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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Welcome, everyone. Joining us in the public gallery today I'd like to welcome Jordan Noseworthy from Badger, who'll be the subject of a Member's statement today.

Welcome, Jordan.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today we will hear Members' Statements by the hon. Members for the Districts of Lake Melville, Stephenville - Port au Port, Cape St. Francis, Baie Verte - Green Bay and Grand Falls-Windsor - Buchans.

The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

I would like to introduce to this House of Assembly one of the youngest and brightest authors from the District of Lake Melville, Ms. Breana Andrews.

Breana, born and raised in Happy Valley-Goose Bay, and a recent graduate from UNB's kinesiology program, had the ingenious idea to educate on Indigenous languages using her illustrations, along with translations in various Indigenous languages and English.

Breana published her first book, *Learning and Preserving*, in February of this year, and her second book, *Searching For... Inuktitut Style* in May.

Her first publication, a colouring book, incorporates three Indigenous languages: Inuktitut, Innu-aimun, and Mi'kmaq. Her second book is a word search with words in both English and Inuktitut, both of which are available to buy online.

Breana recently said, "I really wanted to create things to not only help people, but educators to have a resource that would make it easy for them

to teach the good things about the Indigenous cultures without feeling like they are overstepping."

I would like all hon. Members to join me in congratulating Breana on her publications and her success in making the promotion of Indigenous languages accessible and entertaining for all.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Thank you, Speaker.

Clyde Russell is a member of the Qalipu First Nation and was born in Kippens in 1956. A retired Canadian Forces Colonel with more than 33 years of command and staff experience, Clyde has particular experience in counter-terrorism and special operations. Since his retirement in 2009, he has done additional work with the Canadian Special Operations Forces Command.

Throughout his career, he was an instructor and mentor at training facilities at home and abroad. He's had significant command experience ranging from recovery operations for the Swissair Flight 111 crash off Nova Scotia in 1998, assisting the migration of Kosovo refugees to Canada in 1999, Commanding Officer of Canada's National Counter-Terrorism Unit, director of the Counter-Terrorism and Special Operations at Canadian National Defence Headquarters and chief of staff for the Land Force Atlantic Area.

Outside his military service, Clyde has served as a board member of the Bay St. George Sick Children's Foundation, vice-president of Bay St. George Seniors Transportation System, board chair for the Stephenville Historic French Cultural Association, Grand Knight with the local Knights of Columbus, a member of Rotary and as military advisor to the Town of Stephenville. He has also worked with many service and community organizations on community projects such as food banks and

various fundraisers. Clyde was recently honoured with the Seniors of Distinction Award.

I ask all hon. Members to congratulate Clyde on his service to his community, his province and his country.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Thank you, Speaker.

Today I take the opportunity to congratulate 15 outstanding young athletes from my district who received the 2021 Premier's Athletic Award for Athletic Excellence.

On October 4, several of my colleagues and I had the honour of attending this event where the following athletes were recognized for their particular sport: Nicholas Smith, baseball; Jacob Billard and Cassandra Blackmore, diving; Kyla Piercey, gymnastics; Ronan Whitten, hockey; Ryan Crocker, Alexander Hollett, Emma Bo-Yu Pittman, Emily Reglar, Alex Ryan and Noah Ryan, karate; Kate Hickey and Ciara Molloy, soccer; and Sarah Power and Abigail Woodman, softball.

These athletes were selected to receive this award based on their athletic accomplishments in the previous year. This is certainly a testament to their character and dedication to training in their chosen sport during a pandemic. In addition to these athletes, I also recognize the contribution from their family members. Without their support, these awards would not have been possible.

Speaker, I would ask all hon. Members to join me in congratulating these outstanding athletes from the beautiful District of Cape St. Francis on receiving the 2021 Premier's Athletic Award for Athletic Excellence.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Baie Verte - Green Bay.

B. WARR: Speaker, today I'd like to highlight an amazing woman from Springdale known as "Mama" to children in Haiti. Karen Huxter started a school in Haiti, which reopened in March of this year as it was closed due to the turmoil, insecurity and unrest in the Caribbean nation.

Karen has worked with children in Haiti for over two decades, opening a children's home and a school. At the age of 75, Karen would be considered at risk of serious illness from COVID-19; therefore, the co-director, Luckner Estimable, who is Haitian, moved his family into the mission when Karen returned home due to a lung condition.

Karen has an adopted Haitian son, Luc, who has cerebral palsy and moved to Springdale with Karen. Luc is thrilled to be playing soccer with the local school team. Although Luc does not have full use of his arms, he has good strength in his legs and everyone is cheering him on.

Recently while playing at a high school tournament in St. Lawrence, Luc scored his first goal and, amazingly, both teams celebrated.

I ask my hon. colleagues to join me today in wishing Luc much success in soccer and applaud Karen Huxter for her compassion and her concern for others.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Grand Falls-Windsor - Buchans.

C. TIBBS: Thank you, Speaker.

I take my place today to honour a true champion in the world of mixed martial arts. Jordan Noseworthy was born and raised in Badger, Newfoundland, and became interested in MMA at the young age of 22.

Jordan, upon completion of university, started training more frequently at several gyms while teaching in Grand Prairie. He became more passionate about his fighting career during this time. Years of hard work and dedication saw Jordan's dream become a reality on October 16

of this year, when he defeated Hank Anderson in the very first round to become the new Fight League Atlantic amateur heavyweight champion.

Jordan continues to work hard and train every day as he looks toward a professional career in MMA. He has never forgotten his roots, where he is from and the people that got him to where he is today. This includes his dad, Denis, and his mom, Michelle, who still cannot watch his fights as she fears for her son, but ironically is his biggest fan.

I ask all Members to join me as I congratulate Jordan Noseworthy, a true champion. We are very proud of you and look forward to watching you in the ring for years to come.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Minister of Digital Government and Service NL.

S. STOODLEY: Speaker, October is Cybersecurity Awareness Month.

This internationally recognized campaign is focused on helping all Canadians learn about the importance of how they can stay safe online using simple steps to protect themselves, their devices and their information.

The desire for information has never been greater, and it presents an increased risk of being susceptible to phishing schemes and other socially engineered cyberattacks. According to the Federal Bureau of Investigation, phishing was the most common type of cybercrime in 2020.

Throughout this month our government will continue to highlight the importance of recognizing phishing scams, how to stay safe on social media and what to consider when using online services.

Cyberthreats to personal information and infrastructure can be limited by following a few key practices: continue to be diligent in your daily activities online; never disclose your usernames and/or passwords; never click on links or attachments in emails from unknown sources, or ones that may be unexpected without further investigation; regularly update security questions and passwords; always lock your computer or mobile device when not in use; and make sure you check the from email address if an odd request comes in that you're not expecting.

Government continues its strong commitment for cybersecurity education and awareness across the public sector. Information protection and cybersecurity is everyone's responsibility.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker, and I thank the minister for an advance copy of her statement.

On behalf of the Official Opposition, I would like to also stress the importance of staying safe online.

We also know that the online environment comes with scams and the potential for data leaks and hacking, but in the past little while these scams and hacks have become more elaborate and seem more realistic. A good rule to live by is that if it seems to be too good to be true, it is.

The minister provided some important suggestions for members of the public service, but there are also precautions which members of the public can take to protect their own personal information. These include: verifying websites before entering information; not clicking links in emails if you do not know the sender; not publishing personal information, like your birthdate or your mother's maiden name, online, information that could be a security answer to your online banking.

I encourage all residents of the province to do their part to help each other in staying safe online and to report any scams or online cyberattacks to the appropriate authorities.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker, and I thank the minister for an advance copy of her statement.

The protection of personal information is more important for our personal security than ever before. People of all ages must be aware of the risks at school, leisure surfing online or even in the workplace.

We encourage the government to protect the digital information of our citizens so that Crown agencies, like the workers' relations board, are held accountable when workers' identities were leaked to the employer during a union drive.

Thank you.

SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

D. BRAZIL: Thank you, Speaker.

On Monday, the *CBC* reported a memo sent to the Janeway advising children in need of emergency care at the pediatric intensive care unit that they would need to be sent to Halifax as beds were short at the Children's Hospital.

We thank the IWK hospital in Halifax for being onboard with the plan, but the parents of the province are uneasy with this news.

I ask the minister: Is the protocol to send critically ill children to IWK hospital still in place?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Mr. Speaker.

Obviously, things like this are of concern; however, this is prudent planning by Eastern Health. They had five out of their six beds occupied prior to the weekend starting. No children have been sent out and it is my expectation from information from Eastern Health that this protocol will be lifted shortly.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

The parents of Newfoundland and Labrador need to know help is going to be there when there is need, whether it's at the Janeway or via medevac in Labrador. The crisis in our health care system is also affecting the children of our province at their time of greatest need.

I ask the Premier: What is your plan to fix pediatric care in Newfoundland and Labrador?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

I welcome the opportunity to speak on health care yet again. As we've said, we recognized before any other jurisdiction in this country that health care was a problem here in Newfoundland and Labrador. A year ago, we set out the Health Accord NL to examine the health care system, as it has existed since the 1960s, Mr. Speaker. We're not running away from what we know is a broken system. We're trying to fix it. Solution-driven by experts in the field from panels across the province taking a collaborative approach; even now with Members from the Opposition being involved.

We welcome all solutions. We are solution-driven and the Health Accord NL will deliver it, not just for pediatric patients around the

province but indeed for every patient in the province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Mr. Speaker.

I agree with the Premier that we need to make solutions immediately but we need them immediately now not kicked down the road five or 10 years. There has to be actions taken immediately.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: The minister has yet to recognize the health care crisis in our province while critically ill children are being denied emergency care here at home and access to 24-7 medevac for our most vulnerable children does not exist in Newfoundland and Labrador.

I ask the Premier: How is this acceptable health care in Newfoundland and Labrador today?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: First of all, Mr. Speaker, I think in reference to the minister's answer, that's not a fair preamble at all by the Member opposite.

We have said that we recognize that the system is not working well for everybody and we're intending on fixing it, but different from the Member opposite who would like solutions today, there aren't solutions today. This is a systems problem, a paradigm shift that's occurring within health care.

We need to have the courage, not to revert to our heuristics but indeed to look at definitive solutions for the future of health care in this province. That's why Sister Elizabeth Davis and Dr. Pat Parfrey, experts in their field, are mapping the path forward. I'm happy that the Opposition are now involved, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

I'll give the Premier some acknowledgement of things that can be done immediately: Develop a cardiac centre of excellence; provide full medical transportation for Newfoundlanders and Labradorians; change air ambulance programs so it's more accessible for Newfoundland and Labrador; redefine the scope of practice for nurse practitioners, RN, pharmacists and paramedics.

That's just a few things; that's four things in four days. We'll give you 40 in four weeks if you'll listen.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, the Newfoundland and Labrador Medical Association last week released a series of fact checks for ministers in this government, including fact checks for the Minister of Finance and Minister of Health. The Medical Association stated clearly five examples where they say the minister has misrepresented the facts.

I ask the Premier: Why are you allowing your ministers to present unreliable information to the public in the middle of a health crisis?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

I'm happy that the Member opposite has read the Health Accord and has identified areas we're working towards in terms of fixing the system. It is not a myopic political tidbit that we're going to throw off, we're actually working towards solutions, Mr. Speaker.

With respect to the specific question, I, for obvious reasons, am not involved, will not be involved in negotiations with the NLMA, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Mr. Speaker.

We respect the work of the Health Accord and look forward to being a part of it. What I am quoting there are directly from the PC Blue Book for the last two elections, things that could be implemented very quickly and be very beneficial to the people of this province.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, the Minister of Health has yet to publicly apologize to a Labrador family who say the minister misrepresented their story. The Newfoundland and Labrador Medical Association is issuing fact checks for a number of ministers, while the Minister of Children, Seniors and Social Development tries to discredit an organization during contract negotiations.

I ask the Premier: How are you going to address each of these problems?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you again for the question.

Look, as we've said many times and will continue to reiterate, we are addressing the bigger problem, which is the system, Mr. Speaker. I've worked in the system, I know the problems in the system; we've set out to fix the system. He references the Blue Book; we started the Health Accord before the Blue Book, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

PREMIER A. FUREY: We recognized the first thing when we came in that this was a problem. We knew it was a problem, we wanted to set out to fix the problem but there is no quick fix. This is a systems problem, we recognize that there are issues that have to be dealt with immediately and that's why the Minister of Health and Community Services announced earlier just last week that a change starts here with multiple issues addressed, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

I just want to remind the Premier that I sat on a Committee that helped develop some of the recommendations in the Blue Book, and that goes back five years ago when I was the critic for Health here. So it wasn't the last eight months or so.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, the minister has repeatedly suggested the Opposition should ignore the facts and present a better picture of the health care crisis engulfing our province. He wants us to ignore the facts, while multiple people and organizations have told him to stick to the facts.

Every day we are providing real-world examples of the failures of this government to take our health care system seriously.

I ask the Premier: Will you stop hiding behind the Health Accord and address the crisis unfolding right now before our eyes in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: First of all, Mr. Speaker, I'm not hiding behind the Health Accord. The Health Accord is the answer to the system's problem. The Member opposite refuses to acknowledge that there is a system's problem. They're myopic in their approach; this is all for political short-term gain when we're about long-term solutions.

The members of the Health Accord NL, I'm not hiding behind them. In fact, the Members opposite have joined the Health Accord NL. Finally, after a year, they're sitting on the Health

Accord NL. Because we recognize that this is not a problem that you can fix overnight. This is changing the system that hasn't changed since Tommy Douglas in the 1960s. We know that the province has changed; it's time for the health care system to change. We're not running away from it. We're owning it. We're driving towards solutions, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

It's interesting to hear that the Premier has recognized or say we recognize, before any jurisdiction, the issues at hand. But we want to see solutions; we want to see quick answers here that deal with the issues.

Speaker, while this government sits and there's a raging crisis happening here in health care, other provinces are taking decisive action to deal with their situation. Quebec just added – Quebec, now – 2,572 full-time nurses after offering bonuses in September. By taking their health crisis seriously, Quebec has seen dramatic results in just 60 days.

Why has this government been unable to demonstrate results to our nursing crisis in six years?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you, Speaker.

I think I could do no better than refer back to the announcement we made last week, which is a package of \$30 million of solutions in the short and medium term. The short-term solutions address the fundamental issue that people out there have, which is access to primary care. That will be dealt with through collaborative team clinics. It's a team effort to provide primary care in metro and across the Island.

With respect to the nursing issues, we have announced extra seats and a rural and remote

program. We're going to put Bachelor of Nursing courses in Gander, in Grand Falls-Windsor, in Happy Valley-Goose Bay. And we are going to see an increase in the number of graduating people from the LPN program and the Personal Care Assistant Program, Mr. Speaker.

These are tangibles –

SPEAKER: The minister's time has expired.

J. HAGGIE: – and will be ready this year.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker, but somebody seems to be having a problem with the word now. Now is immediate. Now is in this time. Now is not down the road, when everyone graduates. Yes, that's going to help out – that's going to help out.

Speaker, Quebec has been able to recruit back into the workforce some 83 retirees and 1,628 who switched from part-time to full-time. These appear to be sensible solutions to a staffing crisis now.

Why hasn't government reached out to these two specific groups?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Mr. Speaker.

We started planning for these changes some time ago. The Members opposite refer to scopes of practice for nurse practitioners and registered nurses. It was myself who brought those regulations and legislation into this House three years ago for nurse practitioners. We have done that and we'll be doing that with registered nurses for prescribing. It was myself and this government that introduced broadening scope for optometrists.

It was us that stood in this House in 2016 and brought in regulations to bring midwifery back

to this province, something that had been removed under previous regimes, Mr. Speaker. We are working with the Pharmacists' Association actively to bring in increased scopes of practice for pharmacists.

These are not just now. These are –

SPEAKER: The minister's time has expired.

J. HAGGIE: – things that we have done already.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Mr. Speaker.

It's great to talk about what you're planning to do because that could be – well, six years ago they had a plan, too. And we're still waiting – we're still waiting. Oh, I got a commitment – I got a commitment. God knows when it's going to happen.

Speaker, Quebec is also in talks with another 2,800 nurses in an effort to cut down on forced overtime, nurse burnout and exhaustion.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. DINN: Now, does that sound familiar? It should. Forced overtime, nurse burnout and exhaustion.

The Canadian Federation of Nurses Union recently stated that we are 30 per cent short on registered nurses in Newfoundland and Labrador. Again, the Health Accord has called this a crisis.

What are we going to do today to address it?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Mr. Speaker, 18 months ago we increased the number of seats in the LPN program by something of the order of 90 per cent and we increased the number of seats in the

PCA program. These people are graduating this month and in December. There are job adverts out across the regional health authorities for those graduates. We are engaged actively with the Registered Nurses' Union in a very collaborative way.

We can't solve this by ourselves. They have come to the table and I would encourage all other stakeholders, health care providers, to do just that, Mr. Speaker. We have started, we are doing and that's now, Mr. Speaker, and yesterday.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Thank you, Speaker.

I think the minister should contact Western Health because there are a number of nurses in my district who are seeking full-time employment and they're only temporary, so they're more than willing to work full-time. Secondly, I'm glad to see that the minister will not be implementing the recommendations of the Greene report and closing nursing schools in this province.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: The Energy Minister has acknowledged that the higher oil prices are eating into the province's deficit; it's also eating away at people's pocketbooks.

Will the minister set aside some of the extra revenue to help decrease the cost of gasoline and home heating fuel in this province?

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

S. COADY: Thank you very much, Speaker, for the question.

I will say that even though we're seeing increased oil prices in the province and, indeed, globally, it is not just the oil price that is a contributor to the finances of the province, of course, it's the oil price, it's production and it's also the exchange rate. I'll be giving a financial

update sometime in November that will demonstrate to the Member opposite that just because the price has gone up does not mean there's extra money for the coffers of the government.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Speaker, I'd ask the minister if she plans on providing that fiscal update before the House closes.

Secondly, will you turn around and lower the cost of gasoline, your own tax, that you didn't do in 2021 and which you did do in 2019 when you implemented increased carbon tax?

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

S. COADY: To answer the first question first because it was a double-barrel question, Mr. Speaker. The first question is it is our intent to get the fiscal update as quickly as possible. I have officials working pretty much round the clock to get the numbers prepared and we'll be doing it as quickly as we possibly can. But I do commit to as quickly as we possible can, we'll get those numbers out there.

The second part of the question, Mr. Speaker, our gas tax is on par with the rest of the country. We did lower it, we have lowered it since 2015 and we'll continue to consider lowering the tax. I will say it is on par with the rest of the country.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Mr. Speaker, last week, there was an article in the paper that said we had become number one, which meant we had the highest gas prices in the entire country so I don't consider that to be on par with anyone.

It isn't just gasoline that has become too expensive. On the Liberals' watch, the cost of home heating fuel is also causing hardship for families and seniors in this province.

Again, I ask the minister: Will you consider using some of the extra oil revenue to implement the home heating fuel rebate?

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

S. COADY: Thank you, Mr. Speaker.

I don't like when people misinterpret my words so I'll repeat it again. The provincial gas tax is on par with the rest of the country at 14.5 cents. Misconstruing what I said, I had to correct that record.

I will always consider how we can lower taxes in this province, Mr. Speaker. That is one thing that this government always tries to do. We are considering our budget for next year and we'll take it as part of that budget as to how we can move forward. We're always looking to do our best for this province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: We may be on par with our tax but we're not on par with our price.

Mr. Speaker, motorists in this province are paying an additional five cents per litre on gas prices because gasoline has to be imported. Yesterday, the minister said, "We work with Come By Chance as it relates to the start-up of that facility ..." leaving the people of the province to assume that current Come By Chance proposal includes gasoline production and failing to mention that the new proposal centres on biofuel.

Minister, yes or no: Will Come By Chance return to gasoline production?

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Thank you, Mr. Speaker.

Happy to talk about Come By Chance and the efforts that this government is undertaking to get them back up and running with an updated facility.

The reality is that last year we put in \$16.6 million to keep that facility in warm idle, keeping hundreds of people working out there. Since June, that has run out, but there are still people working out there. There have been collective bargaining agreements that have been renewed.

We continue to work with the company, which, again, I would point out, as I did on numerous occasions last year, it's a private entity. It's owned by a private company who are in discussions with a private entity about the possible sale. What we're doing is everything we can to get the facility up and running.

What I can say is that I certainly get a lot of phone calls from people in that area saying thank you for the efforts that you're doing to keep the place alive.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: I remind the minister it wasn't last year, it was one day before the election this year.

Yesterday, I asked the minister when the extra five cents per litre on gas would be removed. The minister said: "... we have to ask the Public Utilities Board as they are tasked with the duty by the Legislature."

I ask the minister: Have you, as the minister, asked the PUB if and when the five cents will be removed?

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Thank you, Mr. Speaker.

I apologize, it was in January of this year, but everybody will realize that this year has felt like

it's 15 months, then I apologize. It's been one of those years.

I do recall the Member opposite being quite happy about it because he was certainly talking about it on the election trail about the deal we got done to keep that plant open.

What I would point out here, again, when it comes to the PUB, the Public Utilities Board, they are an independent body. There is no legislative authority to direct them to undertake this. I have written to the PUB, as a public entity, to ask them to explain to the people of this province the process that goes into it.

But if we want to have a conversation with the Member opposite about unregulated gasoline prices, maybe that's a debate we should have here on the floor.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: According to an access to information request, as of October 1, 2021, there are 32 RNC officers eligible for retirement. With no current cadet class, how will these officers be replaced?

SPEAKER: The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you for the question, Speaker.

That's an issue that comes up every year. It's always looked at by the RNC to make sure cadets are trained. It's an ongoing issue that they deal with on a yearly basis and they'll continue to deal with that year to year, obviously.

The number of cadets that come into each class is different every year and the number of cadets that graduate each year is different, so it's not a set number that the RNC will deal with on an ongoing basis every year; it rolls over from year to year.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, there is no current cadet class and a vigorous recruitment program is essential to a strong police force.

Speaker, in July a new interim chief of the RNC was appointed, four months later the position is still filled on an interim basis.

Can the minister outline when a new chief will be named?

SPEAKER: The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Speaker.

I do want to thank the interim chief of police who stepped in at a difficult time and taken over that. I think he's done an absolutely fantastic job. I also know that members of the RNC, civilian members and the officers down there, are very, very pleased with the work he's done and happy and it's humming along quite well.

We will have a permanent chief of police in there in due course, but one thing we want to do is make sure that we get it right; we want to make sure we have the right chief in there. We've done a search across this country to make sure there are as many applicants with the right résumés in there. When the time comes to find that right person and appoint that right person, it will be done. When it is done, the RNC will be a model for all police organizations in this country, Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, there are still concerns, though. The RNC has only an acting chief, much of the RNC leadership has left and there are now 32 officers ready to retire with no one to replace them. The

minister, we know, has initiated a review, but why has the minister not been involved in implementing a new human resource plan for the RNC?

SPEAKER: The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you for the question, Speaker.

There were five promotions within the RNC last week that I attended down at the RNC offices here. I have to say it was very nice to see that these individuals who've worked hard and served the community got the promotion that is so well deserved and they will be leaders of the future of the RNC.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: So there are people being promoted within there and they deserve it. I hope everyone in this House recognizes that those appointments were deserved.

I will note, too, once the permanent chief comes in, he or she will want to have a say in who the other officers that are promoted within the organization are there. I think that's only fair to the new chief to give him or her that ability to do that.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

We've been receiving calls from residents in the Conception Bay North area and all over this province regarding delayed appointments and frustration in the Motor Registration division, many of whom are in need of essential service such as drivers test, plate replacements and obtaining a new photo for their licence. We have learned that the next available appointment at Harbour Grace isn't until December 16, at the earliest.

I ask the minister: What action is she taking to ensure that these people are looked after immediately?

SPEAKER: The hon. the Minister of Digital Government and Service NL.

S. STOODLEY: Thank you, Speaker.

I'm very pleased to say at Motor Registration, our doors are open –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. STOODLEY: – and all of our staff are at work. We have seen an increased demand for services. We are adding more and more services online. We recently launched the ability to transfer a vehicle online, Speaker. We've seen hundreds of people to go online to tell us about their new vehicle. That frees up a very long appointment time, which frees up appointment times for people in the province.

I'm also pleased to say that in most of our offices you can get an appointment that same week, which is an acceptable standard. I understand a long wait for an appointment is not acceptable and we're working towards reducing that, Speaker. We're looking at every lever we can to improve services for the people of the province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

I don't see what the problem was before, I know you're trying to upgrade the system and make it more user-friendly for people but not everybody depends on that. So it should be looked at and you should get these offices open.

Speaker, photos are circulating on social media of a large lineup of soaking wet seniors walking outside Motor Registration in Harbour Grace during seniors' day. To quote the ladies post:

Imagine having these seniors susceptible to rainy, cold and wet conditions during the flu season of all times.

Speaker, this isn't good enough. The seniors of our province deserve better treatment from the minister and our government.

I ask the minister: What is she going to do to ensure that this never happens again?

SPEAKER: The hon. the Minister of Digital Government and Service NL.

S. STOODLEY: Thank you, Mr. Speaker.

We opened up Wednesday mornings as a special walk-in only. I've also said that if anyone has an urgent or an important issue that they could walk in at any time. Across the province, Speaker, we see, on average, 30 per cent of our appointments are walk-ins just across the board. Harbour Grace is just a bit higher than that.

We do have contingency plans in place, Speaker, if there is an excessive wait outside, people can wait in their cars and we'll communicate with them in their cars.

Mr. Speaker, we've seen an increase in demand for services and if we open the doors, the lineups would be much longer. If we got rid of appointments, the lineups would be much longer.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

You know it's going to be a good day in this House when the Liberal Premier references Tommy Douglas, the founder of the New Democratic Party.

SOME HON. MEMBERS: Hear, hear!

J. DINN: You're welcome to join any time, but there will be a vetting process.

Speaker, when running for election, the Member for St. John's East - Quidi Vidi called for attracting more doctors and nurses to rural communities; however, in a 2017 interview with CBC, the minister suggested that the province should not hire any more doctors or nurses.

Where are these doctors and nurses supposed to come from? From his own district?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Speaker.

Last week we announced a medium-term, long-term package to address the issue of health care professional recruitment, starting specifically with family physicians. This will be informed by a needs assessment of new graduates from the residency program at Memorial to make sure our offerings align with what they would like. We will have a provincial recruiter housed in the department along with the secretariat.

These will rationalize recruitment and retention of physicians and a whole range of health care providers. That is the medium- and long-term solution, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Mr. Speaker, the Minister of Health informed the House that there will be a full contingent of staff at the new long-term care facilities in Central Newfoundland. Though this may be true, with the facilities not open, we can assume that the staff of these facilities are employed elsewhere at this time.

I ask the minister: Where is the shortage going to be after these facilities open?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Mr. Speaker.

It is indeed unfortunate, owing to contractor issues, that the two facilities in Central are not yet open. My information from Central Health is that recruitment is complete for these facilities. Staff that are currently working elsewhere have had their positions backfilled and we will be taking advantage of the newly graduated, larger number of both LPNs and PCAs from measures that we undertook with CNA and the appropriate minister back in 2019.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Member for Humber - Bay of Islands.

E. JOYCE: Speaker, the Liberal government made a commitment to the people of Western Newfoundland and Labrador that all the services in the Western Memorial Regional Hospital will be maintained in the new acute care hospital.

A letter from the Minister of Health and Community Services July 8, 2021, (inaudible) released proposals on July 6, 2018, states all project elements identified were reviewed with a number being recommended for removal. These recommendations were presented to the Ministers of TW, HCS, as well as ministers representing Corner Brook, excluding the Premier, who provided direction.

There was only one minister for Corner Brook on July 6, 2018, and I doubt if he was aware of this decision. Without the Premier being included, it is evident that this process did not proceed through the Social Policy Committee, PMP or Cabinet.

I ask the minister: Who made this major decision without the proper vetting process, and will you confirm that you had no discussions with Dwight Ball, Greg Mercer or any member of the Premier's staff?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Mr. Speaker.

I recall a meeting, several meetings in actual fact, on the infrastructure committee and various other committees which are governed by

Cabinet privilege. The decision was taken to make sure that the new acute care facility only housed those areas that were essential for acute care.

It is simply the most expensive form of real estate government can purchase, either directly or through a P3 partnership. As such, administration and laundry services were taken out and this was then put through and is being put through a separate process. Western Health are in the process of deciding what options they wish to pursue.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Humber - Bay of Islands.

E. JOYCE: I take it the minister didn't answer the question on if he had discussions with Dwight Ball, his staff to make these crucial decisions.

On September 13, 2021, after advising the minister that his statements were incorrect, he stated in a letter of September 13, 2021, there have been many briefings and discussions which included government officials, external third party consultants, along with various ministers. These ministers were not identified, contrary to your letter of July 28, 2021. This decision was not made in the Cabinet according to your letter of July 28, 2021, where the recommendations were not presented to the Premier – that was your words.

This Liberal government broke another commitment to the people of Western Newfoundland and Labrador. First it was the PET scanner; now it's the laundry service, eliminating up to 75 positions.

I ask the Premier: How can you allow this decision to stand when the minister states himself that it was a decision made without the knowledge and consent of the Premier of the province, Dwight Ball or Cabinet? Was the PET scanner removed without Dwight Ball's knowledge or Cabinet's approval?

SPEAKER: The hon. the Minister of Health and Community Services.

J. HAGGIE: Thank you very much, Speaker.

The PET scanner is a commitment that was made to make the facility PET scanner-ready. Money has been set aside and given to Western Regional Health Authority health care foundation trust so that once the cancer care program there is operational, a decision about what and when to purchase such equipment will be made by the clinicians on the ground locally actually delivering the service.

That is what we committed to. That is what is there.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

I'd like to serve notice of the following PMR:

WHEREAS the Secretary-General of the United Nations recently stated "*the alarm bells are deafening, and the evidence is irrefutable: greenhouse-gas emissions from fossil-fuel burning and deforestation are choking our planet and putting billions of people at immediate risk*";

WHEREAS scientists estimate that by 2050, if GHG emissions are not reduced, the average winter temperature will be 3.4 degrees above pre-industrial levels here in St. John's, six degrees warmer in Happy Valley-Goose Bay and 7.3 degrees warmer in Nain (Government of NL, 2018);

WHEREAS the province is already experiencing significant warming resulting in the reduction of ice cover, particularly on the North Coast and across Labrador for example;

WHEREAS NASA (2021) states that “*Earth’s surface continues to significantly warm, with recent global temperatures being the hottest in the past 2,000-plus years,*” and “*Nineteen of the hottest years have occurred since 2000*”;

WHEREAS Newfoundland and Labrador, as a partner in the *Pan-Canadian Framework on Clean Growth and Climate Change*, is obligated to aggressively reduce provincial emissions despite increases over the past 20 years (NIR 2021);

WHEREAS Hibernia crude oil emits 0.487 metric tons of carbon dioxide per barrel, the 1.7 billion barrels of oil extracted from the province since 1997 (Government of NL 2018) would represent 830 million tons of GHGs based on EPA (2020);

WHEREAS oil and gas development represents 25 per cent of the provincial GDP, 41 per cent of exports, thousands of direct and indirect jobs and over \$20 billion in cumulative royalties to the province since 1997 (Government of NL 2018);

WHEREAS in advance of COP26 in Scotland starts in a few days, the Beyond Oil and Gas Alliance (BOGA) calls on the world to “*Create an international community of practice that can support governments in delivering their commitment to a managed and just phase-out of oil and gas production*” and “*Strengthen global climate ambition by aligning oil and gas production with the Paris Agreement goal of well below 2°C, pursuing efforts for 1.5°C*”;

WHEREAS Newfoundland and Labrador is facing an unsustainable fiscal situation that requires immediate action (PERT 2021) including being ‘*at risk of not being able to make its*’ –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. TRIMPER: – ‘*financial commitments such as paying salaries, operating hospitals, offering other public services or making payments to pension plans which it is legally obligated to do.*’

AND WHEREAS the primary means of addressing fiscal imbalance and quality of service delivery across Canada, that of equalization payments based on the fiscal capacity of each province, has been inadequate for Newfoundland and Labrador, particularly as a result of how oil and gas revenues are calculated.

THEREFORE BE IT RESOLVED that the House of Assembly urge government to do the following: Cease oil and gas exploration on inactive licences and any further provincial investment in the exploration of active licences; Move to complete planned production on the existing operational fields of Hibernia, Terra Nova, White Rose and Hebron; Initiate discussions to join the Beyond Oil and Gas Alliance with Denmark, Costa Rica and other national and sub-national signatories; and –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. TRIMPER: – Secure a climate crisis agreement with Canada that recognizes the value of leaving oil and gas reserves undeveloped. The carbon offset agreement would calculate projected emissions for commercially viable hydrocarbons AND the federal price per ton of CO₂ directed as \$170 per ton by 2030.

For example, Equinor estimates that the Bay du Nord field to have commercially viable reserves of 300 million barrels of oil that would represent 146 million tons of GHGs representing \$24.8 billion of carbon offsets based on \$170 per ton.

Thank you, Speaker.

SPEAKER: Further notices of motion?

Petitions.

Petitions

SPEAKER: The hon. the Member for Grand Falls-Windsor - Buchans.

C. TIBBS: Thank you very much, Speaker.

There have been several moose accidents on the Buchans Highway, Route 370. The brush is hanging over the road and motorists cannot see moose until they are actually on the road.

Therefore we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to take immediate action and cut the brush alongside the Buchans Highway.

Speaker, I've talked to the Minister of Transportation about this a couple of times now and I've sent several emails as well to the Premier's office. We've had three moose accidents – three moose accidents in one week on the Buchans Highway, Route 370. I fear that if action is not taken within a very short period of time, more or less immediately, somebody is going to get seriously injured or killed on that highway.

I've been all over the province and I know that brush cutting, everybody wants it, it's a big issue in the Province of Newfoundland and Labrador, but I will tell you for a fact that the brush is literally hanging on the Buchans Highway. You cannot see the moose until they are on the road; not in the ditch, not on the shoulder, until they are on the road.

Many people use the Buchans Highway. We also have Marathon Gold, which is now set-up up the Buchans Highway, lots of traffic going back and forth; lots of logging trucks going back and forth; lots of traffic. We need to ensure that we maintain a safe road environment for the people of Newfoundland and Labrador including the people who use the Buchans Highway.

I'm asking the minister if he would take a look at this and send brush cutters up there and get at least the more significant areas, as soon as possible, before somebody gets killed or hurt on the Buchans Highway.

I'll advocate on that until it gets done. I hope to meet with the minister about this.

Thank you, Mr. Speaker.

SPEAKER: Before we move into further petitions, I overlooked Answers to Questions for which Notice has been Given.

Further petitions?

The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The background to this petition is as follows:

Eastern Health has recently repositioned one of the ambulances from the Trepassey area to the Cape Broyle area. This has left only one ambulance in the Trepassey area. Residents of Trepassey and the surrounding area, Portugal Cove South and other areas, are at least two hours from the nearest hospital.

Therefore we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to ensure the residents of Trepassey area have accessibility to an ambulance in a time of emergency by repositioning a second ambulance back into the Trepassey area to ensure the safety and well-being of local residents and to meet the national standards for response times.

Speaker, I've read this petition a few times now. It's a pretty serious issue that's going on in the Trepassey area, Portugal Cove South, St. Shott's, Biscay Bay, Peter's River and St. Stephen's. There's an ambulance that was stationed there and they took it. First, they said they were moving it to Ferryland. It didn't move to Ferryland, it moved to Cape Broyle.

Cape Broyle is a half hour, I'm going to say, further north. You get a call for an ambulance now, with one ambulance gone, you've got at least six or eight hours. The first instance we had the ambulance was at St. Clare's for eight to 10 hours, or maybe more. It's not acceptable that there's no ambulance there.

Now, they called it dynamic dispatching that they're going to move an ambulance further up, but right now they can't check that.

This area in the province, on the Island portion of this province, is the furthest away from a hospital on the Island portion of this province, and to be away and not have an ambulance could be catastrophic at some point in time. We're well aware that there are two ambulances that were there and they could be away at some point in time, and they live with that, but to leave no ambulances there is not acceptable.

For people that are driving these ambulances – or for people that don't know, I was in the Trepassey area on Saturday night and when you're driving up there in the fog and the rain – I was driving up to an event and it was only fog and rain, that wasn't snow. It's not safe to be on that highway to be driving to Trepassey with an ambulance. If you're coming out of it, you have to go, it's an emergency, you got to go, but to be able to drive an hour to get there, that's not acceptable for the people in the area. It's just not acceptable.

It's an aging population and you got to be in the area. These people that are making these decisions – is it the ambulance driver, the ambulance owner that's moving this down because he's making more money on calls when it's further down the shore or there are more people? This is not about money. This is about the safety and the lives of the people in the Trepassey area.

Thank you so much for this, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

The background of this petition is as follows:

WHEREAS there are very minimal current operations at the Bull Arm Fabrication Site; and

WHEREAS the site is a world-class facility with the potential to rejuvenate the local economy; and

WHEREAS the residents of the area are troubled with the lack of local employment in today's economy; and

WHEREAS the operation of this facility would encourage employment for the area and create economic spinoffs for local businesses; and

WHEREAS the site is an asset of the province, built to benefit the province and a long-term tenant for this site would attract gainful business opportunities; and

WHEREAS the continued idling of this site is not in the best interest of province.

THEREFORE we, the residents of the area near the Bull Arm Fabrication Site, petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to expedite the process to get the Bull Arm Fabrication Site back in operation. We request that this process include a vision for a long-term viable plan that is beneficial to all residents of Newfoundland and Labrador.

FURTHERMORE, we request that government place an emphasis on all supply, maintenance, fabrication and offshore workover for existing offshore platforms as well as new construction of any future FPSO in nature.

Speaker, I've presented this many times on behalf of the constituents of Placentia West - Bellevue, but I feel today that I'm presenting it on behalf of the people of the province. It affects just about every district in this Chamber.

There are people coming from all over to work at the fabrication site, and I think it's being underutilized. I just want to know, really, on behalf of the people, what are the current operations and what are the future long-term plans for the Bull Arm Fabrication Site.

Thank you, Speaker.

SPEAKER: The hon. the Minister of Industry, Energy and Technology for a response.

A. PARSONS: Thank you, Mr. Speaker.

I thank the Member opposite for an opportunity to talk about Bull Arm. Certainly, he's brought the petition forward on a number of occasions.

On a number of times when I've answered this, I haven't had as much to say because the reality is that it has not been utilized to its fullest extent. Although, I would disagree with the first WHEREAS in the petition, which says that there are no current operations at the Bull Arm Fabrication Site. Because of the asset life extension being done on the Terra Nova, the reality is that there are over 300 people that are now working on the different work scopes, with about 160 people at any different time. A combination of people from Unifor, from building trades and management that are actually working out there right now as we speak right here.

That is the culmination of months and months of work to see that happen, which we were very happy to celebrate back in June, firstly, and then obviously the deal was finally concluded later on. The reality is that DF Barnes still has a lease out there until February. They've been doing the topsides portion.

But the big point here is that it is an asset. It is an asset to the province. There has been work undertaken to see what is possible. But I will say that some of the stuff that has come in, I don't think would be in the best interests of the province in order to do something for the sake of doing something to give it away.

So the reality is we will have it there. We look for more opportunities. Certainly we look forward to see what comes with Equinor to see what comes forward. There's a lot of good news. Things have changed a lot in the last six to eight months. Right now, that is a bright spot and we'll continue to do what we can.

Thank you.

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Mr. Speaker.

This petition is a climate emergency declaration.

We, the undersigned residents of the Province of Newfoundland and Labrador, bring the attention of the House of Assembly to the following:

WHEREAS, according to the document, *The Way Forward on Climate Change*, the province is already experiencing the effects of climate change; Newfoundland and Labrador joined the *Pan-Canadian Framework on Clean Growth and Climate Change* in 2016 but is not on track to meet its 2020 targets; financial costs resulting from climate change will unequally impact municipalities due to the responsibilities set out in the *Municipalities Act, 1999*;

THEREFORE, the petitioners call upon the House of Assembly to urge the government to: declare a climate emergency; to establish a task force on decreasing the effects of climate crisis while building community resilience; and consider climate in all policy and decision-making.

This is very important not only to my district, but all of Labrador and, of course, to the province. I'll just refer back to Vital Signs 2021 that came out recently, a report from the Harris Centre at MUN. It talks about how climate change is impacting the environment, the economy and society in Newfoundland and Labrador.

Honesty, Speaker, that's talking about our quality of life in the province. This is a study done by the Harris Centre here at MUN talking about climate change impacting our quality of life in the future.

Just looking at the predicted temperatures, very, very important for us to realize that it doesn't matter where you live in the province, the temperature is going to actually change. The weather is going to change, but the biggest changes will be seen in Labrador. The thing about it is, my fellow MHA, independent MHA from Lake Melville, talked about climate change just recently, but the changes that we're going to see in Labrador could make seasonal temperatures in Labrador feel like the current seasonal temperatures here in St. John's. No offence to people on the Avalon, but nobody wants your weather. We up in Labrador certainly don't want it.

What really concerns me; this is a petition for the entire province, directed at government. But when you refer back to the increases in temperature in the late 21st century, Nain's

temperature will have increased by 10.83 degrees, and that's very alarming.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Minister of Environment and Climate Change.

B. DAVIS: Mr. Speaker, thank you very much for the opportunity to respond to my hon. colleague.

I think she brought this forward last week and I ran out of time, so I'm going to try my best not to run out of time. My hon. colleague mentioned the fact that we talked about our Climate Change Action Plan. I'm happy to report that we've actioned all 45 items and in process or completed all 45 items of the Climate Change Action Plan.

We've also signed on to the net-zero initiatives from the federal government, as well as our 2030 initiatives that we want to meet. In addition to that, the hon. Member mentioned something about a committee. I don't know if you've picked up on it but last week we announced a net-zero advisory committee that was going to be put in place, which is going to be some industry and experienced people within that that's going to hold government accountable but also bring forward ideas from other jurisdictions and other parts of the country and around the world that we could look at to see how far and how quickly we can move to make sure that net-zero is a distinct possibility and a must do for this.

This is the make-or-break decade, as we've heard many times before, it is important that we as a government – and I am happy to talk about it anytime. I am happy to have critics that get the opportunity to come forward and voice their opinions with me and my door is always open on that.

One of the key things that I'd like to make sure that we all understand: We've invested with municipalities; we've invested with community organizations; we've invested with business to help them. Many announcements have already been done to the tune of about \$3.3 million from provincial money –

SPEAKER: The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Any further petitions?

The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Speaker.

Order of the Day.

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Minister of Justice and Public Safety, for leave to introduce a bill entitled, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act, Bill 43, and I further move that the said bill be now read a first time.

SPEAKER: It is moved and seconded by the Government House Leader shall have leave to introduce a bill entitled, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act, Bill 43, and that the bill now be read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

Motion, the hon. Government House Leader to introduce a bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act," carried. (Bill 43)

CLERK (Barnes): A bill, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act. (Bill 43)

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

When shall the bill be read a second time?

S. CROCKER: Tomorrow.

SPEAKER: Tomorrow.

On motion, Bill 43 read a first time, ordered read a second time on tomorrow.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Motion 4.

Speaker, I move, seconded by the Minister of Digital Government and Service NL, that under Standing Order 11(1) this House not adjourn at 5:30 p.m., today, Tuesday, October 26, 2021.

SPEAKER: The motion is that we do not adjourn today at 5:30 p.m.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call Order 23, second reading of Bill 37, An Act Respecting The Conduct Of Municipal Officials.

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Speaker, I move, seconded by the Minister Responsible for Women and Gender Equality, that Bill 37, An Act Respecting The Conduct Of Municipal Officials, be now read a second time.

SPEAKER: It is moved and seconded that Bill 37, An Act Respecting The Conduct Of Municipal Officials, be now read a second time.

Motion, second reading of a bill, "An Act Respecting The Conduct Of Municipal Officials." (Bill 37)

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Speaker, I'm very pleased to speak today to the proposed new *Municipal Conduct Act*, Bill 37.

This proposed legislation addresses issues related to conflict of interest, use of influence, harassment and professional conduct and will reach all municipalities across the province, their councillors, staff and others acting on behalf of a municipality in any official capacity, particularly volunteers.

Without a doubt, these are priority issues for our government and municipalities. I look forward to our debate and for the support of bill from my hon. colleagues to pass this proposed bill.

In short, the legislation provides clear guidelines for councils enabling them to establish their own codes of conduct and, most importantly, improve the workplace, safety and wellness for councillors, mayors and staff while helping to reduce barriers for women, persons with disabilities, non-binary persons and marginalized groups.

As we conducted public consultations for the review of municipal legislation, professional behaviour emerged as a key issue to be addressed. It was so prevalent that we felt this standalone legislation was warranted. Over the years, municipal officials have reported issues related to conflict of interest, ethical behaviour and professionalism, and we felt this needs to be addressed now.

The primary concerns raised included inadequate and inconsistent definitions of conflict of interest, no ability to reduce or remove the penalty when a conflict occurs through genuine error, harassment and bullying in the workplace, misconceptions about the authority and responsibilities of the council and

the relationship between council and staff as well as a lack of awareness and training.

Code of conduct issues can range from compromising public trust to something like poor attendance, but it's clear whatever the issue is or the severity of it, it is essential that councils have the legislative authority and the training and tools necessary to appropriately and effectively address it.

This proposed *Municipal Conduct Act* will do that. It will increase clarity and harmonize procedures for conflict of interest; it will define conflict of interest and related concepts; and require municipalities to establish a code of conduct for all municipal officials, including council members, employees, fire department personnel and anyone acting on their behalf.

It'll set out penalties and require council to administer these penalties where a council member or senior staff member acts in a conflict in violation of the code of conduct. It'll introduce mandatory training for councillors and staff.

The proposed legislation applies to all towns and cities. The bill clarifies what constitutes a conflict of interest and introduces a common set of rules for all municipalities regarding conflict of interest.

The code of conduct that municipalities will be required to establish must, at a minimum, address such topics as use of influence, harassment and confidentiality. A template for guidance will be provided by our department for municipalities to use and build upon and shape to meet their own specific needs.

Municipalities will be required to establish a complaints procedure and, as they already are doing, they can employ the use of an external investigator when necessary to investigate or mediate any severe cases. Most complaints could be internally resolved at a low cost to the municipalities.

The bill introduces a reasonableness as a legal test for conflict and sets out procedures for councillors' disclosure of interests and exclusion from participation in matters where conflict exists. What that means is that if a reasonable

person were to look at the situation and determine that a councillor could act without bias, then there would be no conflict.

The new legislation also identifies an appropriate range of penalties for elected officials found in violation of a conflict of interest, as well as rules including the removal of a councillor from their seat. So we want to make it more that the punishment fits the crime.

All of these actions also aim to reduce gender-based harassment. Inherent in the proposed legislation is the aim to reduce barriers for women and marginalized groups.

Municipal codes of conduct will help increase respectfulness in council chambers and municipal workplaces and they will contribute to more inclusive environments, reducing barriers for women entering politics or non-binary persons and other marginalized groups such as seniors, persons with disabilities, members of the LGBTQ+ community, Indigenous peoples, people of colour and immigrants. All of these people have something so diverse and very unique perspectives to bring to councils and we want to make sure that they have the opportunity to do so. We also want to make clearer the expectations of municipal leaders upfront.

Speaker, I would like to take a moment to speak specifically to the training aspect of the *Municipal Conduct Act* bill. As I referenced, the proposed legislation requires municipalities to provide code of conduct training for all officials to which this code applies. This training will be central to the establishment of the codes of conduct by the municipality and, equally important, the extent to which it is followed.

With the concurrence of the House on the proposed legislation, regulations will be prepared on mandatory training requirements. These regulations will require councillors and senior staff to participate in mandatory core training. If the training is not completed then the duties of the councillor or senior staff cannot be carried out. There will be comprehensive training and guidance for communities from the department, as well as both Municipalities Newfoundland and Labrador and the Professional Municipal Administrators.

It's been extremely encouraging to share discussions with our partners and to hear their vision for training on how we can move forward. It was certainly important to have them at the table because, as I've said before, we can come up with these things theoretically and make rules or legislation, but groups like MNL and PMA are the boots on the ground, they're the ones who operationalize it, so we needed their input.

I would like to acknowledge the partnership that we formed with MNL and PMA and their input and expertise in preparation of this proposed legislation. We look forward to working with them in the future and ensuring that municipalities across the province are prepared and trained to implement this important new legislation. I'm very proud of the collaborative approach that we've built here and the relationships that we're working on with our stakeholder groups.

Speaker, this new legislation will provide municipalities with a framework, a clear set of rules on what is acceptable and what is not and how to address an issue when it may come up. It will improve operations, efficiencies and outcomes in our communities. This will result in improved respectfulness and professionalism and it will help councils and senior staff conduct business in a way that has a positive impact on the business of their municipality and, ultimately, on all their residents.

I'm honoured to bring forward this legislation. I've seen first-hand in my former life as a councillor and mayor, as many of you in this hon. House have, the challenges that can come up because of a lack of understanding or information on matters related to conduct and conflict of interest.

The *Municipal Conduct Act* is in step with or stronger than similar legislation in most other jurisdictions across the country. I'm very pleased to highlight that the bill is gender-free legislation. This means that it has been drafted without reference to his, her, she, him or any other gender identifiers.

I'd like to thank everyone who has contributed to the development of this legislation: our municipal partners, MNL, PMA, the cities and towns across the province who have worked

collaboratively with us. This truly is a joint effort.

The legislation aims to improve the functioning of communities, giving the councils the tools they need to address matters of harassment and unprofessionalism and to reduce their overall occurrences as time goes on.

This is indeed quite a proud moment for me, a former young, female councillor and mayor whose experience has been so positive and definitely life alternating. I personally feel today I've had, in some way, a small impact on ensuring that the many others who come behind me can experience the same. I look forward to the debate.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Thank you, Speaker.

It's indeed a privilege to speak in this House as always. Today I'm very happy to speak to Bill 37, An Act Respecting the Conduct of Municipal Officials. First of all, I'd like to thank the minister, and of course her staff, for the briefing that we had on this a few days back.

This particular bill will require councillors and chief administrative officers to file disclosure statements within their respective councils. It will define what constitutes a conflict of interest, and the process to follow, should one arise, within council. And of course to prescribe the process for complaints and penalties and to allow for an appeal if necessary on to the Supreme Court.

Speaker, the purpose of this proposed legislation will increase the clarity, as it harmonizes procedures for a conflict of interest. It will require all municipalities to establish a code of conduct for all officials. I'm glad to hear that the template will be provided, as we do have many different ranges of size of municipalities here in our province. And the template will provide the continuity that's needed going forward, and I'm glad to hear that.

It authorizes the minister to prescribe a code of conduct also for local service districts. Not one that affects my district, personally, but I do know that many districts here do have local service districts within them. Of course, that would also be a prescribed code of conduct for those as well.

It will set out penalties which may be imposed on councillors if need be. Right now, it's very definitive if you are held in conflict, but this will set out a range of penalties. Of course, it will introduce the mandatory training for councillors and the senior staff. That is something that I advocated in the first sitting of this Assembly when I spoke – one of my first times I spoke, actually, Speaker – with respect to the need for mandatory training.

As a former mayor myself, and I can firmly attest to the minister when she spoke, I do welcome this code of conduct for municipal officials. This is a good step forward. I'm sure, as you mentioned, we have many former municipal colleagues, elected and staff here in this House who would welcome this change as well. We all see what can happen and what has happened over the years.

We've seen a number of councils who have become dysfunctional and unable to sort out their own affairs. This is problematic when you look at the level of volunteerism that you have in your community and you have the issues that do arise. When this does happen, it does cast a shadow over the town and its residents and, unfortunately, it does garner media attention. That has happened in my hometown as well, unfortunately, before I came on council. It takes away the importance of the community service that's provided by these volunteers. This is going to be welcome.

As I said, many times in this House, former mayor for 7½ years with the Town of Pouch Cove, I had the privilege and was blessed to have an excellent working relationship with my two terms on council and, of course, with the staff of the town. That makes it much easier when everyone is pulling on the one oar and we don't have to fight within council to try to get something done. It's hard enough being an elected official on the municipal level, let alone when you're battling with colleagues.

However, during my 7½ years, we had very few questions with respect to conflict of interest but, thankfully, we were very lucky to deal with them quickly. As we all know, every council is not so lucky. We do have councils across our beautiful province that become embroiled in disagreements and accusations with respect to conflict of interest.

Speaker, some individuals are found guilty of this and unfortunately, at this present time, there is no other way to readdress it than to be expelled from council, to vacate your seat. I'm sure there have been times that maybe innocent mistakes result in vacating those seats. Then, of course, we're into an expensive by-election, most things that small towns can't afford. This here does indeed serve the public interest and, again, I'm happy to see this come forward.

Many times in my 7½ years, I would always attend the training sessions for MNL and from PMA, because that I found very beneficial as well. Many times it was brought up at those training sessions, seminars, AGMs: What is a conflict of interest? Am I in one? Is my colleague in one? If I am, what should I do; where should I go? All these questions did come about over the years and, unfortunately, they're questions that haven't got straightforward answers.

I know that there could be many different examples of conflict. But what I may view as a conflict, someone else may not. I do know that when you're putting it to your council if you have a solid, working council, then the question can be answered relatively reasonably and in good order. However, that's not always the case.

Speaker, we also have to look at the public perception then for those who do serve on council. We have individuals that serve, and they need clear rules, if those rules are broken, and what will happen going forward. I believe this will address most of that.

As we all know, it doesn't matter what level of government you're in, public opinion on social media can turn against you very quickly. Unfortunately, there may be a decision made before council can even make a decision on that. So we do know that we have friends and neighbours who have stepped up and offered

themselves for public office. We do know that these individuals deserve the proper training, with clear rules, clear repercussions, if they are violated.

So I'm glad that the department is finally, after, I believe, three years of consultations, bringing forward these changes. I do applaud that we're here today. I'm also equally as delighted to see the mandatory training for councillors and for senior staff. It's something that I've advocated for the duration I was on municipal council. It was something that I took part in regularly, and you were better off for it. You served your residents in a much better way when you are trained.

It's too often over the years that people who get elected unfortunately don't have a background in municipal service, in finance or in any municipal government whatsoever. Yet, these individuals are tasked with overseeing budgets that can range from \$500,000 to several million dollars, to tens of millions of dollars in operation.

So we have to be mindful, and I'm glad that it's being addressed with respect to the mandatory training for councillors and for senior staff. We do have to know when staff and council – they don't cross each other's line. That's something that we need to ensure that municipal elected officials and their staff know their roles, they know what their job is that has to be done and they don't step across the line to try to do someone else's job in that same time.

I firmly believe that this will address that. I've been in this chair only a short period of time and I've spoken to many people across our beautiful province with respect to looking for advice on how to handle situations. I firmly believe that this will curb a lot of that, having this brought forward, having the mandatory training. I appreciate those who will take the time to do the training, to educate themselves to better serve their residents and to have more productive councils. It's very important to keep that in mind.

Speaker, I know that the minister's department is looking at rolling this out. I do hope that it's in a timely fashion and we'll get to some

questions when I come to that later on in this discussion.

I'm glad to hear that she did say with respect to Municipalities Newfoundland and Labrador and the Professional Municipal Administrators, two wonderful groups that all of us can draw on, really, and moreover our municipal elected officials to run the municipalities.

I'm glad to see that they are part of the process. For many years, they have shouldered a lot of the burden. I know many of the staff at MNL and they are quality individuals who do great work and who do provide that service to our municipalities. I'm glad to see that. I'm glad to see that this legislation has finally come to the floor of the House.

I look forward to asking some detailed questions when we get into Committee.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister Responsible for Women and Gender Equality.

P. PARSONS: Thank you, Speaker.

It's always a pleasure to speak to legislation here in the House of Assembly and, of course, to represent the strong District of Harbour Grace - Port de Grave. Again, it's always wonderful to do that and, of course, I'd like to commend my colleague, the minister, for bringing in this long-overdue legislation.

For those of us just tuning in at home, we are here today debating the *Municipal Conduct Act* and how special it is, of course, for me as Minister Responsible for Women and Gender Equality to certainly partake in that; very important legislation, Bill 37, An Act Respecting the Conduct of Municipal Officials.

Speaker, our government certainly is – and as we've seen since we formed our most recent government – committed to improving gender diversity and representation in politics. Ultimately, working to reduce gender-based harassment and barriers to professional

advancement are critical steps towards achieving this commitment.

Codes of conduct like this one are essential in setting standards, Speaker, and expectations that help create safe spaces for all employees.

At this time, too, I also want to throw a big congratulations and a bouquet to all candidates across Newfoundland and Labrador who put their name forward in this most recent municipal election. Again, a big round of applause for them for just putting your name forward. It certainly is to be commended to step up and serve. As we know, with the three levels of government, the municipal level, they are the front line, ultimately. They deal with residents on the front line. Of course, we also partner and collaborate with them, provincially, as well as our colleagues at the federal level.

This legislation will help promote equality and security in council chambers and municipal workplaces, thereby improving opportunities for women and members of the 2SLGBTQQA community. This legislation will indeed assist in ensuring ours is a society where diverse voices are not only heard, Speaker, but respected and valued.

On that note, as well, I did earlier in this session recognize the first transgender person to be elected to our capital city in Newfoundland and Labrador, Ms. Ophelia Ravencroft. I also commend the people who supported her, the people on her campaign and, of course, those residents in the City of St. John's; it's wonderful to see. We need to see more of this because, of course, ultimately, society wants and needs to see councils that are reflective of society itself.

This legislation not only strengthens municipal leadership but also brings in mandatory core training and municipal employees on the code of conduct, which will be essential in helping to reach the goal of reduced gender-based harassment and discriminatory practices.

We know that we need more diversity at decision-making tables, including more women and gender-diverse individuals. If we just look around the room here in our hon. House of Assembly here, only nine seats in this Chamber of 40 are represented by women. Strong women,

women who I commend and I'm very proud of and I'm happy to call colleagues and friends, but we need to see more of this, Speaker. We know that we need to see more diversity at the decision-making tables. We need to see a reflection of society in which we live so that we can make decisions that are meaningful and impactful for the people in our communities, our province and our beautiful country.

That said, too, Speaker, at this time, I would like to congratulate all MPs, of course, for Newfoundland and Labrador. We know that the prime minister announced and revealed his Cabinet today; very proud to see our prime minister take the leadership in accomplishing gender parity in his Cabinet. I want to take this time to congratulate MP Gudie Hutchings for making it to the Cabinet table, as well, of course, our friend and MP, Seamus O'Regan.

Wonderful to see two Cabinet Members from this awesome province, small but mighty in population, at the Cabinet table, of course, in Ottawa.

We all know that the underrepresentation of women in leadership roles, including all levels of public office, is a direct result of attitudes, systemic, situational and institutional barriers that women and gender-diverse individuals face in society today. It's important that we provide safe places for future leaders to network with others, build relationships and foster mentorship and sponsorship roles that will asset them in exploring their paths to the boardroom tables, municipal councils and, of course, legislatures.

This spring the Office of Women and Gender Equality actually partnered with the wonderful organization Equal Voice Newfoundland and Labrador, which I'm very proud of. I also want to commend them on the great work that they do to support candidates across Newfoundland and Labrador.

We partnered with Equal Voice to offer a campaign college for perspective candidates. It brought together people of different backgrounds and ethnicities and we were encouraged to see so many people taking part in the campaign. It was an online forum, one of the workshops that I took place in, and it was just so inspiring, Speaker, to hear the stories, to see the interest and the intelligent conversation that

were shared, of course, by women and non-binary candidates on that call. I'll never forget that. These are some of the highlights of being in this role as minister. It's such an honour to be around such inspiring people.

I'm told, Speaker, that of the 26 participants, seven made the bid for election. Just about all 26 were engaged in some way, either working on a campaign at the municipal or the recent federal level.

I know that considerable gains were made, particularly during this municipal election to increase diversity. This year was an overall increase of 2.8 per cent in nominations compared to the previous election in 2017 with 39 per cent identifying as female, that's an increase from 33 per cent in 2017.

I want to certainly take this opportunity to thank my colleague, the Minister of Municipal and Provincial Affairs, for her work with Municipalities Newfoundland and Labrador through the Make Your Mark campaign. These campaigns are integral as well to encouraging participation in local politics.

We know, too, that in the most recent provincial elections we saw an historic number of women and gender-diverse individuals put their names forward. We need to see more of that than the nine, of course, who are currently here. It is indeed a positive step forward.

Speaker, as an MHA, I'm sure we can all compare stories and times where members of our councils within our local district reach out to us for direction with situations, as my hon. colleague just brought up earlier. We hear the stories of, dare I say it, corruption and unfairness and the harassment and the bullying.

I'm very pleased to see this long-overdue legislation be brought in. I also would like to encourage all councils and organizations across Newfoundland and Labrador, we're doing it here at the provincial level, but the implementation of a GBA+, that's the Gender-based Analysis Plus lens, to be applied to every policy, every program that's offered.

That's something, of course, that takes from the genesis of every program that's developed to see

how women and gender-diverse individuals are affected by everything that's put forward. It certainly is an eye-opener. I mean, you think you would assume it's a simple boy versus girl matter, but it's really not.

At this time, too, I'd like to commend the staff in the Office of Women and Gender Equality for the work that they do that works with every department across the provincial government to implement this and to ensure that everybody is best represented and least impacted as possible as can be.

I knew, personally, for me at a young age when I was interested in politics; I think I was nine years old when it first triggered my interest. It was a family friend. It was a male, however, who was running for politics and it was the first time I got to see it roll out, the activity and the excitement around it. But one thing that I did notice, looking around, it was a lot of men; you didn't really see a lot of women come forward.

That said, I am certainly happy I am where I am today and I'd like to thank all the people who helped me get to where I am. Again, as a woman politician – the first woman actually to represent the District of Harbour Grace - Port de Grave – I want to encourage all women and gender-diverse people who are thinking about it to go for it. Just go, take the plunge. If you sit there and often wait for the right time to run, sometimes, Speaker, as you can appreciate, probably that time never comes.

Again, I really commend this legislation. Certainly any way that I can me of support, as well as the staff and the Department of Women and Gender Equality, anything that we can do to enhance, to train and to better educate so that we can be better representatives for the people of Newfoundland and Labrador.

At this time, I also want to talk about and I want to commend the Premier for his leadership on the Indigenous training that we recently underwent as a –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Please stay relevant to the bill.

P. PARSONS: Thank you, Speaker.

All the training that we can do certainly helps us be better representatives for the people of Newfoundland and Labrador.

I look forward when this bill goes to Committee to hear the conversation, and I certainly will be supporting this legislation, Bill 37, An Act Respecting the Conduct of Municipal Officials.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

It is a privilege to speak to this bill today. Just so I'll put it in the record, I will go down through the Explanatory Notes that are contained in the bill.

“This Bill would enact the *Municipal Conduct Act*. The Bill would: require councillors and chief administrative officers to file disclosure statements with the council; prescribe what constitutes a conflict of interest for municipal officials; prescribe the process to be followed where a councillor knows, or ought reasonably to know, that the councillor has a conflict of interest in a matter before the council; establish a process relating to complaints regarding conflict of interest of a councillor, former councillor and administrator; prescribe the penalties to be imposed on a councillor, former councillor or administrator who acted in a conflict of interest; require councils to establish two codes of conduct, one code of conduct relating to councillors and another code of conduct relating to all other municipal officials; establish a process relating to complaints regarding contraventions of a code of conduct; prescribe the penalties to be imposed on municipal officials who contravene the code of conduct; allow the complainant and respondent to appeal certain decisions under the Act to the Supreme Court of Newfoundland and Labrador; and require councillors and chief administrative officers to complete training approved by the minister.”

I think my colleague for Cape St. Francis had mentioned earlier as a past municipal councillor, and myself – and I know there are many in this House who have served on municipal councils. I myself served as the deputy mayor in the Town of Paradise. I can tell you that code of conduct, conflict of interest were huge topics that came up on a regular basis and seeing anything that can give some more definition to these areas and make councillors more accountable and CAOs more accountable, I welcome.

I believe that people who put their names forward for council are doing so to help out in the community, but they need guidance and they need legislation like this that makes it more definitive and takes away the subjectivity when it comes to some pretty serious issues that may arise.

This provides that definition, provides the penalties because in the past, as well, if you were found in conflict of interest, then the only option was to vacate your seat. We talk about training, we talk about education and the conflict of interest may be something that wasn't intended, something that they weren't aware of, yet they could potentially lose their seat over that.

This is welcome, to come in with this and apply this new legislation. You also got to think about some of the councils out there. Some receive stipends. Many others are volunteer. You've got volunteers stepping forward and they have the uncertainties connected to some of the things they may or may not do. Giving some clarity to that certainly helps those individuals. As we know, you look around; you try to get people to run for office, so they need to be aware of what they're getting into. I think that's clear for anything we do.

To people who you say you should run for council, the next question is: Well, what's involved in it? This piece of legislation certainly clarifies a lot of that in terms of what's expected of them, what level of ethics and morals and that is expected of them. It's that clarity then that they make an educated decision on that. You talk about training that's allowed here, looking at training for municipal councils, there's a handbook – I think it's still online – a municipal training handbook for councillors, which is

great. I've read it, but not everybody is familiar with legislation and what it stands for. That document does a very good job, but I think the people who may be new to a council post, it may not be as clear to them.

Offering and providing some sort of training program for them where there could be questions asked and clarity given is certainly a step in the right direction. I know from my own experience – this is not specific to Paradise council but to councillors I've spoken to. A lot of them have not had the experience of sitting in a chamber and making motions and voting on motions and the like. Training, it's new to them. So having a training program or package available will certainly give them more direction and sooner rather than later.

I think, as well when I was looking through the bill here – and I think the minister mentioned it earlier, talking about it's not just conflict of interest. She mentioned the use of influence. She talked about unethical conduct. Individuals in a particular position may not even realize that what they say is influencing a decision. They may not even realize it. I've known people might get elected and they feel they're up on a pedestal. But I mean at the end of the day, much like our people here, the hon. Members in this House, we're elected to work for the people. I think with proper training of councillors and maybe even MHAs, but councillors, you're taught what role you're supposed to fill and what your limitations of your role are.

When we look at this, setting out the code of conduct, setting out what's required, I think you'll see less unethical conduct and people will be a little bit more focused on what's the proper way to behave and what's the proper way to do business within the council chamber.

I think the disclosure statement has been there before, but expanding it to include your CAO – your chief administrative officer or town clerk. We know that, especially in some smaller municipalities, there's quite a – I'll call it – familiarity between counsellors and the staff clerk. Most of them may be from the same family. So to outline this and have that information come forward to ensure that there's no conflict of interest positions or you're put in a position where you're voting on something you

shouldn't, I think that's a good start there for sure.

In my time on municipal council and dealing with council, conflict of interest was very much debated. We looked at the *Municipalities Act, 1999*, and we looked at the definition on conflict of interest in that. Now, this is a broader definition in here. I hope that we're going to do some balancing act between the two to bring further clarity to it. Because I think with the two definitions there are some areas that are up for question there that we should look at.

The one thing that we did when it came to conflict of interest issues within the chamber – and I think the legislation is really there, in my mind, to protect the councillor if he or she thinks she's in or he's in a conflict of interest. You don't want to be caught in that situation where you're voting on something that you may or may not have been impartial to because of a connection or monetary gain or whatever. So I think it's there to protect that individual.

But the problem I always had with it was that council voted on it – council voted on it. So if I claim to be in conflict of interest and I truly felt I was in conflict of interest, your own council would vote on it and say, no, you're not in conflict, in which case you have to vote. Even though in your own heart and soul you think you should be abstaining.

I'm looking at the section 6 here and just a particular clause there, and I may ask this question in Committee for clarification, or the minister may clarify it for me. In section 6 – and we go down there I'm looking at 5, then section 6(5) says, "Where a councillor is uncertain as to whether or not the councillor has a conflict of interest, the councillor shall disclose the nature of the possible conflict of interest to the council and the council may decide by a majority vote."

My interpretation there is if I truly believe I'm in conflict of interest, I'm in conflict of interest, which is a good thing because I don't think we've had that clarification before. If I read this in concert with that, it says: if I'm uncertain, I ask for a vote and council may vote.

I'm hoping to get clarification on that. If I feel I'm in conflict, I'm in conflict and I walk out of

the chambers. Here I think this clarifies this a little better for us. I appreciate that and, hopefully, I'll get that clarified.

Because when you're thinking of some of these councils and individuals that have come in and been elected, they're from all walks of life in some of these communities, they come in with different experiences but they may not be adept to following a process.

In fact, I would say to you, we brought in in Paradise – I made the motion and we brought in our parliamentary rules, the *Robert's Rule of Order*.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. DINN: I'm sure for some in some communities, they wouldn't know – and no disrespect, it comes from your background and the lifestyle you come from, but I bet there are many out there that don't know what *Robert's Rules of Order* are. In fact, I suspect that in this House some of us don't know what the parliamentary rules are at the odd time. But it's a pretty thick document, so when we do proper training – and I connect it to the municipality's council training handbook – it takes out those specific areas that councillors would deal with more often and gives clarity on those.

So when I look at the training piece and bringing councillors in and giving them the proper training so they all have a benchmark area to start from, it's a learning experience, no doubt about it. As long as everyone has a good understanding of what is required of them; what would be considered unethical is an issue.

Some of these communities, like I said, you may know everyone. In fact, some councils may all be related. So this provides some clarity there. I know there is a section that talks about quorums and such. I applaud that in terms of the quality or the clarification.

I don't know who's going to do the training or who would be the one to do the training here. I'm going to make the assumption that government will come up with a training package. There's the handbook, but are there

training modules or will there be videos or the like to deal with this? I think that's something that we need to do.

Not everyone, not every town is able to come up with someone to do the training in terms of facilitating it. So it's something that needs to be considered as we move forward. I think it's certainly needed. I think from a point of view of independence and objectivity, I think it's useful that someone who does the training is someone who is knowledgeable in municipal affairs, knowledgeable in legislation and can speak objectively to the training. I think when you get the trainer too close to the community, then you're dealing with, you know, issues that have occurred in the community and some may not be described as they should be in terms of an objective manner.

I'm hoping to be able to ask a few more questions on this during Committee. I think it's a long time coming. I know it's an attempt at clarity and I think it's done very much on increasing the clarity around the code of conduct, so I'm pleased with that. There are some areas, as I said, with the *Municipalities Act, 1999*, in terms of definitions, I'm not sure the two meld together in terms of the definitions of conflict of interest, but I'll ask some questions on that when the time comes.

But it is an area that councils I've sat on and councils I've heard from, and I'm sure the minister has heard from, especially from her past municipal experience, that some of these councillors are just unsure of how to deal with it.

It's not easy when you point across the table and you call out someone for a conflict. That's not easy to do. Sometimes people take offence to it. So this legislation certainly allows us to take the personal nature out of it and look: Here's what you're all supposed to abide by, here is what's considered unethical behaviour and here is the conduct that's expected of you.

I give credit where credit is due; there are not a lot of grey areas here. But with any piece of legislation, there's going to be. You're going to see them. Someone's going to come up and what about this and what about that. I'm sure, as regulations come out, we'll see more clarity there.

This is long overdue, and that's not a criticism on the current government. That's just fact. In dealing with the many municipalities of all different shapes and sizes – it's beyond me why some of these municipalities and these councils don't all get some form of stipend. I mean, they're entitled to it. But, as we know, depending on the size of the area, some get stipends more than others. So you've got to realize that a lot of these councils are pretty close to volunteer. They might receive a small stipend for, I don't know, gas and expenses like that. At the end of the day, a lot of them are very much volunteer. And even though some get the stipends, they'll probably tell you it's not enough to cover what I got to do.

Anything we can do to give clarity and make their job easier in terms of that because we all know in this House of Assembly, as we're dealing with complaints and issues, they deal with the right-in-front-of-you issues in the communities. Getting some clarity on what's expected of you, what you can or can't do or some areas where you may be in conflict or your conduct is out of order, at least they know that. There's nothing worse than someone calling you out of order and you're there and you really think you did something right and you didn't expect it. You apologize all you want, but you're still called out.

At least this sets the guidelines. The penalty issue, I think, is fabulous in terms of not having that one option. You make a mistake you're gone. I do have some reservation with the fact that you're still going to council or your CAO to make a final decision. I do have issues with that, especially in smaller jurisdictions. I think at some point in time – and I know it says you can go to the Supreme Court as a final option, but I do look at that in terms of some council, the council votes first; if not, it can go to your CAO and they would look at it. I think we're putting a lot of increased work on your administrative staff in the towns.

I would have liked to see somewhere between the CAO and the Supreme Court, something in there in terms – I know it can go to the minister, but somewhere else that you can call and get a quicker decision on whether you are considered the conflict of interest or not. Some towns are able to afford legal counsel; some are not. Even

your own legal counsel, I would argue they might be in a bit of a conflict dealing with it, because they're being paid and work for the town. Something in there I'd like to see a little different in terms of an independent place to call and make your call.

Anyway, I'm hoping to get a few questions during the Committee stage. I do appreciate it. I think it's a long time coming. I'm sure we'll be supporting it, but we'll have some questions.

Thank you for the time.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

It's a privilege to speak for the people of Labrador West but also on this. Like my colleague there from Topsail - Paradise said there too, it is something that's a long time coming. It's something we hear about often in our communities and stuff. I only have two municipalities in my district and I look across there to some of the other Members with going on 100 municipalities in their district. I'm sure they hear it a lot more than what I would hear about these things.

Like he said, there are a lot of communities in this province that are different shapes, sizes, makeups, geography, everything all has effect. We're working with hundreds of different little communities, big communities and everything in between that do have a lot of different makeup and stuff. Like I said, some communities, the entire community is one family.

Having some guidance and some clarity and things like that is really important. We may have to spell it out for them, but we have to have this guidance there to make sure that there are checks and balances and a procedure in place that we avoid conflict

Also at the same time, like you said, we have disclosure statements, setting guidelines and even a complaint process, the mandatory code of conduct. These are things that most governing bodies today are required to have. You can go

on to some boards for some not for profits and they have a lot of these things in place already. It's good that we're going to spell this out. We're going to have a process that deals with it and we're also going to have the opportunities now – if anything, this will actually help enhance communities further in the sense that they know what's before them. They know their responsibilities and they'll be able to point out conflicts of interest and other issues like that a lot more readily, at the same time protecting the communities, protecting councillors and finding that happy balance in between.

We're in a stage now that just being on a council is a lot more than what people expect these days. There's a lot more stuff going on now in society and in communities. There are broader scopes of things being discussed now as we go forward. So we're not just talking about day-to-day issues; things are getting a lot more broad. Even talking with communities in Labrador West, the things that are on their council table now is just a lot more than what we presume or the public presumes to be the simple things. There is a lot of stuff going on. So we have to have guidance; we have to have abilities to find these things.

I do agree with the Member for Topsail - Paradise, too, about the processes going from council and then to your CAO and then up. There should be some sort of body or some kind of ability to maybe handle these things. Because some communities may not even have a full slate of councillors and they can't probably attract a full slate of councillors. These little small communities need a resource, almost like a hotline, for them to work through these things. And there should be a body of some sort set up to help this. But at the same time it's almost, in a sense, that there needs to be a broader body.

Maybe this body can also facilitate the training that's required that's in this act, too. To go to community to community and teach people about a lot of this stuff. Because most people may run for a municipal position with the full intention of good in their heart and want to do the right thing, but when they get there and realize there are a lot of big things on the table, you have this code of conduct set down in front of them, they may not be ready, per se, then and they will need some extra guidance and stuff to work through these things.

There are a lot of these little communities now that their councils are made up of a lot of retired people or people that came back from working away and come back with all the best intentions and things like this. So maybe we should have the ability to have some sort of body, agency or some sort of little thing that can actually help people with the conflict of interest things, help with the training and give people the ability to do the right thing.

We encourage people to run for council because we want the best for our communities and we want to get people engaged in the process. But, at the same time, we should be giving them the resources and the abilities to work within this legislation that's proposed right now, but also help them understand why this important, understand the importance of it. Also, at the same time, encouraging them to have healthy debate in their council, do what they think is right for their communities and have the abilities to move forward with it.

So I agree with this. Myself and my colleagues here, we agree this is very important. We would like to see the importance this is, but also at the same time we agree with our colleague from Topsail - Paradise that maybe there should be some kind of body or something in between when it comes to these kinds of things. But also my add-on to it would be maybe this body would also be responsible for training councillors so that way we do what's right for them and best by them, because this could be overwhelming for a lot of these people. We want to encourage healthy communities, healthy debate and good active councils.

We've all seen the community that couldn't get enough people to run. They're trying their best. We want to encourage those smaller communities as well to be active communities, active participants in debate and in their community and grow our communities and grow our rural parts of the province.

We have to make sure that we give them the tools necessary to carry out this, but also if they call looking for a helping hand, we can also do that at the same time.

With that, that's my thing on it.

Thank you, Speaker.

SPEAKER: The hon. the Member for Burin - Grand Bank.

P. PIKE: Speaker, it's a pleasure for me to speak to Bill 37, An Act Respecting The Conduct Of Municipal Officials.

I'll begin by saying that the changes to the Municipalities Act have been discussed and requested for some years now. I'm pleased that this government has committed to complete this very important piece of legislation.

Dealing with disclosure statements, conflict of interest, code of conduct, appeals and orientation training is very timely given the fact that we just elected new councils who will require training and guidance as they take on their new roles as councillors.

I firmly believe that the Municipalities Act will go a long way in the retention and recruitment of new councillors and staff. This year's election was a great election with a lot of towns having more than the required number running. Elections were healthy and it's great to see that interest has improved.

Speaker, I have served on seven different councils for a total of 28 years in municipal politics. I've seen many new people elected and it has been a great experience for me, as well as a lot of those that had been elected. I've also witnessed, Speaker, that many find they are not prepared for the challenges that they face. This bill will allow for the training required to help them as they pursue their careers as local politicians. There is no greater act of volunteerism or no greater service than serving on council and making a difference in your community. This is what motivates people to run for council. Most of these people that run for council have experience as volunteers within their community and decided to step it up a notch and become involved at the local level as a councillor.

Perhaps one of the biggest issues with councils is the conflict of interest. Often we hear that councillors and staff are accused of acting in a conflict of interest. This has become a real problem and often councils have to engage in

legal counsel, at a significant cost I might at; a cost that does affect service delivery, especially in our smaller municipalities in our rural districts.

This act will clearly outline steps and procedures that councils need to take if a significant conflict of interest occurs or steps to take to avoid such situations. This section of the act also clearly provides penalties for conflict of interest for councillors, former councillors and administrators. This is certainly very beneficial and gives more autonomy and decision-making to the councils, which they have asked for in the past.

Code of conduct, another section of Bill 37, this is extremely important as guidelines and standards are key to running an effective council. All too often we hear of councils experiencing difficulties and issues that face council, which included professional behaviour, confidentiality and harassment.

This act makes it mandatory for councils and administrators to conduct training and clearly outlines the complaint process and penalties for contraventions of the code of conduct. Speaker, an act that is prescriptive and clear will give councils the autonomy and knowledge to act, which in turn will save thousands of dollars in professional and legal fees.

Councillors may have duties, Speaker, and being able to carry out these duties requires individuals committed to their service in rural and urban communities. I've often referred to the role of councillors as grassroots politics. You represent your citizens in many ways in the areas of stewardship, sustainability of the town, economic development, business attraction and infrastructure requirements, just to mention a few.

This act, Speaker, has had stakeholder consultations on the Municipal Legislative Review. These consultations are very engaging and were very engaging. There were small-table discussions focusing on municipal purposes and structure, accountability and transparency, professional conduct, revenue and enforcement. I was involved in some of the discussions, which involved 74 written submissions generating 691 recommendations for the bill. Other feedback,

which included PMA and MNL surveys, saw another 220 recommendations; 11 in-person sessions resulting in a total of 1,200 ideas generated.

What people wanted, Speaker, in this reform was, one, a more user-friendly act, an act that would allow councils to be able to interpret the act more freely, an act that would allow people to understand what was being said and what the regulations and rules were for running council meetings and other significant parts of the act. They wanted an increase on openness, accountability and transparency. Of course, that's important for all councils. Address councillor and municipal staff conduct and conflict of interest. Clearly, what we're proposing here today will do that.

Municipalities wanted to be empowered for increased local and regional decision-making and service delivery; want to clarify the roles of municipalities and the relationship with the provincial government; provide municipalities with the ability to generate revenue and economic development.

Speaker, a couple of years ago, I attended a conference in Montreal. It was a time when the town I represented, the Town of St. Lawrence, we were trying to attract businesses to come into our community. We were sitting on the largest fluorspar deposit in North America and we were trying to attract investors into the community.

We had met with a number of companies from all around the globe but, eventually, we managed to get a company interested. This company was, and is, based in the United States. The company now employs approximately 275 individuals from my district and the region. It's a real success story.

The councils need to become involved, especially in the rural areas, promoting their communities, being able to go out and attract investment to make their communities sustainable and to keep people in rural Newfoundland and Labrador. The act must be able to do that. The act has to be able to do that. The act has to give us the flexibility to be able to go out and become our own economic development board. That's what our council has seen itself over the last few years.

The Conference Board of Canada were really impressed with what we had done in St. Lawrence, how we had gone about it. Not only have we attracted a mining company, we've also gone out and we attracted a company to come in and operate a fish plant that lay dormant for years. We also attracted a company from the United States to come in and put up wind towers.

SPEAKER (Trimper): Order, please!

I just remind the Member to stay relevant to the bill, please.

Thank you.

P. PIKE: The bill hopefully will enable us to do that.

Mr. Speaker, cities and towns in this great province have been asking for a review of the Municipalities Act for a number of years. I am so pleased to be part of a government that recognizes that changes are needed.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Thank you.

I next recognize the Member for Bonavista, who I understand is seeking leave?

C. PARDY: That is correct, Speaker.

SPEAKER: Seeking leave to speak to another matter?

C. PARDY: Correct, just two minutes at the most. The leave is a request – veteran Doug Russell visited this House on Thursday. Just wanted to issue a few thank yous and one short story that's related to municipalities.

SPEAKER: Thank you.

Does the Member have leave?

AN HON. MEMBER: Leave.

SPEAKER: Okay, thank you.

Please proceed.

C. PARDY: Thank you to the House and thank you, Speaker.

Veteran Doug Russell, I did a Member's statement on Mr. Russell on Thursday. He visited the House. And I just wanted to issue a few quick thank yous before I get to have a few brief remarks on the proposed bill.

He was greeted at the entrance by a security official by the name of Dennis Goodland. Dennis is from Bonavista; his dad is Alex. He's a veteran himself and the initial greeting of Mr. Russell when he came to this Confederation Building; it couldn't be performed any better than what Dennis did at the initial greeting when he brought him in and with the warmth that he did. Dennis himself has three tours of duty in Afghanistan, and also in Bosnia.

When he came into the Chamber, the Premier brought him up to the eighth floor and we shared some good conversation up there. All my colleagues that are on this side of the House, we had a picture and met Doug Russell here in this Chamber, and I would say the Speaker and his officials shared in that moment as well and were a great host while he watched the proceedings in the House.

So I'd like to thank everyone who made that experience for veteran Doug Russell so special.

SOME HON. MEMBERS: Hear, hear!

C. PARDY: In fact, he had stated that words could not express his gratitude for the very warm welcome that he had. So I applaud the whole House and everyone who had a part in that.

The quick story on Doug Russell: Part of my Member's statement was that while he was a deputy mayor in the Town of Port Union at the time in 1986, the Sir William F. Coaker bridge needed to be replaced, so he arranged for then MHA Charlie Brett to meet him underneath the bridge to have a look at the infrastructure. But what was memorable and notable about this particular occasion, Mr. Russell had arranged for a transport truck carrying a D8 dozer to leave Seaport Inn, which was less than a kilometre up

the road, to drive over that bridge while they were underneath and it had to occur at 12 o'clock, noon.

Well, I tell you, when that D8, the story is told, passed over that bridge and when they were both showered with concrete from the bridge, in the words of Charlie Brett at that time, MHA, said: Doug I've seen enough. You will have your bridge.

SOME HON. MEMBERS: Hear, hear!

C. PARDY: I celebrate that and it's a nice segue into the bill. I promise only to have a few short minutes in commentary on this particular bill.

In 2015, I was a chair of the local service district in George's Brook-Milton. I would throw that out because I know there are a lot of local service districts within the Province of Newfoundland and Labrador. I have seven in my district and I hope I have that number correct. I know my colleague in Terra Nova has 11. So if we're looking at 17 in two districts, we've got a lot of LSDs of which these two concepts, as far as looking at the code of conduct and the conflict of interest, would be most applicable.

I'm not sure in the act – and I'm sure that will be fleshed out now probably when we get to Committee to see where it is in relation and certainly a code of conduct, if we want to make sure that they're braced for success or prepared for success in their governance model, then that would be in integral part.

In 2018, the LSD that I was a part of and the six other members of the LSD, we became incorporated as the province's newest town. Then we had the experiences of being a council and we went through the training. The training is very significant. I know that in the bill I see we talk about penalties; there will probably be no need to discuss penalties if we do a good job with the training. I think that is the key to it. My colleague from Topsail - Paradise mentioned about the consistency of the messaging. So if we're talking about a vast province that we have and the number of training sessions that must occur, a consistent message is very important.

In the latest election that we had, we had 16 candidates run in the Town of Bonavista. It was

wonderful; a diverse lot and it was something special and something that we're very proud of.

Once you have that you must have full disclosure of what your affairs are – financial, land holdings – I'm not sure if that would be a deterrent for some. It is significant and it is very important. The only thing I would say is that we probably need to make sure we have the message out there to inform them when you become part of these governance models, then here's what the expectations are and what would be. So, upfront, I would hope that it wouldn't be a deterrent because, again, it is necessary that that would occur.

I'm sure my colleagues will have questions in Committee. One would ask that you present these statements of disclosure, but what happens to them then? What is the thinking around where they go; who has access to assure their confidentiality once they're submitted? It may not be significant for everybody but I'm sure it's significant for quite a number of people.

I would say many people have stated here that they're supporting the bill. Our side certainly does and out of respect for Standing Order 48, Redundancy, I think that is most of the number of points that I wish to make.

I thank you for leave, Speaker.

Mr. Russell, who's watching today from his home in Port Union, this House surely enjoyed his visit as well.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Thank you very much.

Next speaker, please.

The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Speaker.

I normally say I'm going to take a couple of minutes, but I'm probably going to take longer than that. Unfortunately, I only have 20.

Anyways, Mr. Speaker – or sorry, Speaker, I'm still trying to get used to dropping the mister

part. Like everybody has said here, this is a good piece of legislation and certainly something that I will be supporting. Having spent eight years on the city council myself, with the City of Mount Pearl as councillor and deputy mayor and also serving on the board of Municipalities Newfoundland and Labrador, this is an issue that I have been aware of for a long time and certainly something that's been raised by MNL and municipalities, in general, for many years now. So when we say it's a long time coming, it's a long time coming, it's just that.

Of course, this is just one piece of the bigger picture because what we've also been waiting on for a long time – I know in the City of Mount Pearl, even from my time on council, we were being promised back then that there would be a new cities act coming forward, a new *City of Mount Pearl Act* and for some reason it kept getting delayed and delayed and delayed and it never happened. That would've been back at least 10 years ago. Even when I first got on council, which is like almost 19 years ago, it was being talked about then and it didn't happen.

We still don't have a new cities act; although, I understand that that's coming, I think, in the next session, which would be I guess next fall or maybe next spring, hopefully. This would be a part of the cities act or the Municipalities Act. Of course, St. John's, Corner Brook and Mount Pearl would fall under a cities act and the rest of the municipalities would fall under the Municipalities Act. I'm of the understanding that there will be a new cities act and a new Municipalities Act, updated ones, which will be coming before this House when we sit again.

This would have been a part of those acts, but I think the minister and the government understand the importance of this particular piece and, therefore, they wanted to bring it forward as a stand alone so at least we would be started down the road of having a code of conduct for municipalities across the province as opposed to waiting another several number of months or a year to have it as a part of the bigger cities act.

I am glad that it is brought forward today; it's something, certainly, that I would be supporting. I'm glad to hear that other Members on all sides

of the House will also be supporting this piece of legislation.

Certainly, we have seen situations across the province over the years where we have run into issues with conflicts of interest. We have seen the divide that these situations have created. Not just on council, not just amongst council members, but also staff of municipalities and indeed the community itself. We have seen communities divided over these issues over the years.

Unfortunately, we have seen it where I live, in Mount Pearl, over the last year, which was very disappointing and that is something that had never happened – to my knowledge – before, but we did see that. Hopefully, by having these standards in place, having these clear policies in place and having mandatory training in place for councillors and for staff that we can avoid these types of unfortunate situations in the future.

One of the pieces, which I am glad to see here – there are a lot of good pieces in here, actually – in terms of the levying of a penalty, if you will, against a member of council or staff who find themselves in a conflict of interest and so on, prior to this piece of legislation coming into force, the only option available was to vacate the seats on the council. I know that was something that came out publicly in Mount Pearl a few months ago when there were two seats vacated on our city council. At the time, what was said by the remaining members of council – and perhaps it was warranted, regardless; it depends on the circumstances and we still don't really know. There is a lot of he said, she said, as we see in all these cases, Mount Pearl being no different. But what was said by the council at the time was that the only option they had available to them under the act was to vacate the seats.

At least now, depending on the circumstances of the conflicts or the infractions or what went on, depending on the nature of it, the details of it and so on, the seriousness of it: at least now there are a number of options available to council to deal with somebody who violates the code of conduct. It could involve the vacating of the seat, it could do that, depending on how serious it is, but it does not have to automatically go there. There are other forms of discipline, I'll

call it for lack of a better term, to deal with these situations.

From a more minor form, based on a minor situation, versus right up to and including vacating the seat in the most serious of situations with a number of measures that could be taken in between. I think that's a great feature to have here so that the penalty fits the crime, so to speak, as we would say if we were talking about a criminal matter, that the penalty fits the crime. I think that's a good thing.

As I said, having the training there is also very important. We have to realize that, depending on the municipality, the size of the municipality – and this has kind of been referenced one way or another in other speakers – that, you know, it's one thing when you're with a large municipality, I will say a large urban municipality that have huge budgets or significant budgets and a lot of professional staff. And that's not to be demeaning to any of the town clerks in the small towns. I don't mean it that way.

But in very large municipalities, let's face it, you have people who are, in a lot of cases, highly trained, educated and so on, making big salaries, getting paid big salaries to have that expertise and knowledge in all these types of matters. So when matters arise, you have that professional staff that can give advice to councils on various aspects of the Municipalities Act, of legal implications, of financial implications, of civil implications and so on. Or you have the ability, because you have the funds, to be able to seek legal advice or advice from consultants and so on because you have that financial flexibility to do so.

Whereas, when we're talking a number of smaller municipalities: very, very small budgets; lucky if they can hire somebody part time as sort of a part-time clerk or whatever the case might be; just don't have the staffing, just don't have the resources, don't have the resources to hire consultants and so on; in many cases, all volunteers.

It's important, in particular for those small towns – it's important for all towns, regardless of size, but small towns in particular, it's important to have this training so that everybody is trained and understands exactly what the

roles, what the responsibilities are and how to deal with these types of measures when they arise.

Now, I would say to the minister – and I'm sure she would agree – it's one thing to conduct a training session to say you're trained, we're done, end of story. We all know that's not going to work – we all know that's not going to work. This has to be an ongoing process of training. A one-time training session just isn't going to cut it.

I think that's where Municipalities Newfoundland and Labrador can certainly play an integral role in rolling this out and in maintaining these standards and keeping people trained up. Because anyone who's been involved with MNL who is a former councillor and so on who've gone to not so much the convention that'll be happening next weekend, but certainly the municipal symposium which happens in the spring – that usually happens in Gander – that's usually, I'll call it, the training days, if you will, more so than the other part.

So they've always taken a lead role on training municipal leaders in many aspects of municipal governance. I could see MNL having a very, very important role here, not just in the rollout of this training, not just in the rollout of this program, but in the ongoing education year over year over year, the refreshers, the updates and so on.

I could also see perhaps MNL having a role to play – which they do all the time anyway with other matters – to be that resource if people have questions about how this policy might roll out. Possible templates that might be available for municipalities to follow and questions around the guidelines and so on.

I think MNL is really the body that is best equipped to provide that type of training, expertise and guidance for municipalities. I certainly encourage the minister to utilize the expertise that exists with that organization, because they certainly are a wealth of knowledge and have proven and shown over the years that they have the ability to have a positive impact in terms of assisting municipalities throughout Newfoundland and Labrador.

Obviously, we're going to be into a bit of a different situation as it relates to local service districts. My colleague from Bonavista referenced the issues around local service districts. Yes, he is right; there are 17 between those two districts. There's a lot more of them than that. I don't know what the number is, but I'm sure it's over 100 or more throughout the province of local service districts.

The legislation does contemplate local service districts as well. I think what it says here is that for municipalities there will be guidance here saying that municipalities must develop their own code of conduct, but then I think it's also saying that Municipal Affairs – if I read it correctly – will provide a code of conduct or a template. I don't know if they're going to impose one or how it's going to work, but they will be directly involved with establishing code of conduct for local service districts.

Obviously, training is going to have to be provided to those folks as well. They wouldn't get through Municipalities Newfoundland and Labrador because they wouldn't be members of Municipalities Newfoundland and Labrador, so there will have to be other venues provided by Municipal Affairs to ensure that local service districts are also trained in this code of conduct.

I think with the training, the ongoing training and the ongoing education that we can hopefully prevent a lot of these conflicts from occurring in the future. As somebody said over here, we won't have to worry about the penalties because everyone will know what they're doing. They'll be trained, they'll understand and, hopefully, it will result in these incidents not happening.

Now, does that mean they're never going to happen? I don't think so. I think we can do all the training we want; there still will be incidents. Hopefully they'll be less, but they'll be there.

That brings me to a point that was first raised by my colleague from the District of Topsail - Paradise and one of the first things that popped out at me actually when I was doing the briefing; I actually asked about this at the briefing that I received. I believe the Member for Labrador here raised it as well. The whole issue around – I just lost my train of thought; the train just came off the rails b'ys. Imagine.

AN HON. MEMBER: (Inaudible.)

P. LANE: No, we won't stop –

AN HON. MEMBER: (Inaudible.)

P. LANE: We'll have to recess until I gather my thoughts.

I'll take it –

AN HON. MEMBER: (Inaudible.)

P. LANE: No, it won't be tomorrow. I'll take a breath.

The training, what was the point he just made?

AN HON. MEMBER: (Inaudible.)

P. LANE: The what?

AN HON. MEMBER: (Inaudible.)

P. LANE: You did.

AN HON. MEMBER: You've made enough points already, Paul.

P. LANE: Yeah. They're saying I've made enough points already.

Oh, yes, now I remember.

SOME HON. MEMBERS: Hear, hear!

P. LANE: The other point I wanted to speak to was who will be the arbiter of disputes? That was the point, the arbiter of disputes.

Right now, as has been said, it kind of falls to the council, perhaps the CAO, and from there it goes right directly to the courts.

My thought process on this, similar to what my colleagues have said, is that there needs to be some sort of an independent arbiter in between. Now, there could be a person, as was said, whether it's MNL or whatever who can give some advice, perhaps, to say here's what we think. That's one thing while you're sort of still in the middle of sort of the dispute, but if parties can't agree, I wonder, instead of the courts, because you go to courts, it could be very costly

on the municipality, costly on the individual councillor, and who has the resources to do it? Perhaps, depending on the size of the municipality and the resources they have, they may have the funds, depending on the size. A lot of small towns wouldn't have the resources to take things and challenge it in court. Certainly, as individual councillors, particularly those who are just volunteers and so on, now they have to go to court to deal with something.

Now, it's fine to say, well then just drop it and accept the decision of the council that you were in a conflict. It's fine to say that, but then that's potentially somebody's reputation gone down the drain, particularly, if they really feel that they weren't in a conflict and they did nothing wrong, they should have the right to appeal.

Perhaps having some sort of an independent tribunal, I will call it, maybe binding on both parties so that you have that dispute over whether there's a conflict or whether there isn't a conflict. Perhaps Municipal and Provincial Affairs – I think in here we were told – would get involved with maybe some mediation or whatever, but, at the end of the day, you agree to disagree. Perhaps there should be an independent tribunal or body or something that would hear both sides and make a decision outside of the court process that they could say you're either in a conflict or you're not. Perhaps that would be binding on both parties.

I just throw that out there. Maybe there's another form this could take. But I know, for example, if somebody is on a workers' compensation claim, they can appeal. They go to internal review and then there's the workplace review division, which is no cost to the employee or the employer. I suppose there's a cost to the employer in terms of its part of the overall system, but there's no cost per se and it's an independent body who makes a decision. You still have the right to go to court if you want to take it further, but at least that independent body is there. Perhaps there needs to be something like that inserted into this process so that these matters could be dealt with where parties can't agree.

I would just sort of echo that point, whatever form it would take, that my colleague from

Topsail- Paradise mentioned, I think there should be something in between.

But beyond that, I think it is a very good piece of legislation. As I said, it's something that's been lacking for a long time, something that municipalities have been asking for, for a long time. I'm sure it's going to be welcomed by Municipalities Newfoundland and Labrador and by all of its members. I think it's going to serve our province well.

Thank you, Speaker.

SPEAKER: Thank you.

Are there any further speakers to Bill 37?

Seeing none, if the hon. the Minister of Municipal and Provincial Affairs speaks now, she will close debate.

The hon. the Minister.

K. HOWELL: I would like to thank everybody for what they've added to this conversation.

Speaker, I think we have come to a consensus that this is certainly something that's needed and will be beneficial to our communities.

Thank you very much for the comments. I look forward to providing answers to much of those questions during Committee.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

The motion is that Bill 37 be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

The motion is carried.

CLERK: A bill, An Act Respecting The Conduct Of Municipal Officials. (Bill 37)

SPEAKER: This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole House?

S. CROCKER: Now.

SPEAKER: Now.

On motion, a bill, "An Act Respecting The Conduct Of Municipal Officials," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 37)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Minister of Municipal and Provincial Affairs, that this House resolve itself into a Committee of the Whole to consider Bill 37.

SPEAKER: It is moved and seconded that I do now leave the Chair so that the House can resolve into Committee of the Whole to consider the said bill.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

The motion is carried.

On motion, that the House resolve itself into a Committee of the Whole, the Speaker left the Chair.

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 37, An Act Respecting The Conduct Of Municipal Officials.

A bill, "An Act Respecting The Conduct Of Municipal Officials." (Bill 37)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes the hon. the Member for Cape St. Francis.

J. WALL: Thank you, Chair.

Some questions with respect to the bill.

Who will provide the training that's coming forward?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Chair.

The training aspect is something that we've been working on with our partners at MNL and PMA. Our department also offers significant training as it stands, but it's not mandatory.

So as we move forward, we will make our training mandatory and work with our partners to develop training that's adequate for all the councils that we serve. It'll largely be based on the municipal handbook and just operationalizing that to make sure that all of the important information gets out to the communities.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Thank you.

Who will be paying for this legislated training?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: This training will be part of the work of our department as well as part of MNL's mandate and the services that they provide to our communities.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: I'm wondering if this schedule of training will be offered to as many people as possible. Will it be done in the evenings; will it be done on the weekends with municipal leaders working?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Those are some things that we'll have to work through when we get to regulations and to specific councils, but our aim is to make it as accessible as possible to as many of the council members as we can.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Will the Innu community governments in Labrador be covered under this particular code of conduct?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: No, they won't be.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: I ask that because we have to look at with respect to the training and materials will be translated. So that is something that should be kept in mind.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: It is my understanding that they are self-governing bodies, so we wouldn't have a role there. But if there is any information that needs to be provided and they have any questions about translating, then that is certainly something that our department would look into.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Just wondering why the code of conduct was not a part of the larger bill when we're going to update the Municipalities Act, as we discussed earlier in the House. I'm just wondering if you can provide a timeline on that.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think we carved off this piece because it became such a prevalent issue when we were going around doing our consultations for the Municipalities Act. Seeing that the councils were requiring this type of information, we thought it would be prudent to bring it forward quickly.

Given that the Municipalities Act is 400 sections, it is a larger piece of work and something that is going to take a little more time. We are still working diligently on that and it is my aim, if possible, to get it to the House the next sitting.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Just wondering what will be done to bring the local service districts in line. Do you have a plan or a time frame for the local service districts?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Our local service districts are considered committees and not councils so, by that nature, they wouldn't have to be included. They certainly could be included, if they chose to do so, and the department can give them templates and give them options of how they can implement code of conducts.

It was our line of thinking that because these local service districts often have a smaller capacity, they provide services with a smaller group of people, the opportunity for conflict doesn't always exist in the same fashion. You have you basic services that are provided, and the local service districts do a great job of taking care of the immediate needs in front of them. Because they don't have staff members, it wouldn't really apply to them. So that was our thinking there.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Thank you.

I know you're new to the role. But as this has taken three years to develop and it is going to be a full four years before implemented, can you comment on why it took so long to get to this point? I'm glad we're there but why did it take so long?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs

K. HOWELL: I just got here in April and I got it to the House today, so I think that's a pretty good timeline.

SOME HON. MEMBERS: Hear, hear!

K. HOWELL: As I mentioned, it's been a large chunk of work and this became, certainly, a pressing issue. We wanted to make sure that we consulted with as many people and communities as we could to get it right. So we're working on that diligently and hope to get it moving forward.

CHAIR: The Member for Cape St. Francis.

J. WALL: I thank you for the answer, and I appreciate you being new in the seat and I'm glad it is on the floor of the House.

Can this legislation be applied retroactively when you look at the previous issues that have gone on throughout the province in municipalities?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: No, we're not looking at moving it backwards after it's enacted. We have a time frame there where councils who would fall under this legislation, you can look back at something that was conducted then, but we're not looking digging holes 20 years in the past. We're pretty much focused on moving our communities forward and doing what we can to make things better for our communities now.

CHAIR: The Member for Cape St. Francis.

J. WALL: Thank you.

I know we've discussed and you mentioned Municipalities Newfoundland and Labrador and

the Professional Municipal Administrators of Newfoundland and Labrador earlier. Have they been fully consulted and are they fully on board with the legislative changes?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: As I mentioned earlier and as the media briefing today, I was flanked by members of MNL and PMA and I'm very pleased with the relationship that we forged with them. They've been consulted extensively on this, as well as our legislative review and we continue to work with them. They are very strong partners, they represent the communities very well and the staff members very well and that's something that we certainly look forward to doing in the future.

CHAIR: The Member for Cape St. Francis.

J. WALL: Thank you and I'm glad to hear that.

With respect to the disclosure statements: Does the department have any concerns about the personal financial information of an individual and their spouse or partner to be held securely in a small council office?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: It is the responsibility of the communities to have a records management plan, a retention plan and a policy. So that's something that all councils and all offices have to do. The records that would be held can be viewed by the public, but it's within the purview of the community to do that. To quote a line from earlier, we're giving them a lot of responsibilities here. They have a lot of power so we're giving them a lot of responsibilities.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Thank you.

Does the department have any concerns about the broad financial disclosure requirements for individuals and their spouses or partners that may actually turn people away from running for municipal office?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think the same answer applies. When we get quality people step forward to take on these roles, the understanding is that they have a responsibility to the communities that they are representing. We certainly do want to make sure that there are measures in place to protect that, but at the same time they realize that this is a role that they've stepped into and want to be fully committed and fully disclosed.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Given that we, as MHAs, in this House have very stringent private interest disclosures, did the department consult with the Commissioner on this particular piece of legislation?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, we did.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: What happens with the small municipalities who do not have full-time staff? Does the minister have any concerns about the professional capacity to implement this legislation and, if so, what additional supports do you have to offer to help them comply?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: We do, in our department, offer significant support to communities if they come forward and request that from the department. However, I think I'm going to put my regionalization hat on here now and use that as a pitch that, moving forward, if we consider shared services, if there's something that communities can do better together than that's certainly something that our department encourages and if we can be of any assistance in that matter then they can certainly reach out to us.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: So what time frame do you have that you're going to propose for this councillor training?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think earlier today I said about nine months, once we have a solid piece of legislation to work with. It's going to take us about six months to get regulations in place, after this is all said and done. We want to give councils an adequate time frame to complete their training. We'll give them a three-month window to get everybody in and trained up to par.

That might take a little longer depending on some of the consultations and reaching out to people that we have to reach out. It would be a timeline thing with them getting back to us.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Will the government be providing any financial assistance to municipalities to help them offset the cost? I know some municipalities are struggling out there with respect to any incurred costs.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Our department is always at the ready to provide any training information that we can at no cost to our communities but if there is a cost that's incurred, it's a conversation that we can have. Right now, we haven't put a price tag on any of this, but we will certainly look at that moving forward.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: Just a couple of more questions: Will this code of conduct cover part-time staff and seasonal employees; there's many municipalities who have students on their work terms?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The code of conduct will apply to staff, councils and even volunteers as we move forward; anybody who represents the community in any official capacity.

CHAIR: The hon. the Member for Cape St. Francis.

J. WALL: With respect to volunteers, volunteers are the lifeline of municipalities, no doubt. Have you consulted with the groups of fire departments or recreation commissions throughout the municipalities?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Most of that consultation has come through our communities through MNL. We realize that the role of the volunteers in some of our small communities, you couldn't even put a price tag on it because they are invaluable. So as we move forward it will be implemented through consultations with the communities and seeing where that fits for them.

CHAIR: Thank you.

The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Chair.

I thank the minister; I think I might have alluded to some questions that are coming. I only got a couple here.

I'm just looking at Part II, the conflict of interest definition, and I alluded to there's a definition in the Municipalities Act. Which one takes precedence?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I'm thinking seeing that this is the most-updated piece of legislation, I'm going to wait for my staff to get back to me, but this one will take precedence because we're going to improve the Municipalities Act as well.

Yes, I'm correct.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Chair.

Looking at the same section of conflict of interest, under the definition it talks to personal relationships.

What are we defining as personal relationships?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: You're going to have to give me a minute to look for the definition. I think that in some of the definitions outlined we have that. It could be any personal relationships: relatives, spouses, friends, all of these things are outlined in the definitions here.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: I take that as similar to what we would describe as immediate family?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: I think I got one more question here – just going back here.

We've talked about the whole process and how it follows through. So once there's a complaint made against an individual that they're in conflict of interests, and there's a whole process of reports and so on and so on, and it can go as far as the Supreme Court. What's the status of the complainant from the point of time when a complaint is filed until then? Is that councillor still considered –?

K. HOWELL: I can't hear you.

CHAIR: The hon. the – sorry.

K. HOWELL: I can't hear him.

CHAIR: The hon. the Member for Topsail - Paradise, would you mind repeating, please?

P. DINN: That's not a problem. I've never been told you can't hear me.

No, just looking at the point of where a complaint is filed against a councillor, and there's a whole process that follows through in terms of there's the report and then the CAO could be involved and then it can go to the Supreme Court and so on. What's the status of that complainant from the point of complaint to whenever it's resolved? Is that person still a councillor, or is he or she removed from council? What's the status?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I'm just going to refer – just give me a minute for my officials to chime in there. I think that the council has the ability to set somebody off if they choose to. They can set them back for three months; remove them from their duties or committees or whatever, if that's what they choose to do. But until there's a decision then, yes, they do sit back.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you.

Okay, so they step back from their duties. So if they're found – we'll say for lack of a better word – not guilty, are they reimbursed retroactively?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I guess that would depend on whether or not there was any type of reimbursement in the first place; if they were being remunerated for their council work. So if they are paid, they would be reimbursed. But if not, then it would just be no.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

Minister, going back to the point I made in second reading, and my colleague from Topsail - Paradise as well, was there any consideration giving to having a step between the council making the decision and going to court? Was there every consideration of having some kind of an independent body, tribunal, whatever? If so, how come it's not there or what was the thought process in not having it there?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: We talked about those things and the conversation came up. But, ultimately, any decision of a tribunal or outside group would still be subject to a judicial review. If they are going to prepare for a tribunal, they would still incur the cost or the preparation of preparing for that, similar to what they would if they were to go to court. So removing that step and giving council the autonomy to make those decisions was just another piece of giving them the ability to work within their means for the communities and then, ultimately, they may still end up in a judicial review.

CHAIR: The Member for Mount Pearl - Southlands.

P. LANE: So I would assume that if a councillor decided that he or she was going to take the matter further to court, then, obviously, any court costs and so on associated, if that councillor won, would be levied back on the municipality, I would imagine.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I don't have that answer right now. I'm not sure; I'd have to get back to you.

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

J. DINN: Thank you, Chair.

Just to go back to personal relationship: Did I hear it correctly that it really pertains just to the immediate family?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: That's outlined in the bill. It's a relative: a spouse, child, stepchild, step-parent, sibling, parent-in-law, sibling-in-law or anybody who resides with the municipal official.

CHAIR: The Member for St. John's Centre.

J. DINN: So I'm thinking a personal relationship, especially if it's on matters that I'm thinking in terms of, even the situation in Conception Bay South, if you have a personal relationship with the developer, a friendship, or the company or whatever else, would that not be classified as a personal relationship?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, and that's something that we considered where we introduced the reasonableness factors. If somebody looked at that and assumed that a person could act without bias, then they wouldn't be in conflict. For example, I would be in conflict in my community if there was a decision about the swim team because I spent the last 25 years as a member and a coach, so I would excuse myself from those decisions. Even though there may be no financial gain to me, I would probably not be able to act reasonably without bias. So, you know, those different things are applied to friends and businesses, as well as immediate family.

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

J. DINN: Thank you, Chair.

That's my understanding here, even on the few boards that I was involved with.

With regard to that: Who determines the reasonableness? Would that eventually be the council?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, it would be the council. They would decide for that particular issue, but there is nothing that prohibits them from going outside to phone a friend, ask another

community if somebody would weigh in on that decision.

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

J. DINN: I notice here on Part II, 6(5), it says: "Where a councillor is uncertain as to whether or not the councillor has a conflict of interest" But what about if the councillor says unequivocally, yes, I am declaring a conflict of interest at this point. Is the council still able to vote and say, no, you do not? Are they able to weigh in on it or is that the end of the matter?

It says here "uncertain"; but if the councillor, himself or herself, is sure on that, is the council then still able to overrule that and declare that their councillor is not in a conflict?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The council could still vote, but I don't know why they would. If somebody declares a conflict, then you're out. I don't see why the council would pursue that.

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

J. DINN: I have an example where that happened, but that's fair enough. That's my concern here. If I was declared and someone then says no, you are not, that would be an issue with it.

With regard to section 6 as well, I notice that it says here that where a councillor knows or ought reasonably to know that the councillor has a conflict of interest, the councillor shall refrain from participating in any discussion; refrain from voting on any question, decision, recommendation; leave the room in which the meeting is held for the duration. However, it then says the councillor may remain in the part of the room set aside for the general public.

Two questions: The purpose of having them refrain from participating, refrain from asking questions – essentially, it would be to remain silent in the discussion, correct?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Correct.

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

J. DINN: I should know better, Chair.

So if it is to remain silent and they're not participating, what is the requirement to have them leave the council room? If they're just sitting there, why would they be required to leave the chamber itself?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I would assume that it is so that you don't have that influence in the conversation, even implied influence by your presence there. It would be intimidating for members at the table if somebody was there. It guarantees impartiality on behalf of the council if the person is removed.

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

J. DINN: Thank you, Chair.

That's exactly what I would assume. So, then why would you even permit that person then to sit in the gallery or any place for the general public where their very presence would be again an influence? I think, if I may, that's something that that person should be out of there altogether if we assume, Chair, that their presence will be intimidating or influencing even if they say nothing. Really, they need to be out of there altogether. Why would that be –?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: They would still be a member of the general public and a resident of the community and have the capacity to sit in the public forum.

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

J. DINN: Again, they may be a member of the general public, but the reason they are now sitting there is because they have a possible conflict of interest. I think the fact that there's a conflict of interest sitting on council, that supersedes that in that way. They have declared that interest. And the minister has acknowledged that the very presence of that person could influence the decision-making.

Secondly, it says there in (3): 'A councillor referred to in subsection (1) shall not attempt, in any way, before, during or after the meeting, to influence (a) the vote of other councillors.' Just to be clear, this also covers any electronic communications such as through a cellphone and the like?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: While not explicitly stated, yes, any form of influence would be covered here.

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

J. DINN: Thank you, Chair.

CHAIR: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Chair.

I had a couple of questions. Lake Melville is an interesting district in that we have seemingly one of each: a larger community in Happy Valley-Goose Bay, a smaller community in North West River, the Band Council operated and owned the directive of Sheshatshiu, the local service district of Mud Lake; but one I wanted to ask the minister about was Churchill Falls. It remains a company operated and managed community, but I'm wonder if are there any elements of this that you see applicable in this situation.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: That's not a topic that's come up in our conversations, no.

CHAIR: The hon. the Member for Lake Melville.

P. TRIMPER: Okay, thank you.

My other area of interest, based on some feedback I had – and by the way, the two municipalities I have were very excited to see this legislation coming, so I wanted to pass that along. I didn't have a chance earlier.

On the code of conduct – and again, I'm thinking about the variety of communities that are in Lake Melville and I'm sure across the province in terms of capacity and capability. I would just like to propose to the minister – and maybe you've already covered this – in terms of the idea of establishing a code a conduct. I'm just thinking how cumbersome that might be. I mean, you've got criteria there under Part III in terms of what should go into it.

Is the department considering, perhaps, putting out a template that would be rather robust in its text and say, if you like it, just adopt it. If there's something to adjust, then please proceed in that direction.

Thank you.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, the department will provide a template, and the community will have the capacity to build on that, should they so choose, or adopt it as written.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

Another question just came to mind. Just wondering, what would happen if the majority of the council is allegedly in a conflict of interest? So I'm just thinking that you have a council, say, with five members, and we know in a lot of small towns people are related. A lot of people might be related to one another. We've seen situations in the past where councils have elected – quote, unquote – slates that are there because they have some kind of a common or a shared interest or so on.

So I could see a scenario could occur where there are, say, five members on a council and

three of those members – being the majority of the council – may vote a certain way on a particular matter because they have a shared interest. And perhaps they're all in a conflict. But if there are only two remaining members, then how does the council declare a conflict when the majority of the voting members are in conflict, potentially? How would that work?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Chair.

Where one or more of the councillors have declared a conflict of interest and the number of councillors remaining is not sufficient to constitute a quorum, then the number of councillors remaining – where not less than two – shall be considered a quorum for purposes related to the matter. And where circumstances arise that there would be less than two councillors remaining, the council shall request direction from the minister.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Chair.

That answers it if the majority declare – I think you read declare – a conflict of interest. But I'm throwing out the scenario they don't declare. As a matter of fact they're saying we're not in a conflict of interest. But the other two feel they are in a conflict of interest. So they haven't declared it. Now there's a disagreement over whether they are or not, and the council decides whether they are or not. But the three being the majority are the ones who potentially are in the conflict to begin with.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think you've presented a very interesting predicament here. The onus falls back on the council to make appropriate decisions, to enact a code of conduct that they've been presented with and to act within their rights and realms as councillors. We give that responsibility to councillors and we expect them to uphold that standard.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Minister.

I get that point, I really do, but if we could just simply fall back on that then we wouldn't need a code of conduct to begin with; we wouldn't need a process to begin with.

Again, I'm just throwing out there that, potentially, you have five people on a council; three of them have a shared interest. They might have been, like I say, elected on a slate, they might be related, whatever the case might be and those three individuals may not declare a conflict of interest but clearly might have some shared agenda, whatever that might be. The other members of council see that and want to call them out on that and challenge that but they have no ability to do it unless they declared.

There should be a process in that case, I'm assuming, where those two members of council could go to Municipal Affairs. I guess that must be the remedy.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Anybody who feels that there's a conflict of interest has the capacity to approach the community, to refer to the chief administrative officer and there's a process in place for that. They can appeal it and then it would just follow through the procedures that have been outlined. If it ultimately ended up in the department, then so be it, but they have that capacity.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Chair.

I do have just one more. It came to light when I was looking at other things there.

My colleague from Cape St. Francis asked an earlier question around: Does the department have any concerns about personal financial information of an individual or their spouse being held by a small council office? I think you responded – and you can correct me in an

answer – that you expect councils would have sufficient information management plans for maintaining their information. However, as we've gone through this discussion, a lot of these small councils are very limited in their resources.

Who ensures that they have an appropriate management plan in place that can secure the private information?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: That would be the responsibility of the town clerk or the chief administrative officer.

CHAIR: The hon. the Member for Topsail - Paradise.

P. DINN: I guess that's to my point in terms of if you have small councils where they're all related in small towns, who ensures – I know you say it's the responsibility of the town clerk, but someone independently has to say you have a sufficient system in place.

It's no different than the development plans that municipalities have to put in on a regular basis; half the time some of them don't even submit them. So just for something as serious as information that's being held, what are the checks and balances for making sure it's held in private?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think that would fall to our department then. Our department does inspections and ensures that all these regulations are upheld, routinely. If there was a community that had a question or concern, then they could, by all means, reach out to us and our department would inspect and find an appropriate answer for them.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

J. DINN: (Inaudible.)

CHAIR: I'm sorry. I didn't see you.

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

J. DINN: Is it possible to make an amendment, propose an amendment at this time?

CHAIR: Order, please!

There is a process to produce an amendment and that should've been arranged and discussed with the Law Clerk prior to this piece of legislation coming to the floor.

J. DINN: (Inaudible) to the minister.

CHAIR: I cannot, I have to rule not to accept that.

It has to be a written –

J. DINN: I have it written.

CHAIR: Yes.

J. DINN: (Inaudible.)

CHAIR: If you're ready to submit a written amendment ...

J. DINN: Yes, (inaudible).

CHAIR: Okay, thank you.

So is the amendment to clause 1?

J. DINN: (Inaudible.)

CHAIR: Order, please!

Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 5 inclusive.

CHAIR: Shall clauses 2 through 5 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 5 carried.

CLERK: Clause 6.

CHAIR: Shall clause 6 carry?

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

J. DINN: If I may, Chair, I would like to make an amendment, moved by me, seconded by the Member for Labrador West, that we amend the *Municipal Conduct Act* be deleting clause 6(2), "Notwithstanding paragraph (1)(e), where the meeting referred to in subsection (1) is open to the public, the councillor may remain in the part of the room set aside for the general public," and renumbering clauses accordingly.

CHAIR: Thank you.

The Committee will recess to take a look at the amendment.

Recess

CHAIR: Order, please!

House Leaders ready?

AN HON. MEMBER: Yes.

CHAIR: So the amendment is deemed to be in order.

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

J. DINN: Thank you, Chair.

AN HON. MEMBER: What a Member.

J. DINN: What a Member, indeed.

It's as simple as this: If we accept the premise that just sitting silently in the chamber has the ability to intimidate, then we must assume that sitting in the public gallery is also equally intimidating or has the ability to influence the decision of council.

I look at St. John's City Council. It's not a huge council chamber. Even this Chamber here, for this matter, is not a terribly big Chamber when you look at the seating. But in St. John's City Council, it's easy enough for people to sit in the gallery and be looking down straight on top of their fellow councillors to see who's going to vote or what they're going to say, so on and so forth. So there is that possibility of influencing.

I would assume, too, that in many other places, especially in small communities, especially where people are known to each other, related to each other, the rooms are small, there is a possibility, always.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

J. DINN: It's about maintaining that objectivity. It's about allowing the rest of the councillors to do the work that they need to do. Even in St. John's, for that matter, it's not that big a place, where you can have that influence.

So all I'm saying here is that if the premise of why the councillor has to leave the room in which the meeting is held for the duration of the consideration of that matter and, I would assume, that many of the visitor galleries in many places are actually in the same chambers where the meeting is taking place then, really, let's move them out. They don't stop having an influence because they walk from one chair to the other.

From my point of view, too, yes, a councillor is a member of the public but once they take on that role, they are a councillor first, a member of the general public second. Same thing here; we

all know that in this House, we are members of the public but, first and foremost, we are MHAs and with that comes privileges and responsibilities.

So I think in this case, certainly it makes better sense if, indeed, this is to remove any potential conflict of interest or undue influence on the decisions of a council, it's a simple thing to remove that clause because, in the end, what 6(1)(e) is saying is: "leave the room in which the meeting is held for the duration of the consideration of the matter."

Once that matter is over and done with, then that councillor is back into the chamber. It's not precluding him or her from deliberating on other matters before the council, just on that particular matter. I know in other organizations that I've been part of, even if there's a spectator place, a place for members of the public, the person deemed in conflict has to leave the room, period.

Right now, it said: "leave the room in which the meeting is held" If the place for the public is to sit in that room, the general public, on one hand you've got a clause saying leave the room where the meeting is held but, no, he or she can stay in that room where the meeting is held if there's a gallery. Nothing's stopping them from glaring at the person, making signs or other movements to unduly influence the debate.

With that, I ask for your support in this amendment.

Thank you.

CHAIR: Further speakers?

The Chair recognizes the hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Chair.

Thank you for the opportunity to speak to this.

I do have three points. The bill already makes provisions for what is a privilege versus a private meeting. So if we set a councillor aside, then that would be considered a private meeting if they were to discuss that. That would create a procedural fairness issue. Every one in the community would hear the discussion about the

councillor, except the councillor themselves. They wouldn't be privy to that part of the conversation.

If they were seated in the gallery and they became disruptive, then they could be removed from the gallery because, truthfully, the code of conduct still applies to those who are sitting in the gallery. If you are councillor and you are sitting in the gallery, you still have to uphold the codes that have been put out before you.

There is a balance here of transparency and privacy. The legislation says that a complaint about a councillor is not a workplace investigation, so a report would be discoverable under an ATIPP. We want to make sure that everybody is being held accountable because being part of being held accountable is the voting mechanism and doing so in a public fashion where all can hear.

CHAIR: Thank you.

Further speakers to the amendment?

Is it the pleasure of the Committee to adopt the amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

SOME HON. MEMBERS: Nay.

AN HON. MEMBER: Division.

CHAIR: Division has been called.

I summon in all the Members.

Division

CHAIR: Order, please!

All those in favour of the amendment, please stand.

CLERK: David Brazil, Barry Petten, Paul Dinn, Craig Pardy, Tony Wakeham, Chris Tibbs, Loyola O'Driscoll, Helen Conway Ottenheimer, Lloyd Parrott, Joedy Wall, Pleaman Forsey, Jeff

Dwyer, James Dinn, Jordan Brown, Eddie Joyce, Paul Lane, Perry Trimper, Lela Evans.

CHAIR: All those against the amendment, please stand.

CLERK: Andrew Furey, Steve Crocker, Lisa Dempster, John Haggie, Gerry Byrne, Tom Osborne, Siobhan Coady, Pam Parsons, Sarah Stoodley, Andrew Parsons, John Hogan, Bernard Davis, Derrick Bragg, John Abbott, Krista Lynn Howell, Paul Pike, Scott Reid, Sherry Gambin-Walsh, Lucy Stoyles.

Chair, the ayes: 18; the nays: 19.

CHAIR: The amendment has been defeated.

On motion, amendment defeated.

CHAIR: Shall clause 6 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 6 carried.

CLERK: Clauses 7 through 28 inclusive.

CHAIR: Shall clauses 7 through 28 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 7 through 28 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act Respecting The Conduct Of Municipal Officials.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

CHAIR: The hon. the Government House Leader.

S. CROCKER: Chair, I move, seconded by the Minister of Municipal and Provincial Affairs, that the House rise and report Bill 37.

CHAIR: The motion is that the Committee rise and report Bill 37.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

SPEAKER (Bennett): Order, please!

The hon. the Member for Baie Verte - Green Bay and Chair of the Committee of the Whole.

B. WARR: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 37 without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 37 without amendment.

When shall the bill be received?

S. CROCKER: Now.

SPEAKER: Now.

What shall the bill be read a third time?

S. CROCKER: Tomorrow.

SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Speaker.

I call from the Order Paper, Order 18, second reading of Bill 32, An Act To Amend The Liquor Corporation Act.

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

S. COADY: Thank you very much, Speaker.

I appreciate the opportunity today to introduce a bill to amend the *Liquor Corporation Act* to change the statutory financial year of –

SPEAKER: A mover and seconder, please.

S. COADY: A mover and seconder, you'd think I'd know that.

Mr. Speaker, I move, seconded by the Minister of Education, that this bill be now read a second time.

SPEAKER: And that's Bill 32.

S. COADY: Bill 32.

SPEAKER: It is moved and seconded that Bill 32, An Act To Amend The Liquor Corporation Act, now be read a second time.

Motion, second reading of a bill, "An Act To Amend The Liquor Corporation Act." (Bill 32)

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

S. COADY: Thank you, Mr. Speaker. I'm clearly out of practice.

Today I'm introducing a bill to amend the *Liquor Corporation Act* to change the statutory financial year of the Newfoundland and Labrador Liquor Corporation; it's referred to commonly as NLC. The financial year of the corporation shall end now on the first Saturday in April in each year. That's what's proposed in this bill, Speaker. The *Liquor Corporation Act* prescribes that the financial year-end of the NLC is to correspond with that of the province. Meaning, on April 1 to March 31 fiscal year.

In 2008, the NLC opted to move its financial year-end to the first Saturday in April. The Auditor General identified the discrepancy in legislation with the prescribed year-end in the act in the 2018-2019 year-end. This was the first year the Auditor General conducted an audit on NLC's financial statements. It was undertaken by an external auditing accounting firm prior to that. So prior to '18-'19, it was done by an external accounting firm.

When a year-end falls on a particular day of the week, rather than a fixed date, it is referred to as a floating year-end because the actual date of the year-end will vary each year. A floating year-end is a less common than a fixed year-end, but is seen as beneficial in retail operations in particular. It permits four equal reporting periods – so our quarters – of 13 full weeks each, making year-over-year and quarter-over-quarter comparisons equivalent. And year-end accounting cut-offs such as inventory counts can be conducted on a less busy day of the year. Typically a Sunday in retail environment. And simpler accruals from year to year, such as payroll, which tends to run in full weeks.

The liquor authorities in New Brunswick and Quebec have also floating year-ends, Speaker. As one of the largest retailers in the province, I think it's prudent to change and will help simplify the year-end process for the Newfoundland and Labrador Liquor Corporation.

So a very straightforward amendment to the act, Speaker. It's simply one line. It's substituting and ensuring that the financial year-end of the corporation shall end on the first Saturday in April in each year. At very most, it would be up to seven days outside of the province's year-end. I think it's prudent and responsible for us to do this, considering the Liquor Corporation made this move in 2008 and it was just picked up by the Auditor General recently.

So I propose and ask for the House of Assembly's support in this act.

Thank you.

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Thank you, Speaker.

I quote a colleague from Mount Pearl: I will only take a few minutes. I will be true to that, literally. I have no problem with this change whatsoever and I think it's prudent to do it.

The only thing I will say is that I'm glad to see that we're bringing this in, and despite a recommendation in a certain report named Greene that wanted to privatize the

Newfoundland Liquor commission, I look forward to many successful year-ends for years to come and contributions of revenue to the Province of Newfoundland and Labrador.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: I guess I'll also follow the same thread. I myself do, as my colleague here, concur on this amendment and the reasons behind it. So, like I said, it's all good here.

Thank you.

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Just for the record, I'm supporting the bill.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: I think that's a record, too.

Thank you.

Any other speakers to the bill?

Seeing none, if the minister speaks now, they will close debate.

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

S. COADY: Thank you very much, Speaker.

I won't delay this but say thank you to the House for this small but important amendment.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

The motion is that Bill 32 now be read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, "An Act To Amend The Liquor Corporation Act." (Bill 32)

SPEAKER: This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole?

S. CROCKER: Now.

SPEAKER: Now.

On motion, a bill, "An Act To Amend The Liquor Corporation Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 32)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, that this House resolve itself into a Committee of the Whole to consider Bill 32.

SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the said bill.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

On motion, that the House resolve itself into a Committee of the Whole, the Speaker left the Chair.

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 32, An Act To Amend The Liquor Corporation Act.

A bill, "An Act To Amend The Liquor Corporation Act." (Bill 32)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Liquor Corporation Act.

CHAIR: Shall the long title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, the Committee report having passed the bill without amendment, carried.

CHAIR: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Chair.

I move that the Committee rise and report Bill 32.

CHAIR: The motion is that the Committee rise and report Bill 32.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

SPEAKER (Bennett): Order, please!

The hon. the Member for Baie Verte - Green Bay and Chair of Committee of the Whole.

B. WARR: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 32 without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 32 without amendment.

When shall the report be received?

L. DEMPSTER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

Mr. Speaker, I call from the Order Paper, Bill 18, second reading of An Act To Amend The Lotteries Act.

SPEAKER: Any further speakers to the bill?

The hon. the Leader of the Third Party.

J. DINN: Mr. Speaker, thank you.

It's an interesting thing here, as I understand it, in this Bill 18, it's going to prohibit class-action lawsuits against the Atlantic Lottery Corporation, province, minister and so on and so forth. I'm going to take this one in piece with the sugary-drink tax – the Liberal sugary-drink tax that they passed because, here's the thing, on one hand government has decided to victimize

the poor in one bill and we're about to do the same thing here.

I can tell you that the people who will be affected by lotteries – and this is talking to credit counselling services – are mostly the elderly.

SPEAKER: I remind the Member to stay relevant to the bill, please.

J. DINN: That I am and why I have a problem with the whole notion here. This basically is preventing anything from a class action. It will allow an individual; a person may bring an action against the Atlantic Lottery Corporation or any person acting on behalf of the government: a person may but not a group, not a class action, as I understand it, Speaker.

So, eventually, those who end up in tremendous debt or who have their families destroyed by gambling or who go into debt, bankruptcy, they will not be able to, as a group, sue the Atlantic Lottery Corporation, who are the ones that are providing, whether it is the tickets, as I understand it the VLTs, and so on and so forth.

As I understand it here, too, and only for the "... recover damages in an amount equal to the loss or damage proved to have been suffered by the person as a result of a negligent act"

So what does it factor into, the loss of a family, addictions, the loss of a home, the disruption of their way of life? No. I don't know if anyone else here in this House itself, but if you've ever been in or go to any place when you look at a casino and you walk in – and I have done that. I'll walk in with my \$20 and I'll walk out, either with an extra \$20 or zero. That's where it ends for me. But I can tell you right now that walking up to these machines I can see how people can get addicted. There are no clocks in the room. Also, when you put that last quarter or dollar in the machine and you pull it and you wonder, maybe the next one will be where I'll score the big one, Speaker.

So if it has that effect on a person who doesn't have an addictive personality, what effect do these machines have on those who do? Because the people who are using, I would say that most who are using it, taking part in the gambling, lottery tickets, or whatever else, a lot of that I

would say are people who are at some stage where they're looking for that win.

In speaking to Credit Counselling, Mr. Al Antle told me the biggest people who are affected are senior ladies between 68 and 74, around that age range. Sometimes they have lost a spouse and whether it's a comfort or so on and so forth, whatever the reason is, he's pointed out that there are lot of people at that age range, Speaker, who are basically facing financial ruin as a result of gambling.

So I cannot support this as it is, because it basically allows a corporation like Atlantic Lottery Corporation – a multi-million-dollar business – to make money from gambling and from people who might have gambling addictions, who might have mental health issues. If we talk about addictions, again I go back to what many school counsellors would tell me: Underlying just about every addiction, there is a mental health issue of some sort.

In many ways, when we're putting these machines out there, they fill a void. It may not work on me; I may have other proclivities that draw my attention. But to the people who spend their money on these machines, government makes a tremendous amount of money on it and Atlantic Lottery Corporation makes tremendous amount of money on it. There's got to be some way to hold them accountable, Speaker, for that loss. Not just simply the loss of money or anything else, but the damage to their mental health, to their family, to their job. Because many people that's what it comes down to as well, it affects all aspects of their life, even to the point of suicide. So put a value on that, please.

The only way that people who are already in desperate financial straits are going to take this on is with a group of others, class action. It's fine and dandy to say that a person may bring an action against Atlantic Lottery Corporation or any person, but if that person is already in dire financial straits that's not even based on reality. The only way you take on large corporations and teach them a lesson is in class actions. You allow the group to take them on and that's when it has some meaning. Otherwise, each case is taken on individually. It's easy enough for the

corporation or I would even say the government to wear down individuals.

To me, on one hand if you're taking the money in, you're victimizing them twice because you're saying we're washing our hands of any responsibility and you're on your own. We take no responsibility for the fact that you gambled away your life savings or that you have an addiction problem but, by the way, call the Mental Health helpline and we'll see what we can do for you.

So, to me, the key thing about being in government is that we are the regulators as well. This basically takes away any consequences from Atlantic Lottery Corporation or persons acting on behalf of government of the province and so on and so forth. I would assume by allowing class actions, we're actually holding Atlantic Lottery Corporation to account so that when they make any policy decisions or implement new games and so on and so forth, that they're having an eye to the health and well-being of the customers who are making use of their gambling products.

On one hand, we have two bills that basically are victimizing vulnerable individuals – simple. And this one offers more protection to the people who already can well afford it themselves and it's victimizing the vulnerable people all over again.

Thank you.

SPEAKER: The hon. the Member for Conception Bay South.

B. PETTEN: Mr. Speaker, again, it's a pleasure to speak on legislation or any time in the House it's always good to speak. Every time we speak, I like to remind, we say we speak for the people we represent but, in a way, we also speak for people in the province – we do. Outside our critic roles and our MHA duties and everything else, the public, the greater good, look to us for direction. Sometimes with this legislation it has a good impact, bad impact and sometimes it has no impact. Ultimately, they do look at us because this is where the laws are made. We always don't agree, of course, as everyone knows that.

On the surface when you look at this bill to amend the *Lotteries Act*, you kind of think it's a housekeeping item, bringing it in line with the rest of the Atlantic provinces, which makes a lot of sense when you really look at the surface of it. But when you dig into this bill – and I happen to be speaking from my own personal experience because when I first seen this come up – this come up in our last session. This was introduced and briefed in the last sitting, the spring sitting I believe.

At first, I was like, yeah, that's pretty straightforward but then I actually took more time, talked to some of my colleagues, the Member for Harbour Main namely, and we had further conversation. The more we started thinking about this, it wasn't so cut and dry, as you're stopping class actions against the lottery in line with the rest of the Atlantic provinces.

You're indirectly or directly, probably not intentionally, but you're targeting your group of individuals that there's no mention made of. As politicians and as people in this House, we sit here all the time, we talk, we say nice words, we say mental health and addictions and we're all about it and we have an all-party Committee. We do a lot of good things for mental health. We do a lot of good things for people who struggle. We have all the answers. But when you leave this bubble here and you go out to the real world, it's not so much like that.

I look at a lottery machine; it's no different than going into a ticket booth. It's a means to get to the end. It's a means to get to the end result. That's an attraction to get to the bigger prize.

Gambling is an addiction and no different than any other addiction out there, but just imagine if you have both of those addictions, you have drugs and alcohol on top of that, and gambling. So that \$10, you look at that and it could be \$100 or it could be \$1,000. But it's not so much the dollar figure as what it's going to get you.

Just putting that in perspective, that's the addiction. That's the raw addiction. Someone addicted to gambling or any of this, they're not going to be the ones forming a class action. The Atlantic lotto feeds into this addiction. It's been long stated and debated, and the Supreme Court have been involved in some issue because they

don't bring in legislation to prevent this class action from happening.

It's a dicey issue. There has been class actions before and they failed. That don't mean there can't be more, but this will prevent anymore.

But the end result is not as much class action or costing government money, it's you're affecting those vulnerable populations. So when the fog lifts and they get their lives somewhat under control and they realize this was a core part of my problem, they feel they've been wronged. Everybody has a right to defend themselves, to try to right wrongs. When you get to the other side, so to speak, you go in and you no longer have that ability.

Fortunately, on a personal note, I don't have any of those issues, thank God, but trust me, I know a lot of people who do. I think we all do.

They're losing that right. It's after the fact. So it's not about someone that's gambling today. It's the after effect: what effects it had on their lives, their families and their marriages. This is much bigger than a VLT machine or a lottery machine in a store. It's much bigger.

It's a societal issue out there. We all see it and we turn a blind eye, I guess.

I challenge anyone here to stop into a convenience store on the way when they leave here tonight, there's a good chance in a small convenience store someone is buying them pull tabs or rip offs is probably the right name for them.

AN HON. MEMBER: (Inaudible.)

B. PETTEN: Nevada tickets, there you go.

You see that everywhere – scratch tickets. They're only looking for that high, that thrill. That's what it's about. But not always, that's compounded if you got those other addictions.

So when you look at this bill, you're going to take away the rights for individuals, after the fact. Because that's a key point, and I'm no lawyer, I've never been close to being one, I never will be. But that's really what you're looking at, people's rights. They're not doing it

when they're in the middle of the addiction, that's not when it's happening. It's after the fact, because when you're in the middle of that, it's a big turmoil, your world is upside down anyway.

That troubles me with this legislation. I guess where the big piece, again, is what about the mental health and addictions piece?

We were in conversation, actually, with the Government House Leader about this legislation and we had suggested and we talked a lot about putting it to a Committee, bringing people in to discuss first-hand knowledge, first-hand experiences. I mean, it's all about life experiences; a lot of this stuff we lose sight of, it's about life experiences.

Bringing someone in that probably would consider a class action or would like to do it or had their life turned upside down, because of that, now being told you have no more rights, this is limiting your rights. Bring them in to a Committee and let them – let's do this. If we want to have parliamentary Committees, that's what we should be doing.

But it would be narrow to do it in Committee now according to the advice we got from our Law Clerk and what have you, which is fair enough. So now we've decided, okay, that may not be the best avenue. We are going to be pushing it, requesting a Select Committee to review the *Lotteries Act* because I think there's a lot of people out there – the general public would appreciate that. Personally speaking, I believe we owe it to the general public.

Again, I'll go back, we say all the right words – and I could go on and on, on this for a long time. I'm not going to do it this evening, but it's something that's near and dear to me, it's a mental health and addictions piece. Anyone who knows me knows that. We say all the right words. If you're listening to what we say, it really sounds great. I've heard the Minister of Health and Community Services, very articulately tell the world that everything is wonderful. I challenge anyone here, him included, to come and sit in my office some day and listen to the concerns we get, in any of our offices on mental health.

When I say mental health and addictions, that's a nice word, too, but that's so broad and so in depth that people don't understand it. No one has all the answers and I certainly don't, but you hear the stories. You go down to HMP and you'll hear the stories there. I was on that Committee; I heard stories. I remember most of them vividly. I have vivid memories of a lot of those stories. They can impact you.

This bill is taking away those people's rights; one way or another, taking away those people's right.

Again, I'll go back to mental health and addictions – it's all inclusive. If you're hooked on drugs, no doubt you have a gambling problem because it's a way to get there; it's a way to get your fix. That's what you do. Whatever mechanism, it's beg, borrow or steal statement sometimes. Whatever way you can get there, you'll get there. That's just one of the many avenues.

That's like one of the doors: you're going in through which door? It could be the VLT today; it could be a robbery tomorrow. It could be your mother; it could be your brother. Trust me, it goes all (inaudible). I know first-hand. I live it; I see it day to day; it's very close to me.

It was only when I really got talking and discussing and getting the proper advice I realized, you know, this bill sounds fine in theory. I know from my previous life when they do bills they put all these lenses on it: a gender lens, cross-jurisdictional scans, we do all these lenses. I hazard the question – I mean, they might be told – I don't know if they really reached out and talked to those people, the people that are really being affected, the vulnerable portion of our population. Do they know what's happening here?

It's about rights. We live in the best country in the world. We have rights and freedoms. It's all about your rights and freedom. We hear it daily about the VaxPass, about the mandatory vaccinations. We all hear it; we all get similar emails.

Rights are precious. I respect people's rights. I struggle sometimes, a lot of debate they come up with all those issues.

Maybe I'm throwing it out in a question form in the form of the reading: Did government ever consider this? Did they look at this when they were doing this legislation? Because I think that's where there's a missing point.

Again, I know staff review this stuff and they listen to all of what we have to say and the questions we'll ask in Committee and whatever we're saying. They make notes, I get all that. They do a good job and they do a lot of hard work. I'm not being critical. I really, truly wonder, because I don't think – at first glance it doesn't jump out that way.

Because when you read a lot of this stuff, it was as a result of a class action that failed. So now they're going to change the legislation and the rest of the Atlantic provinces are also in line. It's really, truly a housekeeping item when you read it first.

But people need to really pay attention to what's happening around us. Mental health, people's mental health, whether it be through addictions, whether through gambling, you name it, COVID, there are a lot of issues out there now with mental health – a lot of issues. They're compounded by gambling.

You're looking for that happiness. We all find happiness in our lives and, hopefully, we all find it somewhere or another; we have different mechanisms. But some of these people, winning \$100 is the only happiness they'll get. It's the only smile they put on their face. That's the only rush they get. They have nothing else. When they get that \$100, that's a means to feed their next addiction. That's a vicious, vicious cycle.

I believe they deserve to have a right to come back whether it be a class action – but I have a problem, too, with these VLTs. I don't play them, thank God, but they're attractive. They bait you. That (inaudible) Atlantic lotto model, sometimes what we allow. We won't allow a casino, but we're letting this Atlantic lotto stuff and Pro Line and all that. I question a lot of that because if you got any addiction, no matter what your addiction is, this is one of the many triggers. Lottos are no different; they attract you. Whether it's alcohol, it's cigarettes – I have people that are addicted to Pepsi. Addictive

personalities – I have a friend of mine who is addicted to everything. But this is no different.

You're taking away their rights. That's what you're doing. I repeat again – because this is the piece that people miss – you're taking away the rights of vulnerable people. That's the key thing. You're taking away those people's rights that can't defend themselves. Now they will never be able to. They'll be able to go in and file an individual case, which we know they'll never be able to afford to do it anyway. Class action is a different beast. There's a reason why we have class actions.

When officials get together and they do this legislation, like I say, I know they listen. I really think the mental health and addictions lens was not given proper coverage in this bill. I think that's where this bill fails. This bill will pass because, as we just seen, government has the numbers to do it. But I respectfully think that this is a flaw in the legislation. I know they're going to bring it in. It's to protect the public purse but at what cost for vulnerable individuals – at what cost? What price tag do you put on those?

That's where you have to find a balance. That's the moral balance. When I listen to the minister and a lot of people say the nice words about how great we do with mental health and addictions, and a lot of things we do do good, but we shouldn't be too proud because we could do a lot better – a lot better.

It's nice to say them nice words. It sounds wonderful; it really does, but it sounds pretty hollow to those people. Not only those people, if you know those people yourself and you see what we do sometimes, we do a great injustice to that full segment of our population: mental health and addictions. This here is another example of the many missteps we make along the way. Again, we like to do things because they sound good and they look good, but actual fact they're not really worth the paper they're written on.

We will be pushing for a Standing and Select Committee to review the *Lotteries Act* because, like I said, I think that issue will draw a lot of attention. I think that's what the public really – deep down they mightn't realize it, but it may be

the best thing we can do. I think it's the most responsible thing that us, as legislators, should be doing in here, bringing that to the forefront and get it debated in this Legislature, get it in a Committee, let people come with a view of their personal lives and experiences. Because these VLTs, this gambling and all the rest of it and addictions is destroying families' lives; it's having a huge impact and a larger impact than a lot of us want to realize. I realize it, but I think collectively we all need to come together and realize it.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Further speakers?

The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I move, seconded by the Minister of Finance, that we adjourn debate on Bill 18.

SPEAKER: The motion that we adjourn the debate.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I move, seconded by the Deputy Government House Leader, that this House do now adjourn.

SPEAKER: It is moved and seconded that this House do now adjourn.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

This House stands adjourned until 10 a.m.
tomorrow.

On motion, the House at its rising adjourned
until tomorrow, Wednesday, at 10 a.m.