemnification policy, implementation of the maternal and parental leave policy, implementation of a new sick leave policy and an increase in salary over the four years of the mandate to \$215,732.

Mr. Speaker, December 2014, a tribunal consisting of Bradford Wicks Q.C., David Eaton Q.C. and John Whalen was appointed to make recommendations for a four-year period, 2013-14 to 2016-17. Mr. Wicks was the chair, Mr. Eaton was the judge's nominee and Mr. Whalen was the government's nominee. Both parties provided written submissions, public hearings and they were conducted here in St. John's by the tribunal May 25 to 27, 2015.

The fact is actually, almost just one year ago. I think today is actually one year ago they were having these meetings.

The tribunal provided its report to government on December 21, 2015. The government now introduces a resolution seeking to implement most, but not all, of the recommendations of the tribunal. Specifically, our resolution proposes the rejection of the tribunal's salary recommendation. Otherwise, the resolution proposes the acceptance of the tribunal's recommendations respecting per diem judges, interest on retroactive payments, pensions, sick leave, professional allowances, judicial indemnification, bereavement leave and costs.

Mr. Speaker, I'm now going to provide a brief overview of the recommendations for which acceptance is proposed. Per diem judges: We have 23 Provincial Court judges; we have per diem judges. They are per diem judges, they are judges who are retired, they are available to work as needed, sitting in when judges are on vacation, sick leave, or if the need arises.

The tribunal recommended that the current remuneration per day, equivalent to 1/248th of the annual salary of a Provincial Court judge be continued. The tribunal also recommended that per diem judges be paid for any sitting cancelled within 24 hours of the scheduled sitting date and time. We're proposing acceptance.

Interest on retroactive payments: The tribunal recommended that interest should not be paid on any retroactive amounts paid to the judges. I would note that a significant amount of this was retroactive. We accept this proposal.

Pension: After considerate issues such as the removal of indexing and increase of premiums and a revised basis for calculating pension benefits, the tribunal determined that Provincial Court judges' pensions should not be amended. Due to the nature of judges' pension plans such changes would not have materially contributed to the sustainability of the plan – which is obviously important – but could have impacted the financial component of judicial independence, which is something I just discussed.

Paid sick leave and disability payment: The tribunal concluded that the principles of judicial independence required that Provincial Court judges are entitled to an unbroken stream of income when ill. To ensure this is within the current system of sick leave and long-term disability, it is necessary to allow long-term disability benefits to be engaged at the time the Provincial Court judges' sick leave benefits expire, not after six months have elapsed. Thus, the tribunal recommended that the definition of elimination period in the long-term disability program should be six months' leave, or at the judges' option the expiry of accumulated leave and entitlements.

Professional allowance: The increase proposed by the tribunal will see the annual professional

allowance for judges increase from \$3,000 a year to \$4,000 for full-time judges. This increase, I would note, will be used exclusively to fund an annual professional development conference for the judges, which we think is important. For per diem judges, the recommendation will see an annual allowance of \$1,000 where previously there was no allowance. Half of this will be used exclusively to fund an annual professional development conference.

As before, the balance of the allowance is utilized for items needed by judges in their discretion to fulfill their duties, including books, subscriptions, and memberships in organizations, continuing legal education and judicial attire.

**Judicial indemnification:** The Andrews Tribunal recommended an indemnity policy for legal costs incurred by judges in actions arising in the course of their judicial duties. There is no indemnity for judges for actions as a private citizen or a pre-appointment. Aspects of this policy were reviewed before the most recent tribunal which recommended that the policy should not be amended.

**Bereavement leave:** The tribunal recommended that Provincial Court judges be entitled to a period of three days bereavement leave for the deaths of close family members: the judge's mother or stepmother, father or stepfather, legal guardian, brother or stepbrother, sister or stepsister, child or stepchild, spouse, grandmother, grandfather, grandchild, mother-in-law, father-in-law or a near relative living in the same household.

The tribunal also recommended one day's leave for the deaths of other extended family members: a judge's son-in-law, daughter-in-law, brother-in-law, sister-in-law. And further recommended that additional leave may be granted in extraordinary circumstances; however, that should be capped at two days.

**Costs:** This is the last recommendation of the tribunal for which acceptance is recommended. It deals with the issue of costs. As I said earlier, the principle driving the tribunal process is the constitutional issue of judicial independence. Because of the importance of judicial

independence to the proper functioning of the legal system and democracy, typically judges will not be expected to bear all the costs associated with the representation before such tribunals.

The 2014 tribunal has recommended that the province pay Provincial Court judges associations reasonable legal fees and 100 per cent of its reasonable disbursements, including but not limited to expert witness fees. At the province's request, the tribunal will conduct taxation and assess the reasonableness of these fees.

Now, Mr. Speaker, I am going to speak to the recommendation on salary and why we've recommended rejection of said. The province recognizes that judges are public servants as opposed to civil servants. This distinction and their important role is reflected in their compensation, which places them outside the range of the highest paid civil servants and beyond the amounts paid to persons in other branches of government such as Members of this House and ministers of the Crown.

The ability of the province to remunerate judges is not, however, without limit. Compensation must not only be fair and reasonable, but it must also conform with the economic realities of this province.

Mr. Speaker, *Budget 2016* clearly shows an unprecedented fiscal situation in Newfoundland and Labrador. The uncontrolled growth in expenditures by the previous government, as well as previous unsustainable tax and fee reductions and the dramatic fall in revenues in oil production, have produced a serious and unsustainable imbalance. The province must take action or provincial debt will be increased to unsupportable levels and long-term economic growth will be jeopardized.

Mr. Speaker, 2008 oil prices peaked at \$144 US a barrel. From January to *Budget 2016* the average price for oil was \$35 US a barrel. In addition, many economic indicators have reported declines. Real GDP fell by 2.3 per cent as oil production fell by 20.5 per cent due to lower output from Hibernia, Terra Nova and White Rose. Investment also declined by 8.1 per cent as higher spending on the Muskrat Falls

development was offset by our lower spending on Vale's nickel processing facility in Long Harbour, the Hebron Project and residential construction.

Employment fell by 1 per cent and the unemployment rate increased by 0.9 percentage points to 12.8 per cent in 2015. Economic activity has slowed due to the winding down of activities in Alberta, combined with winding down of development phases of Hebron and Muskrat Falls Projects. There's been a shift in the medium- and long-term view of commodity prices, such as oil, iron ore and nickel, which has further weakened our province's revenue base and economic outlook. Development of several projects in the resource sector has been deferred or delayed.

Newfoundlander and Labrador's economy, as we all know, is heavily resource-based, and thus has been and is expected to continue to be negatively impacted by the global economic climate.

Mr. Speaker, the tribunal's report referred to the province's fiscal situation as temporary, and it is clear that the current understanding of our province's fiscal situation is much different than that upon which the tribunal's report was based. At the time of the previous administration's submission to the tribunal the projected deficit was \$1.1 billion for 2015-2016, which the current government later revised it in *Budget 2016* to \$2.2 billion for 2015-2016.

Government was facing an even higher unprecedented deficit of \$2.7 billion for 206-2017 if no fiscal measures had been taken. As a result of the difficult choices, *Budget 2016* is forecasting a deficit of per cent \$1.8 billion; unprecedented expenses of \$8.5 billion and the unprecedented, again, borrowing of \$3.4 billion. Mr. Speaker, our government has announced that further measures will be required in order to restore fiscal stability in our province.

Now, in the existing climate, many difficult decisions have been necessary and these effects are universal. Every Newfoundlander and Labradorian has been impacted. In such a climate, to accept the recommendation to increase the salary of Provincial Court judges, it would be so contrary to the fiscal restraint

measures to which the general population is subject that it could bring the courts, the judiciary and possibly the administration of justice in this province into disrepute.

Now, while our province recognizes the vital contribution made by Provincial Court judges in Newfoundland and Labrador, and understand and respect the work of the Salary and Benefits Tribunal, and recognize and uphold the importance of judicial independence, we are unable to comply with all the recommendations of the tribunal. We are therefore suggesting rejection of the recommended salary increase of 3 per cent for 2013-14, 3 per cent for 2014-15, 4 per cent for 2015-16 and 4 per cent for 2016-17.

As a result, the salary of a Provincial Court judge will continue at \$215,732 for the years 2013-14, 2014-15, 2015-16 and 2016-17. While we continue to be committed to providing fair and reasonable compensation to Provincial Court judges, economic realities affect us all. As the jurisprudence reflects, judges are not shielded from sharing the impact of economic restraint in such serious fiscal circumstances.

Mr. Speaker, I thank you for this opportunity to discuss the resolution addressing the recommendations of the 2014 Provincial Court Judges Salary and Benefits Tribunal. I look forward to the discussion from all Members.

Prior to taking my seat, I will look to the Order Paper, if I may, and call Motions 13 and 14. I would move pursuant to Standing Order 11, that the House not adjourn at 5:30 p.m. today on Thursday, May 26, 2016, and that the House not adjourn at 10 p.m. on Thursday, May 26, 2016.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Warr):** Order, please!

It has been moved by the Government House Leader that the House do not adjourn at 5:30 p.m. and do not adjourn at 10 p.m. pursuant to Standing Order 11.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Carried.

The hon. the Member for Topsail – Paradise.

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Back to Motion 11, which the Minister of Justice and Public Safety just spoke to, I'm really going to be very brief in my comments this afternoon. We concur and agree with what's been presented and what's before the House here today, what's been asked of us to make the decision on.

Mr. Speaker, I just want to comment briefly on the respect that we have for the judiciary, for our judges in the province. I think the minister commented there is 23 and five; 23 full-time judges and five per diem judges. I wanted to offer our support to them as well. They have a very difficult job, a very difficult responsibility and a very difficult role to play in our society today.

I'm sure all Members of the House would agree with me in that we hold them in high regard and have a tremendous amount of respect for the work that they do. The difficult question here today, which the minister has very eloquently addressed, is on the provision of salaries and the fiscal circumstances that the province finds itself in today.

I've said myself publicly when asked before, outside of the House, what my position was on this. I felt that it would be very difficult and impossible for government to institute the increases as recommended. And that's exactly what the minister has recommended here today that the items set out in Schedule A be approved and Schedule B be rejected, which pertains to the salary increases for our judges.

While we share in the resolution, I just wanted to take a moment to point out to the House, to the people of the province as well, as I already mentioned, our respect for our Provincial Court judges, the work that they do; however, we also have to be respectful of the circumstances we find ourselves in as a province. We'll be supporting the recommendations put forward by the hon. minister.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Speaker.

I'm happy to stand in this House and to speak to this resolution. The resolution that is before us is not as simple as whether or not judges should or should not get a pay raise. It is much more complex than that because of the nature of the independence of the judiciary and also the independence of the tribunal who has done the work that we are debating here today.

Provincial Court judges' salaries and benefits are set by a tribunal, as we have heard from my colleagues already today. That is the requirement of the Supreme Court of Canada and also of the *Provincial Court Act, 1991*.

The last tribunal recommendations submitted to the House for approval, and were approved, was September 2010. That's almost six years ago, Mr. Speaker. These tribunals are to be held every four years.

Now, the current tribunal was originally scheduled to report on September 30, 2014, according to the act. So already it is 1½ years behind schedule.

In March 2015, the previous Minister of Justice introduced Bill 43, requesting the House allow the tribunal an extension to report by December 2015. We debated that here in this House at the time. We talked about how important the independence of the tribunal is; how important that buffer is between the judiciary and government. We also supported that bill and an extension was given. It passed. So here we are today addressing these recommendations.

The tribunal submitted their recommendations to the Minister of Justice and Public Safety on December 21, 2015. I would like to thank Chair Mr. Bradford Wicks and his tribunal members, David Eaton and John Whelan, for the excellent and thorough work they have done on behalf of the people of Newfoundland. The work they have done is not simply on behalf of the judiciary, in terms of looking at whether or not

they should have a pay increase or what other benefits should change, but this is also work being done on behalf of the people of Newfoundland and Labrador to ensure that compensation and benefits for the judiciary are in fact fair and adequate.

This independent process which is done from time to time to ensure our judges get fair pay, has recommended, among other things, the other benefit, a \$32,000 pay increase. Now, the independent review is not a new idea.

In 1997, the Supreme Court of Canada ruled that the 1867 Constitution Act calls for a separate process to assess judicial pay. Judges must be seen to be utterly independent of government or political control, hence the process that we are speaking of here today.

Now, the associate dean of Osgoode Hall – this is where it's not just simply a matter of should judges get a pay raise or not. It is much more complex than that. "The associate Dean of Osgoode Hall, arguably Canada's finest law school, says independent compensation panels are meant to safeguard judicial independence and reliability in good fiscal times and bad." – fiscal times.

Mr. Speaker, we may be sort of looking at our situation right now as bad fiscal times. They certainly are challenging. This process again is to ensure that this is not just at the whim of assessing what is a good fiscal time and what is a bad fiscal time.

I would like to refer to an article from journalist Sue Bailey, where she talks about this issue. She said, "Independent compensation panels are meant to safeguard judicial independence and reliability in good fiscal times and bad, said Trevor Farrow, a law professor and associate dean of Osgoode Hall Law School in Toronto.

"He spoke about general legal principles, not specifically of Newfoundland and Labrador's tribunal report." – but talking about the principles in general about having independent tribunals.

He said, "Compensation recommendations can't be 'out of whack' with economic realities ...." He stressed that, and we know that to be true. I

believe the Minister of Justice and Public Safety also referred to that in his opening comments.

He also quoted from Professor Farrow, "But I think the conversation needs to be framed less about: Should judges be entitled to a particular salary? And more in the frame of: What are we as citizens wanting them to have in order to ensure that, hard times or easy times, we have a rock solid, independent judiciary?"

"Any province or jurisdiction that is thinking about questioning or rejecting that independent panel does need to do so very carefully."

Again, Mr. Speaker, that is why it's not simply a matter of should the judges have a raise or not, is it good fiscal times, is it bad fiscal times.

"The Supreme Court of Canada in 1997 ruled that the 1867 Constitution Act calls for a separate process to assess judicial pay. Provincial compensation commissions or tribunals usually include one provincial and one judicial nominee and a chairperson selected to represent both viewpoints.

"Cases where provinces blocked related recommendations have repeatedly wound up in court.

"In Newfoundland and Labrador, recommendations from the last tribunal were fully accepted by government in May 2011. Judges received retroactive pay increases the following July." So that particular process worked seamlessly.

She goes on to say, "The report of the most recent three-member tribunal chaired by St. John's lawyer Bradford Wicks says it hopes the province will accept its proposals and avoid delays in appointing future members." I think what he is saying to us is that we really need to be on time and on schedule with appointing tribunals to do this work.

He is quoted as saying, "There must not be political interference or private interest, or the appearance of same, which would place the independence of the judiciary into question. This is guaranteed in large part by ensuring the financial security of the judiciary."

I believe, Mr. Speaker, everybody in this House respects the need for the independent tribunal and the need for the independent judiciary. However, we, in this House, decide on the rate judges receive by accepting or by rejecting the recommendations of the independent tribunal. That is what we are doing here today.

The people of the province are in a difficult, difficult, difficult fiscal situation. We understand with so many people suffering under this government's harsh and unfair budget, giving our judges a large and retroactive raise would not appear fair nor perhaps would it even concretely be fair to the people of the province.

That is not to say our judges do not deserve to be paid on a scale commensurate with their colleagues across Canada. That is another factor, because our judges currently are among the lowest paid judges in the country. Our judges carry a huge burden to ensure that we have justice and fairness in our legal system. They shoulder an incredible responsibility to ensure that our law is fairly applied and that everyone is treated with fairness, respect and justice in our courts.

In light of this, Mr. Speaker, today, I am tabling an amendment to the resolution for consideration. The amendment would allow this House, in two years, to revisit this decision regarding rejecting the recommendation to raise judges' pay.

Our hope is that in two years' time our fiscal situation may be less dire, as government continues to remind us that their measures are temporary, as their levy is temporary, some of the fees are temporary. So by revisiting the original recommendations, our recommendation and our amendment is we would hope the government will revisit the original recommendations as outlined in Schedule B so we can spare ourselves another full tribunal review because those tribunals take a long time and are costly.

We cannot give judges a raise today. We all acknowledge that; we all agree to that. Judges, however, do deserve a pay in alignment with others across Canada. So in two years' time, depending on our financial situation, we may see fit to grant that increase. We may not, but we in

the House can revisit the recommendation. This amendment would allow us to do that without the striking of another tribunal, with time and expense that entails.

Mr. Speaker, the amendment that we propose is: I move, seconded by the Member for St. John's East – Quidi Vidi, that the eighth clause of the resolution be amended by adding immediately after the word "given" the words: "for not more than 2 years at which time Schedule B shall be reconsidered by this Honourable House."

Thank you, Mr. Speaker.

**MR. SPEAKER:** Order, please!

The Chair will ask for a recess to study the amendment.

### Recess

**MR. SPEAKER:** Order, please!

After review, we find the amendment to be in order.

The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Speaker.

I'm very happy to find that the amendment is in order. The purpose of the amendment is so that should we fall into economic prosperity, should this extremely difficult financial situation that we find ourselves in truly be temporary, as government has indicated previously, then this would make it possible for us to look at this issue in light of that, if in fact our economic situation should change. We know that government has been –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS. ROGERS:** We know government has been budgeting based on \$40 a barrel of oil. Is that going to change? That may change.

So, Mr. Speaker, this amendment was submitted in light of that. We would definitely think that because of the importance, it's not simply a

matter where – today we're not simply looking at a matter should judges get a raise or not. It's much more complex than that.

In order to honour the particular complexity of what we are facing here today, it will be interesting to see where we are in two years. If we are in two years in a much better place, perhaps the recommendations can be considered by the House and we can honour the recommendations of the tribunal. If not, well then that would be another consideration, and that the tribunal will then sit again in four years from now.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Justice and Public Safety; Government House Leader.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I believe by speaking now I'll be closing debate, unless the Member opposite wants an opportunity to – again, I will certainly sit back down and let the Leader of the Official Opposition speak to the –

**MR. P. DAVIS:** My apologies, Mr. Speaker.

I thought we were speaking to the amendment.

**AN HON. MEMBER:** (Inaudible).

**MR. SPEAKER:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Again, I apologize to the minister. My understanding was once the amendment was in order and brought forward we would now have a debate on the amendment.

I just had a quick look at it on the amendment. We just had a few minutes to consider what's been put forward by the hon. Member. That by amending the motion that's before the House and to extend essentially for a two-year period the Schedule B that is contained within the tribunal's report, and for that part of the report

and that recommendation to come back to the House in two years' time.

Mr. Speaker, I have to say when I first looked it I thought, well, this is an interesting concept, an interesting motion and proposal by the Member. Again, we only had a few minutes to consider this – as what happens in debate here – and gave consideration to the fact, well, I think about some of the positions the government has mentioned, especially during the budget debate whereby a levy is temporary, where some of the actions on taxes and fees have been temporary; reference to the intent and hope that the financial circumstances of the province changes.

As well, I reflected upon the fact that the tribunal's work, and I've read the report, was an extensive amount of work. A considerable amount of research was done on the report as well. While I'm sure that would be updated in two years' time where values may be greater, I think it's an interesting concept whereby instead of having a tribunal redo the entire piece of work at some cost to government, maybe the minister can reference what the cost may be to government, just to bring back the section which is a recommendation.

The motion has been to reject on the floor of the House of Assembly – the motion of Schedule B is to reject that. I think it's an interesting concept to bring that back to the floor in two years' time and for the House to reconsider that part of the motion.

**AN HON. MEMBER:** (Inaudible).

**MR. P. DAVIS:** Sorry, I didn't catch that.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. P. DAVIS:** Thank you, Mr. Speaker.

The facts and I'm sure the arguments would be consistent in two years out that they are today. If an increase was put in place, as recommended by Schedule B, it would be for a period of time that would run into the two-year time cycle anyway. I think it's an interesting concept.

To be honest, Mr. Speaker, we're inclined to support the recommendation, the amendment, because I believe it has merit. It will save costs for taxpayers instead of having to go to the expense of a new tribunal. It would save cost and, as well, give this House an opportunity in two years' time to look at the fiscal circumstances of the province at that point in time and then reconsider the motion.

If there has been major changes in circumstances, if it be the information contained within the tribunal's report, if there was a case to say, well, the report is now really outdated and should be done again, that could be decided by the House in two years' time. If the fiscal position of the province has changed or has not changed in two years' time, then the House could consider that.

The House may very well reject it in two years' time and then wait for the next tribunal to take place. At least by doing this, it allows an opportunity for the House to revisit the rejection of the motion today and an opportunity to bring it back to the floor of the House, compare the circumstances two years from now from where it is today and then consider the Schedule B recommendation once again. Having very little time to consider this, but my inclination – and I believe my caucus is on the same page – would be to support the amendment.

Thank you.

**MR. SPEAKER:** The hon. the Minister of Justice and Public Safety.

**MR. A. PARSONS:** Thank you, Mr. Speaker.

I'm happy to speak to the amendment. I'm surprised that I'm speaking to an amendment, quite frankly, and surprised at the positions put forward by the Members on the other side.

We've put forward a resolution which has rejected the salary provisions for the Provincial Court judges based on the fiscal situation we find ourselves in. The fact is it's based on the unprecedented fiscal situation we find ourselves in.

In this case, I find it amazing because actually there was an interview done not long ago where

the Leader of the Official Opposition said he thought that the members of the public – I think the word was – would be irate that government would consider such a raise. The amendment here sounds like, in many ways, it's a case of we would like to give them a raise now but we won't, but we'll look at it again in two years.

Now, there are a couple factors I'll put in there that I think will guide – well, I think it's going to be government's decision to not support this amendment and to support the original resolution that's put forward.

The first one is – I hope we're wrong – this province, based on all the outlooks, is not going to be in a great fiscal position in two years. We're going to be in a better fiscal position based on the measures taken by the Minister of Finance and by our government. There's no doubt. We'd love to see a change here. An opposite change from the one where – this tribunal based its report on budget documents from 2015. In fact, I don't have it right here, but I would suggest everyone read paragraph 92 of the tribunal's report.

Paragraph 92 outlines the difference in the submissions made to the tribunal and the difference in the government's own budget documents that were put forward a month before. They were two different pictures. So it's absolutely staggering that we're sitting here talking about giving members of the Provincial Court judge a raise of \$32,000. I find that quite staggering.

The other thing I would put forward is the Members opposite should realize, this is laid out in the *Provincial Court Act, 1991* and is supported by the Constitution of Canada, there's going to be another tribunal in 2018. The fact is who knows how this plays out in terms of the motion and what can come out of this. We've seen cases before where a judicial review is taken.

The tribunal is a necessary thing. I thank both the tribunal for the work they've done because it's hard work. I thank the members of the Provincial Court for the work they do. This is not about the work. This is about the fiscal situation that this government finds itself in right

now, perpetuated by the decisions of the previous government.

In that case, I am going to certainly not support the amendment made by the Third Party which is going to be supported by the Members of the Official Opposition.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Osborne):** The hon. the Opposition House Leader.

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, I just want to take a few minutes to speak to the amendment put forth by the Member for St. John's East – Quidi Vidi. As has been indicated here, we weren't in support of the raise, as indicated in the motion put forward by government.

What this motion suggests is that rather than bypassing another tribunal in years to come, in two years to have this revisit the House for consideration if and when the province financially is in a position to consider this. This is the amendment that's put forth by the hon. Members. So that's all it's doing. It's saying we'd have a tribunal report.

At this point in time everybody is going to agree. I think that it's not appropriate this time to entertain the increase that's been recommended, but knowing the information is there, in two years' time it will come back for consideration. That doesn't mean there's going to be an increase in two years, it's going to just, with the information available, come back and there will be a consideration made, as we are doing here today.

As people can and will speak to it, they can speak to it again in two years, if and when the consideration is given to it and based on the financial situation of the province the same issues that we're talking about today. We'll reconvene, I'm sure, and have that discussion based on this motion in two years' time.

I just wanted to add a few comments to that, Mr. Speaker. I thank you for that.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Seeing no further speakers, is the House ready for the question on the amendment?

All those in favour of the amendment?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against the amendment?

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** I declare the amendment defeated.

**AN HON. MEMBER:** Division.

**MR. SPEAKER:** Division has been called.

#### Division

**MR. SPEAKER:** Are the Whips ready?

All those in favour of the amendment, please rise.

**CLERK:** Mr. Paul Davis, Mr. Hutchings, Mr. Brazil, Ms. Perry, Mr. Kevin Parsons, Mr. Petten, Ms. Michael, Ms. Rogers.

**MR. SPEAKER:** All those against the amendment, please rise.

**CLERK:** Mr. Andrew Parsons, Ms. Coady, Mr. Joyce, Mr. Byrne, Mr. Hawkins, Ms. Cathy Bennett, Mr. Trimper, Mr. Warr, Ms. Dempster, Mr. Browne, Ms. Gambin-Walsh, Mr. Letto, Ms. Haley, Mr. Bernard Davis, Mr. Derek Bennett, Mr. Holloway, Ms. Pam Parsons, Mr. Bragg, Mr. Finn, Mr. Reid, Mr. Dean, Ms. Parsley.

Mr. Speaker, the ayes: 8; the nays: 22.

**MR. SPEAKER:** I declare the amendment defeated.

On motion, amendment defeated.

**MR. SPEAKER:** All those in favour of the motion?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

I declare the motion approved.

The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, given the hour of the day, I would move, seconded by the Minister of Natural Resources, that the House do now adjourn.

**MR. SPEAKER:** Order, please!

The motion is that the House do now adjourn.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

This House stands adjourned until tomorrow, Monday, at 1:30 p.m.

On motion, the House at its rising adjourned until tomorrow, Monday, at 1:30 p.m.