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HANSARD

*Speaker: Honourable Derek Bennett, MHA*

Wednesday

March 22, 2023

The House met at 10 a.m.

**SPEAKER (Bennett):** Order, please!

Admit strangers.

### **Government Business**

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

**J. HOGAN:** Thank you, Mr. Speaker.

Speaker, I call from the Order Paper, Motion 3.

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

**J. HOGAN:** I move, seconded by the Deputy Government House Leader, that notwithstanding Standing Order 63, this House shall not proceed with Private Members' Day on Wednesday, March 22, 2023, but shall instead meet at 2 p.m. on that day for Routine Proceedings and the conduct of Government Business and that, if not earlier adjourned, the Speaker shall then adjourn the House at midnight.

**SPEAKER:** 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.'

Motion carried.

The hon. the Government House Leader.

**J. HOGAN:** Thank you, Speaker.

I call from the Order Paper, second reading, Order 5, An Act to Amend the Management of Information Act and the House of Assembly Accountability, Integrity and Administration Act, Bill 22.

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

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

**S. STOODLEY:** Thank you, Speaker.

I move, seconded by the Minister for Municipal and Provincial Affairs that Bill 22, An Act to Amend the Management of Information Act and the House of Assembly Accountability, Integrity and Administration Act now be read a second time.

**SPEAKER:** It is moved and seconded that Bill 22, An Act to Amend the Management of Information Act and the House of Assembly Accountability, Integrity and Administration Act, Bill 22, be now read a second time.

Motion, second reading of a bill, "An Act to Amend the Management of Information Act and the House of Assembly Accountability, Integrity and Administration Act." (Bill 22)

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

**S. STOODLEY:** Speaker, the *Management of Information Act* is the Government of Newfoundland and Labrador's internal administrative legislation governing its records, life cycle and information management and record-keeping practices for departments but also for 160 other public bodies, Speaker.

The Minister Responsible for the Office of the Chief Information Officer administers the act. Responsibility for the development and implementation of a records management system rests with the permanent head of a public body, the deputy minister in the case of a government department.

The *Management of Information Act* sets forth the roles and responsibilities the Office of the Chief Information Officer, Government Records Committee and heads of public bodies. The *Management of*

*Information Act* applies to over 160 departments and public bodies across the province and includes a penalty for non-compliance. With the exception of a minor update in 2008, this act has not been substantially reviewed since its creation in 2005.

So we have separate housekeeping updates that are required to clarify roles and responsibilities and modernize the act. Mr. Speaker, I am very pleased to say we're now introducing a duty-to-document requirement into law and will be only the second province in Canada to do so.

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

**S. STOODLEY:** Thank you.

Speaker, in 2015 the Access to Information and Protection of Privacy Act or the ATIPPA Review Committee, chaired by Justice Clyde Wells, recommended that government introduce a duty-to-document provision informed in part by recommendations from the Office of the Information and Privacy Commissioner.

Duty to document is a requirement for a public body to create and maintain complete and accurate records of important decision. An important decision is one that has a significant or long-term impact on the high-value activities or direction taken by a public body in the fulfillment of its mandate. Again, Speaker, this will apply to over 160 public bodies.

The duty to create records for civil servants exists in common law today, as acknowledged by Justice Richard LeBlanc in his 2020 report on the Muskrat Falls inquiry. In the *Management of Information Act* there's always been a general expectation to create records for everything from purchasing to staffing, permits and licences to grants, as well as contributions to legislation and policy. However, it is the exceptional situation, such as those described by Justice LeBlanc in his report,

which caused concern to all of us as taxpayers and ratepayers.

Under the act and its existing information management policy framework, the Government of Newfoundland and Labrador already has a requirement in law to create and maintain records. However, the duty-to-document decisions are not currently embedded in the legislation and its implementation was deferred for a number of reasons, including at the time of the Wells Committee recommendation, no Canadian jurisdiction had legislated a duty to document. We did take a significant amount of time to assess with the department and public body information management capacity to implement.

So, Speaker, we have 160 public bodies that this will apply to. We had to work with them to come up a duty to document that was not so onerous that they would have to increase the size of their body. So the spirit of this is that the people who are making these decisions and their teams will be able to do this within their existing roles and we do not anticipate needing to increase the size of the public service, for example, to accommodate this.

Departments and other public bodies need to improve their overall information management processes in preparation for this duty-to-document legislation. During this time, the Office of the Chief Information Officer developed additional policy supports and training to help improve governments overall information management maturity. So we have a suite of documents ready to help public bodies and training as well that will be available when the bill receives Royal Assent.

In 2020, Justice LeBlanc made a similar recommendation regarding duty to document. Also, informed by representation from the Office of the Information and Privacy Commissioner, government announced it would make changes to the *Management of Information Act* to introduce

a duty-to-document provision. Justice Orsborn, who also received representation from the Office of the Information and Privacy Commissioner on this topic, made reference to the earlier recommendations from the Wells Committee and Justice LeBlanc in his 2020 review of ATIPPA.

So OCIO, we have a number of policy supports, education and awareness materials for departments and public bodies. It was also determined this would be a good time to modernize the act to keep step with current industry practices and modernize the language, processes, roles and responsibilities.

While we were working on this bill, Speaker, the OCIO consulted with departments and public bodies with most indicating that they could address the requirements. Obviously, there's still a bit of uncertainty with public bodies. I think there's hesitation to think okay, well, we can't do this with the people that we have. I guess the spirit of this is that that will be up to each head of the public body to make that decision, but we're not intending that this be a significant burden on public bodies. This should be just an additional step on top of the records management that they're already doing.

As information management is a core administrative responsibility, similar in that aspect to financial and human resources management, responsibility for duty to document is best placed with the OCIO with oversight resting with the minister responsible – with me. It was determined that oversight of duty to document and records management compliance for the Commission, House of Assembly Service and statutory offices will be placed under the *House of Assembly Accountability, Integrity and Administration Act*. To ensure openness and transparency, the minister responsible will report annually to the House of Assembly on the duty-to-document compliance. In the case of the House of Assembly, the Clerk will report annually to

the House on their duty-to-document compliance.

The approach we're taking, Speaker, is a principle-based, information management policy framework that we've created to support departments and other public bodies in their efforts to implement these changes. This policy framework is broad enough to allow departments and other public bodies flexibility to adapt to their organizational requirements while still complying with the legislation. I think this flexibility is very important as each department and public body offers unique programs and services and the policy framework will allow the head of the public body to figure out what's an important decision for their public body.

We have training materials for employees and managers – we have that developed – and OCIO will do awareness sessions with departments and all public bodies on these requirements. In supporting this initiative, government recognizes that a high degree of public trust comes with serving the people of the province and proper documentation is integral to decision making and supporting access and transparency.

Speaker, we did consult with the Office of the Information and Privacy Commissioner on this bill and full and fair consideration has been given to the Commissioner's recommendations as well as those identified in the reports from Justice Wells, LeBlanc and Orsborn.

I do want to note that the Privacy Commissioner currently oversees the ATIPPA and that's related to how the public accesses all government records. The Privacy Commissioner's role in that regard is not changing. Any new government record created by a public body or by core government related to a decision would still fall under the purview of the Privacy Commissioner in terms of how that is released and accessed by the public.

Speaker, I do want to let this House know the Privacy Commissioner did ask for extra responsibility in terms of selectively audit and oversee the implementation of duty to document. That kind of falls outside the scope of the ATIPPA legislation and is also under the overview of the Auditor General. At this point, we are not making changes to the *Management of Information Act* because the Privacy Commissioner already has oversight in terms of when those documents get released to the public. Also, we're reviewing the statutory offices, so we didn't feel it was necessary at this time.

Improvements were made to the legislation in light of feedback. We did make improvements, as per the Commissioner's feedback, in terms of the duty-to-document directive in the act, as well as to ensure the mandatory application to departments and other public bodies.

As I mentioned, the Privacy Commissioner has advocated for a role and the Office of the Information and Privacy Commissioner for itself in oversight of this. We determined that is best placed with government. In BC they have similar legislation, Speaker, and they also kind of self manage that. Like I mentioned, the Privacy Commissioner will still have oversight of how those documents are released to the public and the access to that information. The Privacy Commissioner continues to retain his full oversight in terms of the access to all information, including any new records created under this legislation.

This aligns with precedents in other jurisdictions and the mandate of OCIO under the act to provide the overall strategic and policy framework to assist departments and other public bodies in supporting their information management programs and meeting the requirements of the *Management of Information Act*.

The Office of the Information and Privacy Commissioner have responsibilities to the Access to Information and Protection of

Privacy Act and the *Personal Health Information Act*. This does not change any of their responsibilities.

As I mentioned, we're going to be the second jurisdiction in Canada to implement a duty to document in legislation; BC was the first. Our legislation compares favourably to BC's. Both place responsibility for oversight with the Executive Branch. In BC they have a chief records officer; here it will be our Chief Information Officer. We didn't feel like that was necessary for Newfoundland and Labrador. But ours will be broader than BC's. Theirs apply to just core government; ours will apply to all public bodies. In addition, our legislation will have a mandatory annual reporting requirement specifically to duty to document and an offence provision for non-compliance. There is no offence provisions in BC's legislation.

To ensure consistency with the Executive Branch of government, the *House of Assembly Accountability, Integrity and Administration Act* will be amended to apply the duty to document to the House of Assembly. Modernizing the offence section of the *Management of Information Act* aligns it with ATIPPA and provides more transparency in government's role in documenting important decisions. Along with ATIPPA, this province will be very progressive in its information management practices and it already is. I can confidently say, Speaker, that after Bill 22 we'll have the best duty-to-document legislation in Canada.

Just a few things to clarify for my colleagues. In terms of the legislation directives, the legislation provides the base around what is a decision, what is a record and then we have a series of directives which are kind of like regulations which are legally binding, which the public bodies also have to follow, kind of like a regulation equivalent. This is where we see the definition of important decisions and we have examples for the public bodies in terms of what this might look like for them.

We have checklists. A lot of helpful content which we think will help public bodies figure out how do I apply this to my public body?

I guess one thing to elaborate on, Speaker, is it was really important, I think, that we don't slow down the business of government as a result of documenting these decisions. So that's why we wanted to focus on the element of an important decision, not every decision. Although, I do want to say that I could not think of any examples in my department where we wouldn't be already documenting decisions. So when I make a decision, there is a decision note and the public can request access to those decision notes and they do. When my department hires a new person or we expand a role or create a new role, there's a request for staffing action that clearly outlines the rationale, the cost, do we have the money. All the necessary rigour around an important decision.

Mr. Speaker, the test for an important decision will be whether it is complete, comprehensive, accurate and timely. So those are the four criteria for recording an important decision and obviously that will change depending on the scope and scale of the public body.

So core government, I think, we will not have to make significant changes, but it will be a cause for the other public bodies to stop and think okay, well, is this an important decision? Am I taking the proper steps to make sure that this decision is recorded appropriately?

I guess it's also important to balance – I mentioned we don't want to slow everyone down. We don't want all of our public bodies to be significantly or even remotely more inefficient. We need to continue to make decisions even faster than we currently make them in my opinion. We didn't want to add a significant burden to the public service, but we do think that when people in departments and public bodies make important decisions, it is imperative that

they do have an appropriate record of that decision.

Mr. Speaker, I'm very pleased to bring this forward today. I'm happy to answer lots of questions and I look forward to discussing it with my colleagues.

Thank you.

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

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

**D. BRAZIL:** Thank you, Speaker.

Again, it's an honour to stand in this House to debate and discuss legislation that comes forward. It's very important that legislation in this House is debated in an open and transparent manner. It is very important that the general public understand exactly what it is that's being debated and the impact it's going to have on those individuals.

So I just want to explain a little bit, for those who may be watching at home, the process that we use here. In a normal sitting, we could go through as many as 60 bills depending on the complexity and the length of them and the impact they're going to have on people. We can go as few as 10 or 12 in a shorter sitting, depending on, again, the impact that the bill is going to have and if there are other entities here that need to be engaged into it. In a lot of cases, whether or not we, in the Opposition, feel that the piece of legislation has been thought out, has covered off all the issues necessary, has engaged the proper authorities for input and, at the end of the day, is going to be in the best interests of the people of Newfoundland and Labrador.

We don't, on this side, just oppose for the sake of opposing. We have valid questions. We may have concerns. We may say we really actually like a clause and we'd like for it to be enhanced more. We may say, can you tell us exactly who you consulted and

what was their view on certain things? We even may delay in debate, giving everybody an opportunity here to speak so that we can also talk to those outside entities to get their view specifically around a certain clause or an impact it may have on their organization or the entity that they're responsible for or if it's a government department as part of that.

We may ask in a general context – and we've done this before, through webpages and that – the general public's view on what's happening. Engage what the social media is saying and the mainstream media. So there's a process in this House of Assembly that works fluently and in most cases, at the end of the day, develops a piece of legislation that's in the best interests of everybody involved.

Now, sometimes there may be specific groups that don't necessarily see it as in the best interest of their agenda items, and that's unfortunate. But you have to look at the bigger picture here and what's done in the best interest of the masses and what will indeed secure proper legislation or proper programming, proper supports for people in our province.

What we have here is another piece of legislation that's coming through that has a lot of good parts to it, a lot of good moving components. It's modifying an existing bill here. We're talking about Bill 22, amending the *Management of Information Act* and the *House of Assembly Accountability, Integrity and Administration Act*. They are very important pieces of legislation. We've done amendments over the last number of years.

I remember having discussions around when it came into being and what it actually morphed from in some of the discussions that have been in the House of Assembly. Particularly the last seven or eight years, there have been some major changes and, as things evolve, people get a better understanding of what should be covered and what isn't. Indeed, in some cases, if there are loopholes there that maybe, if

taken advantage of, could be detrimental to the intent of the bill itself, and particularly to fulfilling what was intended here for the people of the province when it comes to the integrity of this House and the administration and accountability, they're the key components of this piece of legislation.

So I just want to make it clear on the process that will happen over the next period of time as we debate this particular piece of legislation. It's perhaps the most significant one outside of the financial ones that we will discuss in the spring sitting of the House. Normally, it's around our financial accountability through a budget process. There are some other ones that get put in play. We had that conversation yesterday and passed one on the Stephenville airport. Important nonetheless to the Stephenville area and to the whole of the province, but doesn't generate necessarily the running of the House of Assembly or the government itself from an entity as part of that.

This here is a little bit more in depth, as you can tell by the number of clauses that are in this. There are 14 clauses. When you have 14 clauses and a number of subclauses as part of that, that's a significant bill, particularly when you're changing nearly 15 or 16 of them. Then there has to be a fair bit of work put into that.

I do acknowledge the bureaucrats who, themselves, have done due diligence and research here to ensure that the reflection of the changes are necessary based on the changing times, the change in responsibilities, the input that they've had from agencies or organizations or the general public here that reflect exactly how you improve legislation.

The intent in this House, when we modify or change or adopt legislation, is to improve the operations of government and improve the general public's ability to have confidence in this House and understand

exactly what legislation is here and what are the rules and regulations that not only we in the House of Assembly and the government must adhere to, but also the general public would simply know, when it's posted, exactly what would happen in any particular situation.

You may recall nearly a decade ago – and I'm one of the few people who were in the House at the time – Bill 29 and what the intent of that bill was. The intent was very honourable, that there would be access to information for individuals, but information that may be extremely sensitive, that may be detrimental to the operations of government or freedom of information that wouldn't normally have to be shared or should not be shared with the general public would be put in play so that everybody would understand what the parameters are.

Obviously you saw the backlash at the time from the general public, from the mainstream media and from the Opposition on this side. I was on that side of government at the time, on this side, and I do remember the premier of the day, Premier Ball, saying that this was the most important issue that he was to debate since he'd been in the House of Assembly. Good on him at the time. He was adamantly committed that this was going to be detrimental to the people of Newfoundland and Labrador. We had a very robust filibuster period of, I think, five days of filibustering, 24 hours a day on this debate and a lot of integral debate back and forth and sharing information. Disagreeing on the interpretation is part of it, with the process that was happening here.

At the end of the day, there were outside entities who themselves, when they reviewed the legislation, said they have some concerns on specific parts of it. There were nuances there or clauses that can be interpreted differently than the intent that was meant. A lot of things when it comes to this process here is left to interpretation. That's why in the debate process, it is very

important, it's extremely important that clarification is given so that there's no mismanagement of the understanding or misinterpretation of what's being said.

It's better that five or six people on the government side would respond with the same message from questions that five or six people on the Opposition side may ask so that there's clarification. If it's said five or six times and people are adamant about what they're saying, and it's answering the questions that are asked over here, then we can be reassured that that indeed is the interpretation of a particular clause.

We always know that things can be challenged from a legal point of view, depending on the interpretation or depending on nuances of one particular word or the way the phrasing is put together. So it's very important in any piece of legislation, particularly legislation that has a bearing on access to information, privacy, sharing of information and the ability for a government to withhold information that they feel may be detrimental to whatever entity, if it's a business entity that they looking for or if it's a piece of information that may be necessary to keep because it may be detrimental to people's social, mental or physical health or financial health, then we need to understand where those parameters are.

We had this debate about the cyberattack only recently, around what pieces of information the general public should have been having access to, for a number of reasons. One, their apprehension. Because there were so many unknowns here: Who had information? What kind of information they had? How could it be used? Has the information been retrieved? Has it now been stopped that it can never happen again? If somebody's information was compromised, what does that mean for them? Are there some supports or mechanisms that they can then be reassured on what can be done?

The general public, by nature, are inquisitive. They want to know what's happening. We represent them. We're the people's representative in the House of Assembly no matter where your district is. People need to have an understanding that the discussion in here is open and transparent and very clear and distinct as to what the people of this province can expect.

When we talk about that in the House, that's why for the last number of weeks, in the media, and I know for the last number of days in the House of Assembly myself and my colleagues on this side, I know the Third Party has done it, the independents have done it, have asked about openness, transparency, sharing of information, having an open dialogue so that any recommendations or any pieces of information that could be beneficial to improving legislation or improving the operations of government would be taken into account, regardless of who they come from.

Most information we get here – I know from my perspective, I'd like to be able to say that I know a lot about a lot of things; I don't. I know a little bit about a lot of things, but what I do know a lot about comes from people who do know it, have that expertise. I'm open to learn and listen to them. When they come with something that's factual and something that makes sense and something that can be verified, then I think why would we not share that with government and hopefully that may then improve what they're doing.

In a lot of cases we've been fortunate enough that we've shared it and some of the information has been taken. We've even had the luxury for the first time in a lot of time to change some amendments to pieces of legislation to improve it. That's what it's about, to improve the legislation in a collaborative manner here. We've had friendly amendments. We've had legislation withdrawn and put to another mechanism, a

party mechanism. We only did that only recently with the health bill.

So why would we not consider doing that continuously, particularly on major bills that impact people's lives and could be contentious, depending on what side of the fence that you sit on or what your interests may be? It's not just about the Opposition versus the government. I'm talking the bigger picture here. There are entities out there that are affected by everything we do in government, very much so.

This bill itself, while, again, I'll eventually go through a number of the clauses here, make minor changes in some of the clauses, propose serious changes in other ones or changing to the interpretation that needs to be clarified and then there are ones that actually add new clauses as part of that.

So minor changes, not a problem. We've gone through it to look at it. Now, I should correct that. We've gone through it as efficiently and as detailed as we could, keeping in mind that less than 12 hours ago we've had a copy of this piece of legislation, which that, unfortunately, is perhaps the most unacceptable thing about this bill right now when it comes to this perspective. That's the problem there, the first conversation around this.

So I've implored over a period of time about being open and transparent, not rushing things and take faith in what we're saying. You want to sit down and have a discussion; we'll have an open, very mature discussion about legislation that improves things. Giving something in a moment's notice that's so detailed from a legal point of view and a logistical point of view, from an administrative operational thing and an impactful process for outside entities and asked us to come in and support and speak to it in a positive manner is asking a lot.

Now, again, I will say, I give credit to the legislation and to the minister and to her staff for putting together and going through

the particular clauses and looking at ways of improving them, but there are a number of things here that have been changed dramatically. There are a number of new clauses here that do actually, from our perspective, bring up some red flags.

Now, maybe, at the end of the day, they're not red flags, but we don't know because we haven't had time enough to dive deep into it, to get our interpretation, which then would go outside and have a conversation with those who might directly be impacted by it or legal entities who may know what the interpretation may be so that we could come back and feel confident that if we're going to support something in this House of Assembly, it's going to be something that the people of this province can support because it's done in a manner that supports and protects them also.

So there are a number of issues here that we take with this. First and foremost is the expedient way that it's trying to be rushed through the House of Assembly, is our understanding here. I mean, I don't understand, I would have thought this week would have been more around the budget, because, I give credit, you've been doing a number of announcements so I figured that's what we would be doing all this week, and good on you. Those announcements, I'm very hopeful, will benefit the people of this province – very hopeful. I've said it here a dozen times, I'm optimistically hopeful that people's lives will improve with this budget and future budgets.

But to know that happens, we need to know what the details are and that's what we're scanty on when it comes to a lot of these announcements. What we're scanty on in this piece of legislation here in some of the major changes to the clauses and some of the new clauses is the detail itself and the impact it's going to have.

Again, we're not saying that it's done in any matter that isn't meant to be in the best interest of the people of the province, but

we don't know right now. In 12 hours, for us to be able to interpret that and know that and get a view from 35,000 feet from people outside who would be impacted by this, to me, it's not fair to this legislation, it's not fair to the Opposition and it's not fair to the people of Newfoundland and Labrador, Mr. Speaker, 100 per cent.

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

**D. BRAZIL:** That's not acceptable in this House of Assembly. I would have hoped we had broken new ground over the last number of years by being more collaborative, by sharing information a little bit in advance and being open to making amendments. In a number of cases, the government have even pulled a bill back and said you're right, let's go back, let's do a deeper dive, let's engage a few extra entities that we think we may have missed. Let's make sure that we've covered off all the issues that are relevant to passing legislation that's going to have a dramatic effect on people's lives and access to stuff.

So there are a few things here that we have some major concerns about that we'll debate. We'll have quite a conversation, I know, this morning and beyond about this piece of legislation, until we're comfortable that it is where it needs to go. I'm not quite sure why we're in a rush to do this right now. Unless there's some other reason that government can give us why this has to go through right away before it has been vetted through all the key entities that should have input, including the people of Newfoundland and Labrador, through the Opposition and the House of Assembly as part of that process.

So there's a lot of discussion that will get to take place. I'll still have a fair bit of discussion just in my conversation over the next 45 minutes or so. I know my colleagues here themselves will have the same opportunity to speak to that. So we're going to have a very robust discussion on what this means. There will be a multitude –

and I mean a multitude – of questions asked for clarification. I would hope somewhere along the way there will be discussion on are we ready to implement this piece of legislation right now when there are still so many unknown questions that need to be asked and unknown views from people and the impact it's going to have?

There are a number of things here just in some of the clauses and I haven't even got into the integral working of some of the clauses and the impact they have, but some of the clauses here would have a direct impact on the other Officers of this Legislature. The Auditor General, what impact will this piece of legislation have on her ability to do her job? We have the Office of the Child and Youth Advocate, what impact will that have on that Officer's ability to do their job and their access to their information and the sharing of information as part of that?

You know, we've got the Seniors' Advocate, the Citizens' Representative and the Privacy Commissioner. We already know there's a full debate with the Privacy Commissioner now on access to information and the role that he would play in ensuring that the people of this province and the public are aware of what's happening out there as part of this whole process here. So there are a number of things in this piece of legislation that have an impact on those individuals. If it has an impact on them being able to perform their duties, it has an impact on every citizen in Newfoundland and Labrador.

So this piece of legislation, as minor as the government may think in putting it through, in thinking that there would be no debate, is not going to work that way because any piece of legislation that has an impact on every Newfoundlander and Labradorian has to be debated openly, transparently and fluently. It has to be done in a manner that best suits the people of this province.

So, Mr. Speaker, we will be very diligently outlining our concerns when it comes to this and asking for clarification. One thing about here now, there are no accusations that there's anything afoot on the other side here, that isn't in the best interest of Newfoundlanders and Labradorians. The issue becomes has it been rushed without it being thought through to a point where every issue is covered off? We need to know who's been engaged in this process and we need to know exactly how much authority and how much power is given in certain particular areas in some of these clauses.

I'll just note one particular clause here that gives authority back to Cabinet to make decisions on what information gets shared. Now, we've had a debate in this House for the last couple of years and the media brought it up and my colleagues on this side have discussed it, minutes in council, when a decision is made in council, it's been as much as a year or more before the general public knows the decision that's been made.

I get it, I sat in Cabinet, I understand Cabinet confidentiality and I understand the debate that goes on in a Cabinet room. I understand that not everybody agrees on a particular decision that's made, but once it's made, it's made, hopefully, in the interest of the people of the province. Whatever decision you make has a bearing on the people, if it's their finances because you're supporting a program or a service, if it's you're entering into an agreement with some national or international entity, or if it means you're about to change legislation that has an impact on people's lives, that, in itself, dictates that the people of this province should be made aware of exactly what's happening when it comes to decisions within Cabinet.

Now there are clauses here that give Cabinet the authority to keep other information, not only their own decision stuff, but other information that may be relevant to operations of government or

outside entities that, from our perspective, we're not sure if that's in the best interests of the people of this province because we have no idea – the devil is in the detail. What kind of information can be withheld? Who gets to scan that information to make those decisions? When is it withheld? Is it held for a period of time? Is it totally redacted? Is it hidden? What impact does it have? Is it only related to financial matters? Is it only related to contracts with outside entities?

So there's a lot of information here that's still missing for us to be comfortable on being able to sign off on major changes to a piece of legislation. Again, let's go back to Bill 29. To me, it was an example of how a piece of legislation was done in the right intent, the good intent to ensure everybody was protected from an information point of view and that government could still function in a domain where information that would be beneficial to them being able to do the functions and not jeopardize the viability of the company or the exposure of individuals and that who are engaged with operations in government would be done.

Then it was found that there were some clauses there that could be misinterpreted or that people could find loopholes here to take advantage of it. It was a very robust – and I talked about that. I mean, I sat for five days and nights, in and out of the House of Assembly, and the impact that had on slowing down other pieces of legislation and other things that were necessary to improve people's lives, what that meant. Because you know what? Maybe if we had done it the first time and really engaged and took our time and made sure all entities that should have been involved, maybe we could have avoided that.

But I do give credit. After that was done – and it passed; we had a majority government. So government could still pass what they want over there. I would hope, a decade later, we've evolved to the point that we're going to pass legislation in this House

– government with a majority or not will pass legislation that everybody in this House would feel comfortable it's going to benefit the people of this province and still allows government to operate in the manner that is necessary, open, transparent and the best interests of the people of the province.

So we're not diluting that in any way. We're not trying to change the moderm here that works, but we're trying to say let's build on what we've learned from the past. What we learned from the past in Bill 29, which is similar – it's about access to information. What we've learned from there was, at the end of the day, the premier of the day – Tom Marshall, I give credit – saw that there were a number of loopholes there that were dangerous to the people of this province. They were never meant to be out there but when things are done and if you don't get every perspective, there are times that things slip through or one person's interpretation may be totally different than the other 50 people's interpretation.

So, as the process there, he said we want to review Bill 29. He put together a very competent group of individuals from different perspectives, including a former Liberal premier, to oversee a rewrite or re-evaluation of Bill 29 to get it right. That's what things are about in this House. The cliché should be let's get it right. Sometimes we only get one kick at the cat; let's get it right.

In this case, because we see no evidence that this has to be rushed at this point and we do have a multitude of questions and we know once the general public start hearing about this, and the media, and some of the statutory Officers of this House of Assembly start hearing what's going on, they're going to have a multitude of questions also about what's happening with this piece of legislation.

So, right now, to rush this through the House of Assembly –

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

**D. BRAZIL:** Well, it has been rushed. It was given to us in a few hours and put on the Order Paper now.

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

**D. BRAZIL:** Well, I'm glad to hear that because maybe we can have –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

Address the Chair.

The hon. the Leader of the Official Opposition.

**D. BRAZIL:** Thank you, Speaker.

I'm glad the Members on the other side are engaged in this and I'm glad they said there's no need to rush this.

Thank you.

**AN HON. MEMBER:** No, it hasn't been rushed.

**D. BRAZIL:** Oh, no, it has been rushed. When we're looking at a piece of legislation, 12 hours later, that the general public doesn't have, statutory Officers of this House don't have, and it's going to directly impact them. Nobody has been consulted on this. That, to me, is rushed.

I mean, as bad as certain things may have been handled in Bill 29 at the time, there was a lot of consultation I guarantee that. There was a lot of discussion. We haven't had that now, so we're going to engage and we're going to hopefully get the co-operation on government side to have a robust conversation and discussion and hopefully have other entities be totally briefed, engaged, get their feedback and see what they think are some of the issues around this bill.

Maybe they'll come back and say they think it's perfect as it is. If they do that, if we hear from the masses that are directly impacted by this that this is a good piece of legislation, it's going to be hard for us to argue. I would know my caucus here won't be arguing for the sake of arguing. We may ask some questions for clarification. I'll make that very clear here, we have no qualms in asking questions for clarification so that if we get a constituent or an agency ask us what does this mean or can my organization do this or can I access this, we can say unequivocally yes, because the minister said this is what this means in clause 2(4), very much so.

So we're hoping to have those general, open discussions as we get to that part of that process. But again, the fact I'm hoping – and maybe I'm misinterpreting here, but the fact that there may be an intent here not to rush this, to figure out is there some other way that we can make sure this works in the best interest of everybody involved as part of this perspective. Again, when I look at 14 clauses some of them seem minor, and I've said that before and called housekeeping. Fair enough, let's have that debate, let's tick them off right away and get them done that we all agree they're done. That way, it's easier to improve something if you've only got to deal with specific things and a smaller number. Because philosophically and mentally, the less you have to deal with the more focused you are on those specific issues. That's probably a way we could easily do that as we move forward.

What I'm worried about here, clause 7, it's not about Cabinet records; it's about something completely new. This is what clause 7 says: "Records created or received, explicitly or implicitly in confidence, respecting matters of provincial or national security shall be managed in the manner determined by Cabinet Secretariat."

Now again, that's a dangerous road to go down, because now you have one entity that gets to decide what information gets to

be shared. Again, there's a multitude of interpretations here and nuances, and particularly, details that would need to be clarified for us have an understanding. What would be considered provincial or national security? That's one of the things that would need to be clarified as part of that. Is there a list of 10 or 12 things? I mean, I know for a fact that a lot of jurisdictions don't have this piece of legislation, so we don't have a lot to compare it to in comparison to this particular clause here.

We already know that there have been some issues around information from Cabinet and what has been shared and not shared. We've already had those debates here and it's already been known publicly about some of those challenges.

We're just going to be asking for clarification around what does that really mean and how is the decision-making process made in Cabinet when it comes to these types of things? They're explicit things. I don't think they're too outrageous to be asking in any way, shape or form. I think they're in the best interests of this House and government. The more they're clarified, the easier it is for us to support it and for the general public to understand exactly what's changed in this piece of legislation.

This is not, from our perspective, an attack on the minister or that government that this is not a good piece of legislation. What we're saying is we need time and clarification to determine if it is. We even need time and clarification with the Officers of the House and the general public to see, if this were implemented, how do you think it would affect you, and then get their feedback. As was done on the second kick at Bill 29 and got it right.

We haven't heard many issues around Bill 29 since a whole review panel went out, got input and came back with a new, revised Bill 29. It's working, so far. I know, and I'll be the one to admit, we could've handled it better at the time. Very much so. We could

have saved a lot of money for the government, for the people of this province, a lot of headache for the Opposition, a lot of headache for other people and we could have also spent those five days dealing with other important issues in the House of Assembly.

So let's expedite what we do that's beneficial to the people. Maybe one of the ways to expedite this is take our time, let's figure it out, let's engage other people to make sure this is done right and let's have this open, robust and, as I keep saying, mature conversation about the impact this will have on people's lives in Newfoundland and Labrador.

You know, some of the things that we talk about when it comes to sharing information in Newfoundland and Labrador is about people's own access to what's happening here. I know government has to take actions that they feel are in the best interest. We know what we're debating now about the cyberattack. We know what we're debating now in the court situation there about access to information by the Privacy Commissioner.

So they're red flags here that may be things are not clarified. I am not saying government are wrong. I am not saying that the Privacy Commissioner is right. What I'm saying is both entities here need better clarification. We should not be at a point where government is in court with one of the statutory Officers of the House of Assembly because there's not clarification on who has what responsibilities here. So somewhere we've let this fall astray. Somewhere at the end of the day, there should be explicit clarification on roles, responsibilities of statutory Officers and of government.

Now, my understanding from the statutory Officers, they feel – and I've spoken to a number of them, only recently. It's pretty clear what their roles and responsibilities are. Government may interpret it differently. Government may have a different agenda,

and maybe there's an agenda here that's not in the best interest of openness and transparency, I don't know that. But I'd like to know we can eliminate that by having all the discussions done, all clarifications on a number of the issues that are necessary, and then figure out what is the best way forward. That may mean also changing some of the roles and responsibilities of statutory Officers.

In this House of Assembly I've learned, if nothing else, over the last 13 years, this is a living entity here. It changes day to day. Society changes it, legislation changes it, because one piece of legislation that we change that we think is in the best interest, and it is, has an impact on other pieces of legislation because things are connected directly or indirectly.

Outside entities change that has an impact on what we do in the House of Assembly and legislation, as part of that process. Nationally and internationally, what happens, there has an impact on what we do. I mean there wasn't very much conversation two years ago about cyberattacks or access to our information even though, and I have to say, there were reports given at different levels of government that there was a risk of what could happen.

That's not a blame to any administration because I suspect that in the previous administration, somebody had given them some notice that there could be some challenges around access to information, or the vulnerability of that information being out to the general public or getting into the hands of people that we wouldn't want, like hackers, and that's happened.

So there are a lot of things here that need to be debated and discussed and taken into account when we look at changing a piece of legislation. Particularly a piece of legislation that changes directly the access that the general public and the representatives of the general public have

to information that may be pertinent, directly or indirectly, to their livelihood, to the viability of our province and to the partnerships that we're developing. Maybe at the end of the day, the general public may not want us to develop a partnership with a specific province, country, entity, business entity. Who knows? There may be all kinds of reasons at the end of it, but it's hard for people to voice their opinion if they're not fluent on what's happening because the information is being withheld for all kinds of specific reasons.

The unknowns here, if there were clauses here that specifically said here are the 10 things that Cabinet can withhold specifically, here are the 10 things that will be decided. There's a subcommittee of Cabinet that will review it with five statutory Officers of the House to get their views on whether or not it impacts their ability to perform their responsibilities, or here are the things that we feel directly do not affect the citizens of Newfoundland and Labrador. These are the things that we can withhold because they may jeopardize the integrity of a business venture or of something else relevant to the operations of government.

Fair enough, we'd have that debate then whether or not we think they fit neatly under those headings. We're not getting any clarification on a number of those situations here. So we're going to continue to ask questions. We're going to continue to direct and look at the clauses that are being changed. There are a number of clauses here that do have some continuing challenges for us because, again, I can say they're vague in a point that there's been a major change from what was already in play, so understanding why those changes were made. What was the challenge? Was it just because they've been so old that times have changed? I don't know. Most of this legislation is fairly new, so I would have thought it would have been thought out prior to some of this that was being done there.

But some of the things that are being done here are totally changing, from our interpretation, the intent. I say our interpretation, and I'll qualify that again because we haven't had the timelines to really do a deep dive to get a real understanding of what these changes would mean. Maybe they're just changed; maybe the wording is such that it's the same approach, just done in a different matter. I don't know.

We've been trying to read this this morning. You want to see us scrambling and our staff scrambling to try to get our heads around it, and we've got some of the most intelligent people here who know legislation as good as anybody and have been around for decades and decades. Even they're scrambling now to try to get a better understanding or perspective of what's the intent here. We've reached out to a multitude of very learned individuals who would understand this type of piece of legislation and would understand the logistics of legislation as it comes through the House of Assembly to get some clarification and we are continuing to do that.

As I speak here and will speak through this morning and this afternoon, our staff are meeting with people, are having discussions, are trying to get an understanding so that we can have clear, precise questions to ask in Committee to the minister so that we can get clear, precise answers so that we can then clearly articulate that to the general public as to what this would mean to them, good or bad. And if it is bad, then it is up to them to say this is not acceptable, as was done with parts of Bill 29. If it is good, then it is up to them to give the nod to use to vote for this, move this legislation and move on to another piece of legislation that is important to changing people's lives.

I also want to note a few things here about what has been happening here around some of these issues. Issue around

watchdog, we always need it. Most of our statutory Officers are watchdogs for the people of the province and are watchdogs for the House of Assembly. Fortunate enough, there are mechanisms here where entities of the House can actually have input into these statutory Officers. If it is the Auditor General, the Public Accounts Committee works directly with the Auditor General and can refer specific investigations that they feel would be in the best interest of the people of this province from a financial point of view or an operational point of view as part of that. The Child and Youth Advocate's office, the same way. There are entities there; there is a collaborative approach as part of that process here.

Taking away or jeopardizing them having some access to particular information that would be in the best interest of them being able to perform their duties is a concern to us. I know it is a concern to some of the statutory Officers and I guarantee you that once the general public knows that this is some of the things that could potentially be jeopardized here then the general public are not going to be pleased that information can be withheld without knowing exactly what possibly could or could not be done here. If there are decisions in Cabinet to withhold a particular piece of information, they want to know based on what scenario as part of that.

They are simple questions. It is not an accusation of anybody. We're not saying it is done in any intent to be detrimental to the people of this province but we need clarification. It is unfortunate that we didn't have the opportunity over the last few weeks to go through this and get clarification. We may have come in here with some discussions in advance.

Our House Leader here could have spoke to the other House Leader and there may have had some friendly amendments, or there could have been some changes done in advance of coming here. But now we are

coming where we are asking questions and some of these questions may be simply answered. Some of them may, to the minister and her staff, seem like this is common sense, how do you not know that? We don't know it because we have no understanding of exactly how one part of this bill fits with the changes to the other, because we haven't had that ability to really go through it and get as many questions asked in advance of having to come to the House of Assembly to do it.

We're going to continue to do that. We will have a discussion around where it goes. I will say clause 7 will be a contentious discussion because there's a lot of clarification that needs to be done there. I don't know if it's clear. I don't know if that's as part and parcel of what's been already put there as part of that process. I do know that there are other pieces of legislation that have an impact on Cabinet's responsibility as part of that. Even comparing those would be beneficial to us. We're going to need a bit of time to look at those types of issues here.

Some of the other things here that we want to look at are some of the red flags that are coming up. We're hearing this from a couple of entities who are saying we need to know if we can access specific pieces of information in advance of it going to Cabinet, because once it gets to Cabinet it can be held. That becomes the issue there of knowing what the clarification is on some of those entities there and the impact on some of the clauses as they change. So there's going to be a lot of questions.

Some clauses are changing from one particular clause that now carried over to another one. So we want to have some clarification on those. Again, don't get me wrong. I'm hoping the minister will have all those answers when we get to Committee, but I just want to sort of paint the picture for the general public out there as to why this will be an open, robust discussion because there's a lot of things here, a lot of things.

If you look at just my notes, this is a quick scan from our caucus and our staff. You'll note anything that's in yellow are major changes in our perspective; some, the minor ones, we didn't even note. If we've got that many tags, if we've got that many questions and we're still trying to dig in to what are some of the reports here – I mean, "The Clerk shall annually prepare a report regarding the compliance ...." What does that mean?

I think that can be easily explained but we need to have some more clarification as what that particularly means and what time frames, to what parameters that the Clerk would be responsible for. So there are a number of things there that will be discussed in the very near future that will be, I would hope, beneficial to either explaining to the general public what we're doing or improving the bill here.

I would hope the government themselves are open to an open dialogue, to potentially us making some recommendations on some changes to clauses, or if we get clarification there may be a multitude of ones that we may want to look at to change. There may be some friendly amendments that can be done in advance of it.

Maybe there might be an opportunity to say we're not in a hurry to do this. Unless there's some reason that this has to be rushed through, let's hold this. Let's go back and do a clean sweep of what we're doing. Let's have an engaged process so that everybody who wants to be engaged in this process – outside entities, the statutory officers, all Members of the Opposition – can get a clear understanding of all the legislation when it comes to this and any changes to the clauses themselves, as part of that full process.

I'm hopeful we're going to have that discussion. I would think we'll get to that point and I would hope in the near future we'll do that.

With that being said, Mr. Speaker, I'm going to put forward an amendment. The amendment is from me as the Leader of the Official Opposition and the Member for Conception Bay East - Bell Island, moved and seconded by the Member for Conception Bay South: That the motion be amended by deleting all the words after the word "That" and substituting: "the bill be not now read a second time but that it be read a second time this day three months hence."

**SPEAKER:** There's been an amendment proposed. This House will recess to review the proposed amendment.

### Recess

**SPEAKER:** Are the House Leaders ready?

Order, please!

Upon review of the proposed amendment by the Opposition House Leader, I've ruled that the amendment is in order.

The hon. the Opposition House Leader.

**D. BRAZIL:** Thank you, Speaker.

Indeed, I'll reiterate this again. This is about all of us collectively working together to improve the piece of legislation. What we've proposed here is just let's pull it back; there's a great opportunity. We don't see an expedient need for this piece of legislation to be there now. It's not detrimental. There's still legislation there that covers off a number of the parts, as we've talked about. There are a number of ones that are just housekeeping, as part of the whole process.

But I do want to reiterate a number of other things here. I won't take a lot of my time here because I think I've outlined a lot of the issues previously. I'll let my colleagues here – and I would hope Members of the government – talk about this process and maybe there's a discussion around an ability to hold off and get it right or review it enough to make sure we get it right. But one

of the things here – and I waited until after the amendment to see whether it was in order or not and if it wasn't, I just wanted to explain again.

The biggest part of this is about duty to document and that explicitly is fairly simple. It's about ensuring that any decisions that are made, that the documentation there is there to back it up so that there's no misinterpretation of what was decided, who decided it and what the intent was as part of that process. This is about trying to find ways to improve that process. And we know. We ran into it. We ran into it with Muskrat Falls, 100 per cent. Nobody over here will deny that process here.

Justice LeBlanc talked about duty to document, how important that is as part of it, and we 100 per cent support that. The issue here becomes the clause, particularly 5.4(1), that says Cabinet is exempt from duty to document. The fear that comes around that then is about decisions that are made. So if there's an ADM or a DM hired, what process was used for the selection process? The duty to document is exempt from that. If there's land given for wind-generating power, what process was used? What evaluation process was used as part of that? If there are issues around changes to Nalcor or direct Nalcor operations, what happens here? But a big one for a lot of us would be what's happening with 2041 negotiations?

The duty to document would give people an opportunity, through the ATIPP process, which is a good ATIPP process, for then the ATIPP coordinators to determine which is sensitive information that shouldn't be shared. But if Cabinet can, carte blanche, say none of this information is to be even shared with the ATIPP coordinators for them to assess what should be redacted or what should be shared, then we have a real problem here with openness, transparency and our ability to perform our duties collectively, no matter who you are.

As the minister noted, 160 entities would be directly or indirectly affected by that. That has a major impact here. The Privacy Commissioner himself – we've had a conversation – has some grave concerns about what's happening here. Not that they can't be rectified or discussed, but for clarification purposes. I mentioned it early in my discussion here that there are not a lot of other jurisdictions bringing in this piece of legislation. One that they based it on is BC, and even in BC the Privacy Commissioner has dramatic troubles and concerns about the piece of legislation.

We have to be cognizant of picking legislation that fit for the needs in Newfoundland and Labrador. Don't just base it on another jurisdiction, or if you do, don't just base it on what they write, also take into account some of the challenges they have in their own jurisdiction as part of that process.

These are things here that we're saying have to be reflective of getting a good piece of legislation. What we're simply asking, our amendment is pull it back, take the three-month process, engage the entities out there, the Officers of the House, some of the other entities can be directly involved or whatever process, the general public to see where it is. Get a better clarification on some of the clauses and the impact and the changes. Then come back, by then we'll all be briefed, we'll all have a better understanding of what it means. As a matter of fact if there are some concerns, they can already be shared with the minister and her staff and they can come back with clarification.

Or there may be modifications to the piece of legislation that can be done friendly and then we can come back, have an open discussion then, but a more informed discussion, particularly then, that would be in the best interests of everybody in this entity here to make this happen. We've only set out to do one simple thing in the sitting of this Legislature for the last two years, is

to find a way to improve the lives of Newfoundlanders and Labradorians. In a lot of cases that's through legislation and through ensuring that people have proper access to programs and services.

To do that, we need to have laws and responsibilities here. But all the key players that protect our society have to also be brought into it. The only way you can buy into something, if you understand what it is, is because you've been engaged in it. If we're hearing from statutory Officers that they're not comfortable with this because there are too many unknowns, or they haven't been engaged in a process that they think would be in the best interest, or they feel it may have been a little too rushed, then we have a problem with what's happening here.

So, as we debate what's happening here, I'm hoping other Members on the Opposition side will support the ability to take this back and do further reflection, further review, and come back with a piece of legislation that's going to be in the best interests of everybody here. That we could all support and pass in the House of Assembly and ensure that protection for our citizens, protection for statutory Officers, protection for the operations of government and even protection for Cabinet. I'm not adverse to Cabinet having to have certain protections on certain, particularly sensitive, decision-making processes. But the duty to document has been proven to be one of the downfalls of many administrations in this province about who made a decision. What was it based on? Was the information being shared with them accurate at the time? And if it's all documented, then it's fair to go.

I've been in Cabinet. I know sometimes you get briefings that are verbal briefings, so there's no information there. Sometimes it's just a deck presentation that there's not something there. But if a decision is made, the decision that's made is considered duty to document. You would then document exactly the discussion, the vote and the

intent of the go-forward process. This is simple. It's the way it should be.

What we're saying is then that information could be made readily available to the ATIPP coordinator to determine what can be shared with the general public. So we're not saying every piece of information is necessarily in the best interests of sharing with the general public because there are sensitive things, but we are saying that, *carte blanche*, a Cabinet cannot say the next five-decision group, don't worry about it. We're going to use Cabinet exemption on this. They'll never be able to be challenged because there'll be no duty to document. No information there that's of any interest that can be shared with the ATIPP coordinators to determine if the general public can have access to the information that has an impact on their lives, as part of that process. We've talked about that.

They're just a couple of quick clauses that we brought up. Now they're to us, in a quick review, two of the most serious ones that need to be reviewed and need to be discussed. There are probably a number of other ones that other entities may come back and have some concerns, and it might mean simple tweaking of words that are there or it might be a simple change of a clause or simple clarification of what's happening as part of that clause itself.

But again, we're asking. We're saying there are too many more important things – not that this is not important, but this right now will not change the outcome of people's lives in Newfoundland and Labrador like the economy will, like health care will, like education will, like moving the economy in the right direction will.

We can still get this right and use the time that we have in the House of Assembly over the next number of months to concentrate on other pieces of legislation, on the programs and services in the budget, how the budget can be rolled out, expedited so that people get access to the funding

sources and the programs that they need. If it's core funding for not for profits, how do we get that money out the door so those important organizations can start providing the services that they've been doing for decades in Newfoundland and Labrador.

So in my humble opinion – and I would think my colleagues on this side – this is about taking our time to do something right, and using the time that we would probably spend arguing or debating without being informed to do other things that are in the best interests of Newfoundlanders and Labradorians. Then come back and have an informed debate after every part of our process has been vetted, open and transparent and inclusive to all those who want to be included in a piece of debate as part of that process.

I don't want to take up much more time because I know there are other Members here in the Opposition, and I hope government Members, who will get to speak to this, will consider the amendment. It's pretty simple. We think it's pretty precise and we think it would hit the end result, which would mean a piece of legislation. We're going to support the minister and the piece of legislation that works.

My colleague is right. It's a reasonable proposal because we've scanned it as quick as we can and we don't think that this legislation being delayed three months to get it right will have a detrimental effect on what we already have in play to protect the people of this province. Give all of our statutory officers an opportunity to have input so that we could show the engagement process and the values they have to ensure that they can perform their duties in the best interests of everybody in Newfoundland and Labrador. I would hope, unless there's some outrageous reason why what we've proposed here is not going to work, then fair enough, share that with us and we'll have those discussions as part of that.

Also, we've talked about it and we know the debate – and I've mentioned that we've had a discussion with the Privacy Commissioner; he's already put out his concern. So they're out there publicly. If the Privacy Commissioner, one of the most important Officers of this House when it comes to representing the people of this province and the information that government has that should be shared with the people of the province, or in his case, don't forget there are certain pieces of information he feels shouldn't be shared because it's not in the best interest. If he has concerns about what's being proposed here because there hasn't been enough dialogue or enough inclusive discussion, or there are some challenges in particular clauses, then if he has it, it's going to be hard for any of us here not to say that the rest of us should not take a step back, reflect on how we're going to do this and make this work.

Just some of the things that he's talked about here: "It exempts the entire Cabinet decision-making process ...." That's a concern of his. He wants clarification on how that works and why this is in the best interests of the people of this province. "... It has no independent oversight; and it does not actually create a mandatory duty to document due to the discretionary nature afforded to the Chief Information Officer." So these are key components that the Chief Information Officer has in Newfoundland and Labrador, who would want either clarification or some additional clauses that would cover off some of these challenges that we have as part of this piece of legislation.

So I have a real concern. I know my caucus has a real concern and I would think that the general public will have a real concern when they hear that the Chief Information Officer is concerned about part of this – that the Chief Privacy Commissioner as part of this.

Some of the other things that he notes here and I want to read some of these: "The

proposed Bill does not address these concerns. Given the importance of this subject to the mandate of the Information and Privacy Commissioner, we are sharing these concerns publicly to assist in the debate of the Bill within the House of Assembly."

So when a statutory officer says that I want to do my part, because I represent the people of this province, to help the debate be open and transparent, here are my views, now he's obviously taking a step forward to even alienate himself with government. But he feels so strong that this is so important, that this represents what the people of this province need to have access to, that he's publicly putting it out there. When an officer has a press release on the same day we're debating a piece of legislation, that speaks volumes. So I think we should be listening to what they're saying and make sure we don't rush this.

"A legislative duty to document would be a requirement in law for government to adequately document its decisions in writing." Not an unreasonable request, I wouldn't think. First, I would have thought we'd been doing it. When I found out we weren't doing it, I said shame on all of us. Shame on previous administrations and the previous administrations since then, and shame on us for not making this happen in the House of Assembly.

"It was recommended in 2015 by the Statutory Review Committee of the Access to Information and Protection of Privacy Act, (ATIPPA, 2015), led by former premier Clyde Wells. More recently it was recommended by Justice Richard LeBlanc when, in his 2020 report of the Inquiry into the Muskrat Falls Project, he found that decisions regarding the troubled project were not properly documented in both government and in its energy Crown corporation, Nalcor/NL Hydro. Former Justice David Orsborn commented on a duty to document in his 2021 report of the 2020 Statutory Review of ATIPPA, 2015

saying that ‘enough time has passed,’” to do the right thing. I think we need to do the right thing here today.

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

**D. BRAZIL:** He also outlines there has to be “respect for the role Cabinet Secretariat plays with respect to the management of the Cabinet decision-making process and agrees that a special role for it vis-à-vis Cabinet documents is warranted; however, Bill 22 excludes Cabinet documents (whether in the custody of Cabinet Secretariat or not) from the duty to document altogether.”

Now that’s a dangerous, slippery slope to go down, with all due respect. I wouldn’t care what administration was in play, we would have to really reflect on that. If I were sitting there and now realized that and said, well, I understand the role of Cabinet as a Member, at the end of the day that’s very dangerous. That doesn’t mean that we’re not all honourable and every Cabinet minister is not honourable, but it does open up the door for information not to be shared in the proper manner.

“As it relates to independent oversight, Bill 22 would require the Minister to table an annual summary of compliance in the House of Assembly prepared by the Chief Information Officer, a government executive who serves at the pleasure of the Premier and reports to the Minister ... the Information and Privacy Commissioner, an independent statutory officer of the House, with authority for oversight of the duty to document. Many reports are tabled in the House of Assembly every year, often while it is closed, and receive little attention.”

That’s also a dangerous thing here, Mr. Speaker. We have to have openness and transparency. The people of this province have said that to us. A former Liberal administration ran on openness and transparency and got elected very handsomely at the time. But I would think

they would be thinking a second time now, if this is indeed how we’re going to put legislation through the House of Assembly.

Finally, he outlines, “Bill 22 would require a duty to document to be implemented through a policy that the Chief Information Officer may develop, and could be amended – or discontinued – without even reference to Cabinet.” Again, challenges on what we’re doing here. Very much a challenge of what’s being done here.

“A duty to document is critical to access to information – and ultimately transparent, accountable and democratic government,” said Commissioner Harvey, “While every day the Office of the Information and Privacy Commissioner works to get citizens the access to government documents to which they are entitled under law, there is nothing we can do when decisions are not properly documented.” That’s why it’s important.

Duty-to-document guarantees – and that covers everybody. That’s not just about the general public having access to it; it protects those who make those decisions. It would protect us as politicians, because we could then justify here was the rationale that the decision was made on, the information that people had given to us as part of that.

He notes, “I encourage legislators to address these concerns with Bill 22 as it is considered by the House of Assembly. By addressing these gaps we could continue to be the leaders in access to information in Canada.”

We took great steps. Bill 29 was a step forward. It hit a few road bumps, but then it got fixed. It got fixed to the point where people were brought in who could engage the process and then the House of Assembly adopted it. Since then, we haven’t had any challenges with it. We’ve had only good responses and other jurisdictions are following our lead in this information process.

The Information and Privacy Commissioner is an independent statutory Officer of the House of Assembly appointed under the authority of *Access of Information and Protection of Privacy Act*, 2015. With additional authorities under the *Personal Health Information Act*, additional information, including how to contact the Office of the Information and Privacy Commissioner, can be found.

So I encourage the general public who are listening, go online, read what the Privacy Commissioner has said. That's not our words. That's his. Somebody who has the oversight, the expertise and the in-depth knowledge of what's being proposed here and sees it as a detriment unless we correct it, unless we fix it for the people of this province.

So, Mr. Speaker, I will take my seat now and do implore that government consider our amendment so that we can move on to the duties of representing the people in this House of Assembly and use the time in a collective manner to, over the next number of months, find the most engaging way to get this piece of legislation right so everybody engaged feels it's going to benefit the people of this province.

Thank you, Mr. Speaker.

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

**SPEAKER (Trimper):** Thank you.

I now call on the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Speaker.

You know, I think the Member has raised some interesting points that I'm happy to discuss further. This is a very important issue. I would like to, I guess, let the general public know that we have been working on this for many years. I think it would be a fair criticism to say it's been taking too long.

We have done extensive consultations. We have worked with our government departments who have gone out to all of their agencies, boards and commissions and all the relevant public bodies on numerous occasions to get their feedback which has informed the legislation.

I do note that the Privacy Commissioner did just come out with a release and I'm happy to speak to that in detail, so thank you very much.

So my office first engaged with the Privacy Commissioner in January 2020, so three years ago. I guess if anything, I think, this has been too long coming. I do want to reiterate that.

We first engaged with the Privacy Commissioner in January 2020. In January 2020, we received correspondence from the Privacy Commissioner on this. The Privacy Commissioner –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

**S. STOODLEY:** The Privacy Commissioner, in 2020, requested that he be given very high-level access to selectively – as I quote from the letter – monitor and audit what we do under the *Management of Information Act*.

I have a lot of respect for the Privacy Commissioner. I think privacy is incredibly important. Mr. Speaker, what we're putting forward now will take us best in Canada. The best duty-to-document legislation in Canada.

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

**S. STOODLEY:** I just want to reiterate that.

So the imperative to duty to document only currently exists in BC and we would be the second province, and what we're proposing is going to go farther, much farther than

what BC has. I think that's really important for the public to understand.

When you look at the Privacy Commissioner, the Privacy Commissioner has a lot of responsibilities under the ATIPPA legislation, absolutely –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

**S. STOODLEY:** So any documents that are created by government, the Privacy Commissioner has the authority to kind of moderate those as they are released to the public through the ATIPPA requests. I think we all know that is an important part of how government works. There are government records. The public makes access to information requests. If there is an issue with those, the Privacy Commissioner says yes or no and makes a ruling and all of that would stay. There would be no change to that process. In fact, all of the new records created as a result of the duty to document, the Privacy Commissioner would fully oversee that, within their very appropriate role under ATIPPA.

I think in terms of oversight the Privacy Commissioner this morning just raised three concerns. The second would be no independent oversight but the Privacy Commissioner himself already has oversight over all of these decision records. He has oversight of that as they are released to the public through the powers that he has under the ATIPPA legislation, which is broad, Speaker.

We also have the Auditor General. The Auditor General overall has oversight of the implementation of policy. To say there is no independent oversight is simply incorrect. The Auditor General has oversight of all of this and I know the Public Accounts Committee – I used to be on the Public Accounts Committee – they can direct or ask the Auditor General to do performance audits of anything that they choose. There

are means where people can direct or ask the Auditor General to investigate. We also gave the Office of the Auditor General more money; we expanded the scope, so this is very much in the purview of the Auditor General.

The other issue the Privacy Commissioner raised is Cabinet decisions and anyone connected with government, I think you can understand how there is a certain rigour around that, which I won't go into details; it is above my paygrade. We are not proposing any change to how that works.

The mandatory duty to document, I guess, I disagree. The permanent head of all public bodies will have a legislative duty to make sure that the important decisions within our public body are appropriately recorded. To record an important decision appropriately it needs to be, as per the directives which are ready to go, has to be complex, comprehensive, timely and accurate. Those are the criteria that these important decisions have to be made under. We have a significant amount of documentation all ready to go that we have reviewed with many public bodies in advance to make sure we have examples for them to help them understand what is an important decision for a body like theirs. We have checklists, we have templates and we've got a whole suite of stuff ready to go on our website with Royal Assent to help public bodies.

So a few things the Leader of the Opposition raised, I do want to touch on. So there is a section – and usually, I guess, for anyone watching the process, this is second reading so there's different people, we get to hear different opinions and perspectives and when we get to Committee is when we really go line by line and there's lots of time to ask as many detailed questions line by line as we want. So I'm expecting to do that in the Committee. I'm happy to do that now for any concerns that have been raised as well.

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

**S. STOODLEY:** Yeah, I've got lots and lots. I've got all the answers, so it's no problem.

So there is a new element of this legislation the Leader of the Opposition raised around provincial and national security. What happens is that we get, as a government, especially related to cybersecurity or recently we were informed of something relating to some of our systems which there was a patch and an update for, we get information that is classified a certain way by the federal government that is not appropriate for us to discuss.

Now, I don't get that information. Other people than me get that information. It's classified by the federal government in a certain way. This gives the permanent heads of the public bodies the ability to appropriately manage documents that have been deemed to have a certain official classification level. So this is not the whim of someone; these are official classification levels that would be applied to certain documents.

I think it's important to remember the *Management of Information Act* is currently in place and it oversees how all 106 public bodies interact and how they store government records, how they dispose of them, when or how they dispose of them and it outlines all of that. So I think that that is really important to understand and that requirement exists today.

So the layer that we're adding is imperative to document important decisions and we have consulted with public bodies about that. We've consulted them on numerous iterations of this, Speaker, because obviously there's a spectrum here. We want everyone to record important decisions. The more, the better. There's a lot of discussion here because no one wants to hear the answers to the questions that they've asked.

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Just a little order, please. It's difficult to hear the Speaker.

Thank you.

**S. STOODLEY:** Thank you.

There's a spectrum here, so we've gone back to the public bodies numerous times to talk to them to make sure that we get this balance right because we don't want to cause them so much work that they can't do it with the staff that they have. Duty to document is very important, but we also don't want to expand the public sector by 20 per cent as a result of this. That would be a significant amount of taxpayers' money. We need to spend all of our money on health care so that there are lots of doctors.

It's very important; we have consulted with public bodies on numerous occasions for the last three years. I think it's a very fair criticism to say this is too long. I do not whatsoever accept the criticism that this has been rushed because it has not.

So there are lots of things that we could talk about here, Speaker. I do want to reiterate, I guess, my comments around the Privacy Commissioner. We first consulted with him in 2019 and he wrote my team about this, particularly January 5, 2020, before I was even minister. Then I recently heard from him again in October 2022.

I appreciate the Privacy Commissioner would like us to implement his recommendations in full. Of course, that's his job. The Privacy Commissioner is looking to expand his role into new acts and, at this point –

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

**S. STOODLEY:** Well, he is looking to expand his role into the *Management of Information Act*. That's what he has asked for.

He has a very broad mandate.

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

**S. STOODLEY:** It is very fair to ask for that, no problem.

He has a very broad mandate in the ATIPPA legislation. I just want to reiterate that all new records created, all records of decisions that fall under the *Management of Information Act*, follow the same processes and the Privacy Commissioner will continue to have access to all of those.

So if someone says I want to see all the decisions Minister Stoodley makes, and people do do that, and then you'll get a list and you'll get all of the decision notes from me. Then if someone says oh no, we're not going to send those, the Privacy Commissioner has fully oversight of that.

The Privacy Commissioner does have a very broad oversight under his current very broad powers under ATIPPA, which will include all of these new government records and public body records created under these proposed changes to the *Management of Information Act*.

I just want to reiterate, the Privacy Commissioner has asked for the high-level ability to selectively monitor and audit. I guess that role is the Auditor General. That's why we have an Auditor General. For each of our pieces of legislation, we don't assign a different person to selectively audit and monitor. That is the role of the Auditor General and there are many means that all Members in this House and the general public have of requesting something of the Auditor General. The Public Accounts Committee can request something of the Auditor General. We do not need two statutory offices of the House of Assembly to independently provide oversight of this legislation.

I also want to reiterate that Minister Hogan has – the Minister of Justice and Public Safety –

**SPEAKER:** Order, please!

I remind the Member please do not reference by name; use their titles.

Thank you.

**S. STOODLEY:** Sorry, my mistake, I apologize.

So the Minister of Justice and Public Safety has commissioned a review of the statutory offices as well and their responsibilities. Obviously it doesn't make sense, in my opinion, while this review is going on to also now change the responsibilities of the statutory offices.

There's a lot to talk about here, Mr. Speaker.

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

One conversation, please.

**S. STOODLEY:** I talked about the provincial affairs. I was listening as the Leader of the Opposition was speaking and I could not find many issues that they had. I think I've addressed most of them. Again, during Committee would be the time where we would do this and I'm happy to do this now; I'm happy to do it in Committee.

We have gone through this extensively. We have consulted with the public bodies. This will give the Auditor General more power, because there will be more documentation and there's a clear path here now to take action when decisions have not been documented properly, which has not always been done in the past, especially by some ministers sitting on the other side of the House, Speaker.

We know that recommendation 15 of the Muskrat Falls report does deal with duty to document and we believe that what we're doing today fulfills that, Speaker. I guess I just can't stress enough to anyone watching, I don't want to just talk for the sake of talking. I want to stress to the general public we have been working on this for three years. It has been too long. I accept that criticism. The criticism that this is too rushed is absolutely not the case. We have consulted, we have consulted, we have changed and we have consulted. I cannot stress that enough.

We have a fulsome repertoire of documents ready to assist public bodies in implementing this new requirement. The Office of the Chief Information Officer, we have a very educational, helpful role. I've only heard very positive feedback from the 160 public bodies around how helpful the Office of the Chief Information Officer team is in helping them when they have questions about their responsibilities under the *Management of Information Act*, when they have problems, when they have concerns. We take a very helpful, educational approach.

The reporting requirement to what we're proposing, Speaker, would come into effect next October. They would really have a while to fully understand and get their heads around it and then for the calendar year 2024, that's when the permanent head reports on the fact that they can vouch for the fact that their public body that they are the permanent head of, that they are fully implementing duty to document as is in the legislation and the directives that we will have ready.

I can't stress enough; this will be the strongest duty-to-document legislation in the country. Only us and BC.

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

**S. STOODLEY:** Only us and BC. It is only BC that has duty-to-document legislation

and this will go further. In BC they only have core government; this extends to all public bodies and not just core government.

I really think we are doing the right thing here. This is anything but rushed. We have consulted on this. This is anything but rushed and I am really happy to answer any questions. I have answered any questions that I have heard and I am happy to keep going.

Thank you, Speaker.

**SPEAKER:** Thank you.

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

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

**J. DINN:** Thank you, Speaker.

We'll be supporting this amendment.

Yogi Berra, I'll start with his words, "It's like déjà vu all over again." Because it was only back in November that we were debating the health act and, lo and behold, we have a piece of legislation which is deeply flawed and, again, the concerns of the Privacy Commissioner were ignored.

In the four years that I have been here, I am starting to see a pattern on how we get changes. It is not necessarily by a democratic process sometimes as much as attrition, of wearing down, of being prepared to go until midnight or pushing it until it comes up against people's schedules to get back to their districts and so on and so forth. At that point, there is some attempt to reach a compromise.

My issue here with this is that back in November, we had it very clear with the health act, the same situation all over again. Recommendations were brought forward and they were ignored. What we did at that point is that a major part of the bill is going to be reconsidered. Well, that's what's being

asked here at this point in time. Let's debate this fully and openly; otherwise, I guess we're going to be here until midnight all over again, or getting close to it.

I think what this amendment is asking is, if nothing else – another hoist amendment, like we did – to do what? To give time to address some of the issues. I'll talk about whether it is in Committee or not of whether issues are addressed in that process.

Now, the government will say, well, unlike health act, this is not rushed. We did remarkable consultation. Even the Privacy Commissioner says that he was consulted in the fall of 2022. The problem is that we didn't listen, that the concerns were not addressed. There is the issue. I guess it comes down to now we're left to filibuster, push the argument until we wear down government, if that's the case, and we get some sort of a compromise.

I think at this point if it's truly about it being in a democratic process, stop it now. We're not asking that the bill be defeated; we're asking that it be delayed by a month.

**AN HON. MEMBER:** Or three.

**J. DINN:** Or three months, or come back even in the next time we meet so we have some time to work it out, not while the House is sitting at this point and trying to make piecemeal amendments as we go, but to have some thoughtful conversation.

The duty to document, to me, is about transparency. I think if anything else, government is – and government Members, Opposition were held to a higher level of accountability than most. Now I have other concerns when it comes to the duty to document and about who is going to do this work, because that's going to be a large piece of it.

But the minister says that her department has consulted many public bodies. I will tell you as a one-time member, a stakeholder, I

know what government consultation involves. President Dinn, we're introducing this legislation tomorrow. We just want to take an hour of your time to work through it. That was the consultation, both parties. It didn't make a row of beans. That was the consultation. Usually consultation was – regardless of who was in power – it comes down to a one-hour meeting, a consultation, and that's it. But consultation also doesn't mean that government was listening to the concerns.

It's interesting, I would get calls from Cabinet ministers if we were doing an initiative and we didn't tell them, then they'd be highly upset, the Education ministers. But consultation only works if you say: Okay, what are the issues? We're going to make the changes, we're going to reflect those changes and this makes sense. That didn't happen with Michael Harvey from what I can see.

So the best in Canada, great. But is this the best we can do? Great to say I have got the best thoroughbred dog if I'm competing against mongrels. We don't know the other legislation as to what the other legislation does or doesn't do. My point here is that, is this the best we can do? I would say that the Privacy Commissioner has offered three ways in which we can make this legislation better.

Now, the Privacy Commissioner already has oversight. Well, according to the Privacy Commissioner, it doesn't seem that the oversight he has is quite – the minister somehow indicates that he has sufficient oversight. He would respectfully disagree. We can direct the AG to do performance audits and investigate. Now let's think about that. I've been through this process, once you start investigating wetland capping or whatever else, think about the amount of time that passes, the procedure. It's long forgotten. If anything else, the whole idea, I would assume here, is that there's an attempt to keep that transparency up front.

Committee of the Whole – great, plenty of time to go through it line by line. I've been through enough Committee of the Wholes to know that, in the end, there are questions and there are responses. In the end, if we push through and get a few amendments done but, again, it comes down to how determined is the Opposition and how pressed for time would be government. But it's got to be more than that, Speaker.

To go through that process, I would like to see us work out the bugs beforehand and to address some of these concerns. This is the second time that we're in the middle of debate and a press release comes out from the Privacy Commissioner – twice. There's something terribly wrong about this that two pieces of legislation, major legislation, requires this response. Somehow I can't help but feeling that the government dropped the ball on this one, for sure, again.

I think we appoint the Privacy Commissioner as a watchdog over all of us. We have the court system, I guess, that watches over – if a decision is going to be appealed, it's going to be appealed in the court and to the Privacy Commissioner as well. So we have these independent bodies to make sure that what we're doing here in this House of Assembly is in the best interest of the public. I guess the non-partisan individual, an Officer of the House, would be the best person to hold us accountable.

My concern, too, is we don't want to expand the public service by 20 per cent. One of the things that come to mind when I'm looking at the legislation, the first question that came to me is: Well, how are we going to do this? Because a duty to document means someone is doing that documentation. Simple as that.

I look at the documents that come to my office, my constituency assistant documents, takes that information. It takes time. But I'm looking at who's going to do it, too, because I've sat through enough

Estimates meetings here where we've seen vacancies and the public service is already overloaded. Who is going to do it? Because if you sign something, someone is going to have to do it. I'm just curious as to how we're going to manage it, or are we just going to further overload people in the system as it is? Even that question, I'd like answered.

I can think of my own role as a teacher, entering marks, making the comments in the report cards, sending out information to parents. My colleagues who were in administrative roles know the paperwork and the administrative work that goes with it. You don't have the support; someone has to do it. Even if it comes down to entering comments in 360, when it comes to discipline, the duty to document takes up a huge amount of time on an individual.

I would say that if we're going to make this work, then we're going to have to make sure that we have the personnel to do it. In many ways, I guess it's like the question: How many lifeboats do you need on a ship? Ten? Twenty? I think it comes down to the number of people who are on that ship. Here, it comes down to – I would not be able to say well, we don't want to grow the public service by 20 per cent. I would have to ask the question: How many people are we going to need to do this effectively, to make it more transparent? Can we do it now? Obviously, we wouldn't be bringing in this legislation if it was being done, if we already had this effective legislation.

So two things. There are a lot of unanswered questions here, a lot of unanswered questions that really won't be necessarily addressed in Committee. I think if anything else we can afford some time. I think we can afford to do what we agreed to do with the Health Act: delay it. You don't necessarily have to delay it until fall, but come back and have that fulsome discussion. Unless there's some immediate threat in the next three months that we need to address, but right now, let's do it right.

I'd be interested in certainly hearing more from Mr. Harvey about the concerns, and to go deeper into it and to have a time to respond to it properly; otherwise, we will support this. We have major concerns in terms of the personnel and how this is going to unfold. Do I support the idea of a duty to document? Yes. But I know that more than once when we've done an ATIPP, we've had the reply come back: sorry, there are no responsive records on this. That's a problem.

But if we could, let's look at this. Expansion of the Cabinet roles – well, that was certainly one of the main concerns of the Opposition as well. I can think of the Rothschild report, in terms of a report that's probably going to guiding, Speaker, our economic future, which no one can see. Cabinet confidentiality.

At some point before we start entrusting or expanding that role or the Cabinet Secretariat, I think we need to have a further discussion of what transparency looks like, especially when it comes to decisions that affect the public good.

Thank you.

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

**SPEAKER:** Thank you.

I next call on the hon. Member for Mount Pearl - Southlands.

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

Mr. Speaker, I want to say, first of all, I will be supporting the amendment to delay. When I first came in here this morning I was pretty excited, actually, because I saw that we were going to be bringing in legislation, duty to document. Certainly, in my view, a step in the right direction when it comes to democratic reform.

I know we had a lot of discussions in the Democratic Reform Committee that we did

have in place before it was dissolved by the election, and indicated it would be put back in place some two years ago. Never happened, unfortunately. There were a number of issues on the table for discussion. I think the top one we were going to go with and we were about to launch public consultations was on campaign finance reform. Certainly, the issue of looking at things like conflict of interest, numbered companies and duty to document was one of the things that was on the list in improving our democratic process.

What I think really highlighted it for me, and for a lot of people throughout the province, I think was through the Muskrat Falls inquiry and testimonies that were given where there was actually no arguing when you talk about important decisions and high-level meetings discussing a multi-billion dollar project with top people in government and nobody took any notes. Or other people who were intimately involved and all their notebooks got lost and misplaced and all this kind of stuff. It was just like it hearkened back to the Hughes inquiry: I can't recall. I don't recall this. I don't recall that. Nobody seemed to know anything that went on.

I think it really highlighted for the province the need for duty-to-document legislation. Certainly, it was one of the recommendations brought forward by Justice LeBlanc. I don't think there's anyone who would disagree that it is a step in the right direction, something we need to do.

When I saw that this was coming forward, my first initial reaction was this is a good thing. This is a good thing. It's a positive thing. When the minister just announced the bill today, I was the first one to bawl out hear, hear, because I think it's a good thing to have.

But I just want to hearken it to like when you blow up a balloon. You have a balloon, it's a nice, big, happy face and it's a nice, bright-looking balloon and all of a sudden someone lets the air out and it fizzles out.

That's kind of what happened when I was listening to the minister when she first stood up, because it was all good until she said, until she disclosed herself to the House, I'll give credit.

**SPEAKER:** Order, please!

Thank you.

**P. LANE:** She disclosed to the House that the Privacy Commissioner had concerns around oversight, but they felt that they weren't going to entertain that at this time. The minute that she said that, it was just like letting the air out of that nice, bright, happy-faced balloon for me. I said, oh my God, here we go again. Exactly, here we go again.

Of course, since that time, we've all received – all Members of the House – an email from the Privacy Commissioner. I also want to say we've received this from the Privacy Commissioner and I want to say I've been in this House of Assembly now, this is my 12th year, and there have been a lot of decisions made. I've voted with government, I've voted against government, I've voted with the Official Opposition, I've voted with the NDP, I've voted against the NDP and I've voted against the Official Opposition. I've made good decisions, I've made bad decisions, and that's just the way it is. It means you're human.

But I have to say, in good conscience, I can stand in this House and say one of the best decisions that I have made in this House in my 12 years was when I voted to put Michael Harvey as our Privacy Commissioner, I have to say.

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

**P. LANE:** I have to say – against the recommendation of the government. Credit where credit is due, the man is doing his job. I don't think anybody could legitimately ever question that man's integrity. It's not easy. I'm sure it's not easy for him to have

to send this again today, like he had to do on the bill related to the changes to our health care system, to basically challenge government in a public manner. Not an easy thing to do. I'm sure in the back of his mind he might be saying I wonder will someone be coming after me. Certainly that's something that the Citizens' Rep would probably say. I can guarantee you that, which is unfortunate.

But credit to him for once again doing his job, showing integrity and letting us know in this House of Assembly and letting the people know of the concerns that the man has. I've got to be honest, and this is no offence to the minister, it's no offence to the government, but if I have to make a decision on what is the right thing to do here, am I going to base it on – no offence, Minister – what you're saying or what's been decided there or what this independent Officer of the House is going to say – a man who has shown he knows exactly what he's doing. This is what he's specializes in. He's an expert in the field. He has integrity. If he has those concerns, I have those concerns. That's just it. That's just the reality.

**E. JOYCE:** He's the expert.

**P. LANE:** He is the expert as far as I'm concerned in this. He is the one who has no gain whatsoever. There's no politics. There are no hidden agendas. He has a job to do and he's doing it and if he's saying there's concerns here and putting it forward in a public way, then I believe him. I'm going to have to share in those concerns. I really am.

So when I look at the concerns – and I'm not going to read it all. Certainly, the Leader of the Official Opposition read some of it, but here's the one that really – there's three concerns he lists here. It exempts the entire Cabinet decision-making process, has no independent oversight and it does not, actually, create a mandatory duty to document due to the discretionary nature for the Chief Information Officer. I just want to read this one paragraph. It's the second last

paragraph and this is the one that really kind of sticks out to me.

“A duty to document is critical to access to information – and ultimately transparent, accountable, democratic government,” said Commissioner Harvey, “While every day the Office of the Information and Privacy Commissioner works to get citizens the access to government documents to which they are entitled under law, there is nothing we can do when decisions are not properly documented. Bill 22 does not meet its potential as duty to document legislation. I encourage legislators to address these concerns with Bill 22 as it is considered by the House of Assembly. By addressing these gaps, we could continue to be the leaders in access to information in Canada.”

When the minister was up talking about the fact that he already has involvement and oversight over this information, she is correct. She’s nodding her head, yes, she does – of the documented information. He’s got oversight of the documented information but the purpose of this legislation is not to talk about the documented information, stuff that’s already documented. I’m concerned about what’s not being documented. That’s the part, you know, I want just emphasize with the minister. He’s talking about stuff that’s not being documented. It’s fine to say that he got oversight over stuff that is documented but if somebody is not documenting something properly, how can he have oversight over documents that don’t exist? He cannot. He cannot have oversight over documents that do not exist.

So somebody needs to have that independent oversight to make sure that the documents indeed do exist, and that’s why he’s saying that he needs to have that auditing role. He needs to have that ability to say hey, maybe there’s some big project or some major thing happening in the province in a particular department and I want to see your documentation. In the case of Muskrat Falls, I’ll use as an example,

because that’s kind of where all this came from, when there were all these high-level meetings taking place and nobody is taking any notes. Under the legislation, as he would see it, he would have had the ability to go on into Nalcor, whatever the case might be, and say you’re having discussions now about Muskrat Falls, about Astaldi and the dome and whatever the case might be, show me your notes. Show me that you are documenting this.

He would have that ability to go in there and say, show me that you are documenting everything and that we have proper records on the decisions being made and what’s taken place. But under what you’re doing here today, he doesn’t have that ability. Yes, he can oversee information that is documented already, that is being done. But if someone says ah shag that, I don’t care what’s in this legislation; we’re not going to take notes. Whether it be because we’re too busy, it’s only foolishness, or political reasons. Political reasons, we can’t have any notes, can’t have any paper trail on this one, b’ys.

It’s not like it’s never happened – it’s not like it’s never happened, I can guarantee you that. I’m sure the Members who have been around here long enough would know about briefings in the past. Briefings taking place and ministers who say I want all my briefings verbal – verbal briefings. Don’t make a note on anything. We don’t want any briefing books that somebody can put an ATIPP on. Don’t send me any emails on my government account. Don’t make any phone calls to my government number. We’ve heard that come up before, too. Use a private phone and all this kind of stuff to avoid any tracing of any information. All the tricks, right?

This kind of stuff we know. I’m not accusing any one in particular. I’m just going back – this is not now necessarily. But things have happened and it’s easy to abuse it. It’s the easiest thing in the world to do, to say don’t take notes. Let’s have an off-the-record

conversation. Let's have a chat outside the office. Don't put it on email. If we're having any discussions, put an app on our phone. Let's put some app on our phone so that if we have a conversation that it automatically deletes it after a couple of days so that nobody can find out what anybody is talking about. Let's do that. That's a good trick.

There are all kinds of things you can do to avoid sharing information. That's what this is meant to deal with. So that everything is being done in an open, transparent manner and if there are decisions being made that are affecting the province and affecting the people of Newfoundland and Labrador, important decisions according to the legislation, that it is all documented.

To suggest that the Privacy Commissioner not play an important role in that, that puts up a big red flag for me. Before I received this from Michael Harvey – the minute the minister made that statement when she started off reading that bill, a red flag immediately came up. What's this all about? Why would this be the case?

Why wouldn't you want him doing it? That's the question: Why wouldn't you want him to do it? If you're saying in legislation that you have to document and that's the expectation of government that everyone has to do it, why wouldn't you want someone coming in to make sure that everyone is doing it? That doesn't make sense. It makes no sense whatsoever.

So then it leaves you to become sceptical. There has got to be something else on the go. There has got to be some hidden agenda. There has to be a reason why this is being done. It is unfortunate but – the minister is nodding his head no. I really believe – this minister, in particular – that he wouldn't do that. I say that out of respect because I do respect this minister. I don't think he would do that. I don't, but it opens itself up for that kind of thing to happen. Don't say it wouldn't happen or couldn't happen because anything that could

happen, I guarantee you, over the years has happened. So if we're going to do it, let's do it right. I don't understand why we would not want to do it right.

I have to say, as well, that this feels – I know the Member for St. John's Centre talked about déjà vu all over again. Was it Yogi Berra he said who said it? Déjà vu all over again. I have to say that as someone who was here and admittedly on the wrong side of the Bill 29 debate – on the wrong side. I said to the Member for Humber - Bay of Islands when I was listening to the minister when she got up the second time in trying to defend this and everything else, I said, my God, this is déjà vu, it really is because a few years ago, that was me. I said a few years ago, that's how it felt, the same feeling, like I'm defending the indefensible. That's how it felt.

I've got a feeling this is not going to go down well with the public. It certainly doesn't add to public trust when we have the Privacy Commissioner and independent Officer of the House here, the Privacy Commissioner is saying that he has these concerns and we're just going to simply dismiss those concerns and say I'll move on anyway.

Of course, the argument will be well, we're better than all the other provinces; at least we're doing something. I agree. If the other provinces have nothing and we do something, then we're better than the other provinces. No doubt about it. It doesn't mean that what we're doing is great; it just means we're better than what someone else is doing. We're the best of the worst, you know, arguably. That's all that could mean, we're the best of the worst. They're doing nothing; we're doing something, so we're the best in the country because they're doing nothing.

But that doesn't mean that what we're doing, if it could be a 10 but it's a two, then why shouldn't it be a 10? Especially if the Privacy Commissioner is saying, b'ys, this is

what you need to do. This is what we hired him for, this is his job, but he's saying these are the things that we need to do to make this right. I cannot understand for the life of me why we would want to go against that. It doesn't make sense to me why we would want to go against that.

Of course, there are other issues and they'll all come up as well, you know, about an important decision and what is considered an important decision. Now, the minister has said that she's got all of the directives I think she called them. She didn't say regulations; I thought she said directives. She's got all the directives ready to go about how all this is going to work and how staff are going to be determining in terms of what is an important decision and when you apply this and all that. So if she has all that ready to go, I'd like for her to table it here in the House of Assembly so that we can have a look at it. Maybe the minister can do that. Table all this information so that we understand exactly what is going to determine how this gets used. Let's see your directives.

Now, I will say that even if we do see the directives, I would like to see them, that in fairness we have to also make the point that a directive can be changed. That's the problem with regulations. So a directive could be great today and we vote it all in based on these directives and then, next week, we change the directives. Now I'm not saying that they would do that, I'm just saying that's just the reality.

**AN HON. MEMBER:** Like the helmets.

**P. LANE:** Like the helmets, yes.

But that's the reality, we can say one thing and then do another, but I would like to see those directives.

Anyway, Mr. Speaker, it's unfortunate because I will say once again for the record, I do support the concept of duty to document. If we could withdraw this for a

period of time – I know the motion is 90 days; if it could be done quicker than that and done properly, then I'd have no problem with that either. I encourage the minister; sit down again with the Privacy Commissioner. He is the expert here. None of us are experts. None of us, not in everything, for sure. Sit down with him and if we can incorporate his recommendations, recommendations that make all the sense in the world to me from a layman's point view, then I will gladly support it. I'll gladly stand up and say what a wonderful job you've done.

Thank you, Mr. Speaker.

**SPEAKER (Bennett):** The hon. the Minister of Industry, Energy and Technology.

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

I wasn't going to get up during this particular motion. I know that the Opposition got up and had their say, Members of the Third Party; I believe the remaining independent Member is probably going to have something to say. What I want to do is ensure that anybody that is actually listening to this and perhaps even Members in this House, because the Member referenced something – and I won't get into the duties of the Commissioner. I might do that during the regular debate. I'm going to get into some comments that the Member made about this debate and this piece of legislation. I think he was referring to Bill 29.

The Member has got a track record of saying he was here. Look, he doesn't run away from it. He says I was here; I was fooled into this. I was misled, probably a good word.

**AN HON. MEMBER:** Hoodwinked.

**A. PARSONS:** Hoodwinked, whatever.

But again, he has made it quite clear that he has spoken against it. He's on the other side and he's spoken, quite clear. I'm not

saying anything negative about that. But what I will say for anyone to say that this bill and Bill 29 are the same, you have not read these bills. You have not read them.

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

**A. PARSONS:** I say to that Member over there when you –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

**A. PARSONS:** Well, you're speaking. If you want to speak, wait your turn and get up or I'll sit down and you tell me.

**J. DWYER:** (Inaudible.)

**SPEAKER:** Order, please!

**A. PARSONS:** But I would also –

**SPEAKER:** Order, please!

**A. PARSONS:** Were you there?

**SPEAKER:** Order, please!

**A. PARSONS:** Were you there?

**SPEAKER:** Would the Member take his seat, please?

**A. PARSONS:** I wasn't pointing at you until you (inaudible).

**SPEAKER:** Order, please!

I'm not going to have any arguing back and forth.

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

**A. PARSONS:** Now, I will point out to that Member and every Member who was here. The Leader of the Opposition was here, the Minister of Finance was there, I was here, the Member for Humber - Bay of Islands

was here and the Member for Mount Pearl - Southlands was here. I don't think anybody else was here in that House at that time. Other Members were connected, like the House Leader; he wasn't elected but he was in the back and he knew what was going on. He's got a long political career. But again, I'm not faulting him for that. But the Member opposite was not here.

**J. DWYER:** I've stated some of the problems, though.

**A. PARSONS:** What's that?

**SPEAKER:** Order, please!

**A. PARSONS:** You're going to get all the time to get up and talk about Bill 29 that you want. Let me finish.

What I'm saying, I'm not going to get into – this is a hoist motion to delay this for three months. I will not be supporting this. All I've heard is that we should go back and let the Commissioner – listen to everything he says and agree directly with what he says. But that's not how legislation works. That's all I heard is that we should go back and do what this person says. There's a disagreement, obviously. The minister's been consulting for three years. There's a disagreement.

But again, my main point that I want to make for anybody that is listening to this or watching this, Bill 29 was an active effort by a government to remove access to information by Members of the House and the general public. It was a bill – the Member would agree with what I say. It was an active attempt pre-Muskat Falls to remove our ability to have access to information. Again, in fact, I remember the media comment was that it was going to take us –

**D. BRAZIL:** We fixed it.

**A. PARSONS:** We fixed it. Again, I say to the Leader of the Opposition, we did fix it.

You didn't fix it; we fixed it. I would say, the Members of this House, we got to that point. You were forced into that.

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

**A. PARSONS:** But if you want to have the Bill 29 debate again, we can do it. But what I'm saying is that –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order!

We're not debating Bill 29; we're debating the amendment. I've given you adequate time to defend the comments there. Now we'll move on to the actual amendment, please.

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

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

**A. PARSONS:** I'm surprised at the amount of chirping I'm hearing about Bill 29 that we're not debating Bill 29. I'm glad we're debating, I think, it's Bill 22, which is an active effort to bring in duty to document.

So we've gone from a situation where we were compared to Moldova in our access to information legislation to right now we are going to be amongst the best in the country. I know there's a disagreement as to we should –

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

**A. PARSONS:** Moldova or wherever that place is; that's right. Right now, we might have a disagreement on should we be better. That's a fair debate that we're going to have on the legislation. Should the legislation be better? Can it be better? What are the disagreements on various points?

That's a part of a good debate, but what I'm pointing out here is that a Member has said that this government is engaging in Bill 29

behaviour or going down the same path. I would say to you, Mr. Speaker, that is simply not the case in any which way. I look forward to the rest of debate on Bill 22 and the duty-to-document provisions that we're trying to bring in.

Thank you.

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

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

**E. JOYCE:** Mr. Speaker, we've only got two minutes anyway before we close at 12:30 if I'm correct. So I'll just stand up and I'll continue later this afternoon in the debate.

Just let people know that I was here for Bill 29. It was a very substantial bill that the government at the time was bringing in. The funny part that people forget about Bill 29 – it was the bill that was put in for access to information. How they got it through? They enforced closure. They actually enforced closure that we went five days with it. They enforced closure.

Again, I always like giving credit where credit is due. After Bill 29 went through, the premier at the time, Tom Marshall, went out and actually did a review of Bill 29. I think that's my understanding of it. It was Premier Tom Marshall, after reflection from all the people in the province and the media, after it went through and he became premier, he actually went out, did a review and put changes into it. I think they got Clyde Wells.

**P. LANE:** Davis brought it in.

**E. JOYCE:** Yes, Davis brought it in and it was Premier Tom Marshall that actually brought it in.

My point on that, Mr. Speaker, is that debate in the Legislature does work. We did highlight all these concerns and this is what democracy is about. So when you say that okay there's a motion here to let's go out

and have a hoist for three or four months. If we had to do that with Bill 29, we wouldn't be here for five straight days. We wouldn't have Premier Tom Marshall, at the time – give him credit – to go out and say we need –

**SPEAKER:** Order, please!

The time is 12:30 now.

If you want to adjourn debate and continue speaking this afternoon, you can.

**E. JOYCE:** I'll adjourn debate and continue later.

**SPEAKER:** Thank you.

**E. JOYCE:** Thank you.

**SPEAKER:** In accordance with paragraph 9(1)(2)(b) of the Standing Orders of this House, we do stand recessed until 2 p.m. this afternoon.

### Recess

The House resumed at 2 p.m.

**SPEAKER (Bennett):** Order, please!

In the Speaker's gallery today, I would like to welcome Maddox Glover, who will be recognized in a Member's statement this afternoon. He is joined by his parents, Wanda and Chris Glover; his sister, Kate; and also their coach, Jenna Hillyard.

Welcome.

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

### Statements by Members

**SPEAKER:** Today we will hear statements from the hon. Members for the Districts of Torngat Mountains, St. George's - Humber, Bonavista, Mount Pearl North and Topsail - Paradise.

The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Speaker.

Today I pay tribute to social worker, Rita-Anne Voisey, winner of the 2023 Pride in Profession award. A registered social worker since 2013, Rita-Anne worked in important roles: social development and community social services; children protection, including front-line and supervisory roles; and is a leader of the family support and prevention programming for Labrador Inuit.

Throughout, Rita-Anne has exemplified outstanding ability to think creatively and outside the box in pursuit of social justice to challenge the status quo, resulting in improved outcomes for some of the most vulnerable in society. She has a natural ability to navigate varying systems, policies, procedures and legislation, all for the betterment of those she advocates for, and her dedication to her role and her community as an Indigenous social worker within Indigenous context is immense.

Rita-Anne demonstrates exceptional capability to practise social work as a respected member of the community, which is a unique skill to attain, given the sometimes-difficult responsibilities and reputation of the profession in many of our Indigenous communities. Rita-Anne upholds the values of the profession in a manner that is congruent with her culture, which conveys a remarkable skill of assessment and attunement of the needs of her community.

So please join me in congratulating Rita-Anne Voisey.

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

**SPEAKER:** The hon. the Member for St. George's - Humber.

**S. REID:** Speaker, today I rise to pay tribute to Terry Downey of Stephenville Crossing who passed away on March 9.

Terry lived his whole life in the town he loved, Stephenville Crossing. He served the town selflessly for many years in various capacities. Over the years he was a councillor, deputy mayor and eventually mayor. He is also known for his extensive volunteer work in his community and at the provincial level. He was an Indigenous Elder and Knowledge Holder.

Terry was interested in a diverse range of activities, especially local plants and animal life. He enjoyed nature and was involved in many conservation activities, such as the protection of wetlands with the Stewardship Association of Municipalities and the protection of the piping plover, a small bird that nests in the Stephenville Crossing area. In 2007, he was the recipient of the Lieutenant Governor's Greenwing Conservation Award.

Terry Downey was also a dedicated husband, father, grandfather and a great friend to many.

Speaker, I ask all Members of the House to join with me in recognizing the contributions of Terry Downey to this province and in sending condolences to his family and many friends.

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

**SPEAKER:** The hon. the Member for Bonavista.

**C. PARDY:** Thank you, Speaker.

The Thorburn Lake hangar outside Clarenville expected a helicopter to refuel on July 20, 2020. At approximately 3:30 p.m. the helicopter attempted to land on two occasions and, thereafter, rose to roughly 100 feet and lost control, crashing to the ground.

Within two minutes, Steve Ploughman and his father, Gene, working at their airplane hangar, immediately ran to the site utilizing their cellphones to call the RCMP and request ambulance service. With smoke coming from the helicopter and alarms sounding, they began removing the two front occupants from the mangled machines who were in total shock, with many cuts and bruises.

They were unable to recover the rear passenger, unfortunately. Steve, an aircraft maintenance engineer, identified and switched off the master switch, removing all live battery power while Gene ran back to the hangar for a power saw and fire extinguisher and returned with Jeff Bray, a firefighter, who, along with Charles Harris, was instrumental in extinguishing the fire. The crew then cleared a path for first responders.

I ask the Members of the 50th House of Assembly to join me in celebrating the heroic actions of Steve Ploughman, Harcourt; his father Gene, Clarenville; Jeff Bray, Milton; and Charles Harris.

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

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

**L. STOYLES:** Thank you, Speaker.

For 46 years, Calvin Smith has been adding colour to people's lives.

Since January 10, 1977, Calvin had been a valued member of the Mount Pearl Paint Shop team and is still going strong. A certified interior decorator, Calvin helped thousands of people with decorating and design. His lifelong commitment to people extended beyond his workplace. Calvin spends much of his free time with family and community, volunteering.

You could see Calvin organizing Remembrance Day ceremonies with the

Royal Canadian Legion; serving on the Christmas kettle with the Salvation Army; leading Scout troops; and playing with the Mount Pearl Men's Slo-Pitch Softball League. He also lends his knowledge to the art museum projects undertaken by local schools. To quote his co-workers: "His knowledge is unmatched and his passion for the community is inspiring. He's invaluable to us."

Calvin plans to work until his 50th anniversary, at least.

Speaker, Calvin Smith has truly brought colour into our homes and into our community.

Thank you.

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

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

**P. DINN:** Thank you, Speaker.

The 2023 Canada Winter Games were held from February 18 to March 5 in Prince Edward Island where 3,600 top, young athletes, managers and coaches gathered to compete in 20 sports and made new friends and memories to last a lifetime.

Speaker, today I am honoured to congratulate Maddox Glover from the District of Topsail - Paradise, who earned a gold medal in the men's Special Olympics Level II Figure Skating.

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

**P. DINN:** Thirteen-year-old Maddox attends Villanova Junior High in CBS. He has been skating since he was the age of four and is a member of the Prince of Wales Skating Club. With his hard work and determination, Maddox reached a goal every athlete strives to achieve.

Maddox said his experience at the Canada Winter Games was amazing and he is overwhelmed from all well wishes and recognition that he has received from the province, school, family and friends. While there, he had the honour of being the flag-bearer for the closing ceremonies at the Canada Winter Games; another proud moment for Maddox.

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

**P. DINN:** Speaker, we all feel a collective pride and I invite all Members to join me in congratulating Maddox on his great achievements.

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

**SPEAKER:** Thank you.

Statements by Ministers.

#### **Statements by Ministers**

**SPEAKER:** The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

**L. DEMPSTER:** Thank you, Speaker.

Speaker, for the first time in four years, athletes, coaches, families and communities from across the Big Land converged on Happy Valley-Goose Bay to participate in the Olympics of the North. As athletes filed into the arena for the opening ceremonies, it was evident that the passion, spirit and pride of place that marked the very first games, 40 years ago this month, was still alive and well.

It was inspiring to watch athletes compete in traditional and modern-day competitions that celebrate our culture and heritage of the Big Land. There is no event quite like the Labrador Winter Games: dog team racing, seal kick and the snowshoe biathlon. These games are unique.

Congratulations to the athletes, the board of directors, the event-organizing committees and more than 400 volunteers who once again delivered a fabulous event. I would be remiss, Speaker, if I didn't give a huge shout-out to the sponsors for their valued support as well.

Our government understands the benefits of activities that promote our physical and mental wellness and the value of preserving our heritage. We are proud to be the primary funder of the Labrador Winter Games.

Before our Premier officially closed the games and athletes started returning home, planning for the next games had already begun. Keep on training, Labradorians. We look forward to doing it all again in 2026.

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

**SPEAKER:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I thank the hon. minister for an advance copy of her statement.

Speaker, I am delighted to congratulate athletes, coaches, families, organizers and communities for a successful 2023 Labrador Winter Games, a celebration of 40 years.

The Labrador Winter Games feature traditional and modern-day sports and skill competitions which reflect the cultural diversity of the Big Land. It is also critical to note that the dedication that the people of Labrador have for their Winter Games is nothing short of inspirational.

With approximately 500 athletes from each of Labrador's communities and more than 400 volunteers, the Official Opposition wishes to extend our heartfelt gratitude and appreciation for an event that never fails to disappoint and we look forward to many more Winter Games in the Big Land.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Speaker.

We, too, are proud supporters of the Labrador Winter Games. To the organizing committee, volunteers, athletes, thank you for all your hard work and dedication in ensuring that games success.

I've had the honour of participating in multiple games as an athlete, so I know their value in uniting all Labradorians together and building relationships that will last forever. These games have become a vital bond that unites us in celebration of our diverse cultures and history.

Thank you.

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

**SPEAKER:** Further statements by ministers?

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

**A. PARSONS:** Speaker, I rise today finally to highlight emerging opportunities in the province's mining industry, and to tout its successes in 2022.

I recently joined more than 30 companies from this province to attend the Prospectors and Developers Association of Canada – PDAC – conference in Toronto. Considered the world's premier mineral exploration and mining convention, I met with various companies working in the province and was welcomed with no shortage of optimism for our industry.

One of the key topics at this conference was critical minerals. These building blocks of clean technology are located throughout our

province – in fact, we have 23 of the 31 minerals on Canada’s Critical Mineral List – five are currently or have been recently mined, and 18 are in advanced exploration.

To build on this momentum, our government is developing a provincial Critical Minerals Strategy. Consultations will start in the coming weeks and we aim to release the strategy this fall. Memorial University and the College of the North Atlantic also recognize the importance of this opportunity and have come together with a memorandum of understanding to support the development of critical minerals in this province.

Speaker, in 2022, mineral shipments were valued at \$5.4 billion; exploration expenditures estimated to be over \$240 million; and employment levels are up 11 per cent from the previous year.

Even with all this success, it is the potential future investments in critical minerals that will present the next opportunity for Newfoundland and Labrador and we are ready to seize the opportunity.

Thank you.

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

**SPEAKER:** The hon. the Opposition House Leader.

**B. PETTEN:** Thank you, Speaker.

I thank the minister for the advance copy of his statement.

There’s no doubt our province has essential critical minerals that the world needs. The mining and minerals sector can have a bright future in this province, but the Liberal government must take it as a priority. They must cultivate exploration, development and production while ensuring maximum employment for Newfoundlanders and Labradorians.

With this being said, I must also mention St. Lawrence and Rambler mines. Both mines have now run into financial troubles. I certainly hope that the minister was seeking out support for these mines while he was in Toronto.

Thank you.

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

**SPEAKER:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Speaker.

I thank the minister for an advance copy of his statement.

It is critical that we bring mineral resources to the market in a sustainable way with long-term benefits to communities. As someone who represents the province’s largest mining district, I can attest the importance of the mining industry.

If our mineral resources are to be developed, this government must finalize an energy plan that prioritizes environmental stewardship while the industry has reliable access to electricity that they have been calling to for a while.

Thank you.

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

**SPEAKER:** Are there any further statements by ministers?

Oral Questions.

### Oral Questions

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

**D. BRAZIL:** Thank you, Speaker.

Members of the FFAW were blindsided last week after finding out that the 3L fishing

zone was being split into two biomasses for this year's crab fishery. Once again, over 100 harvesters took to the steps of the Confederation Building to express their frustration. We're only weeks away from the fishing season.

Why hasn't your minister said anything on this very important issue?

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

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

We can certainly share the frustration with the crab fishermen and understand the anxiety that this uncertainty must be facing them. But, as the Member opposite knows, the quota distribution rightfully belongs with the federal government, with the federal minister of Fisheries and that's why I've requested and will have a meeting with the minister next week, Mr. Speaker.

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

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

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

But again, it's an example of being reactive than proactive here to help out the fishermen in Newfoundland and Labrador, particularly the inshore fishermen here.

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

**D. BRAZIL:** Once again, the Liberals are reactive instead of proactive. These new changes also cap quotas for inshore harvesters at their current levels. One inshore harvester said last night that they are concerned that they won't even qualify for their unemployment this year.

I ask the Premier: When are you going to pick up the phone and ensure that a meeting takes place to make the changes that helps the inshore fishermen of Newfoundland and Labrador?

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

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

As I reiterate what I said in my first answer, Mr. Speaker, we understand the pressure and the issues that certainly face the fishermen, the fisher people during these troubling times of uncertainty. The Member opposite rightfully knows that the quota distribution belongs with the federal minister of Fisheries, Mr. Speaker, and that's why I will be travelling to Ottawa next week to meet with the federal Fisheries minister, Mr. Speaker.

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

**A. FUREY:** Different than the Member opposite when they were sitting in government, they couldn't get responses or meetings with their federal colleagues. We will go up there and we will have a response and a meeting (inaudible) –

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

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

I'm not going to have Members shouting across the floor. If it continues, Members will be named.

The hon. the Leader of the Official Opposition.

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

I ask that the Premier reach out to the silent six Liberal MPs to do their job in Ottawa and represent the fishermen of Newfoundland and Labrador also.

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

**D. BRAZIL:** Premier, will you and your Fisheries Minister –

(Disturbance in gallery.)

**SPEAKER:** Order, please!

I also remind members up in the gallery, you are not allowed to participate in any way, showing your approval or disapproval. If it continues, we will clear the gallery.

Thank you.

The hon. the Leader of the Official Opposition.

**D. BRAZIL:** Thank you, Speaker.

Premier, will you and your Fisheries Minister convene a meeting with these harvesters to ensure that the decision in 3L is reversed immediately?

**SPEAKER:** The hon. the Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Thank you very much, Mr. Speaker.

I assure the people who are sitting in the gallery today, this government over here is very responsible and very supportive of the fishery of this province.

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

**D. BRAGG:** As you have heard in the House yesterday, I was only in Boston last week at the seafood show. Two weeks before that, I think the member may have been – I don't know if I can use the name or not. Jason Sullivan is probably upstairs. I was on his live podcast. This did not come back up on that podcast. This surfaced in the last couple of days.

We meet regularly, me and my staff, with the FFAW to discuss any and all concerns dealing within the fishery. I had a call over the lunch period with maybe a couple of the people that's up in the gallery right now, Mr. Speaker. I make myself available. Will I meet with an angry group of people? I will meet with a group of people who are very respectful –

**SPEAKER:** Order, please!

The hon. minister's time has expired.

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

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

**D. BRAZIL:** Thank you, Speaker.

You're the Minister of Fisheries; you have to be proactive and take a lead in making sure things are headed off before they get out of hand, Mr. Speaker.

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

**D. BRAZIL:** The president of the Registered Nurses' Union says the number of full-time nurses in this province continues to drop. According to the union, the number of vacancies now is 750.

Why is the Liberal government ignoring the nurses' shortage and the critical role that they play in the health care system?

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

**T. OSBORNE:** Thank you, Mr. Speaker.

The number of actual bodies working in nursing in this province has remained consistent over the past five years. Mr. Speaker, we do understand that there are shortages of health care professionals in all disciplines in this province. One example with nursing, Mr. Speaker, we've started a mission in India. We are seeing signs of success with that, Mr. Speaker. Obviously the nurses need to get through the work visa process. But we are in India, for example, recruiting nurses; we were in Ireland; we were in the UK. We've recruited a number of health care professionals with the Come Home initiative. We are working on the issue.

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

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

**D. BRAZIL:** Thank you, Speaker.

The nurses are looking for support for their local members here now to ensure that they stay within the health care system.

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

**D. BRAZIL:** The president of the union also said that if nurses are required to staff the Family Care Teams, government needs to step up their game. Speaker, there are not enough nurses to staff the health care system and the new teams announced when moving nurses into the Family Care Teams creates shortages elsewhere in our hospitals.

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

**T. OSBORNE:** Mr. Speaker, as we all know, there are shortages of health care professionals in a number of disciplines. We are working at recruitment of health care professionals. Part of that are the Family Care Teams where we can see more individuals in a team setting, a multi-disciplinary setting. Individuals will be seen by the right health care professional in that team, Mr. Speaker, and progress up the line to physician if that's needed.

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

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

**D. BRAZIL:** Thank you, Speaker.

According to the president of the Registered Nurses' Union, Nova Scotia is offering \$20,000 in appreciation and retention bonuses while this province offers \$3,000.

How does the Liberal government expect to attract and retain health care professionals if our incentives aren't good enough? We're

getting outplayed by other provinces. It's too important to the people of this province not to have a good business plan to ensure that our nurses stay in Newfoundland and Labrador, Mr. Speaker.

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

**T. OSBORNE:** Mr. Speaker, our retention bonus was put in months ago. Nova Scotia put theirs in yesterday or the day before.

Mr. Speaker, we had a Nursing Think Tank in this province months and months ago. Many of the initiatives that were identified in the Nursing Think Tank are in the course of implementation. We are working on it.

The Health Human Resources Plan is unfolding, as we speak, with consultations starting in the next couple of days. Those plans are out there. We're looking at a core staffing review, at early learning and child care for our nursing staff and other health care professionals within our health care facilities. We are addressing the systemic issues that nurses have been complaining about for years. It's more than about money, Mr. Speaker; there are other issues as well.

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

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

**P. DINN:** Thank you, Speaker.

This morning the Paramedic Association of Newfoundland and Labrador spoke out about how the Liberals are ignoring them. They said – and I quote – the future of Newfoundland and Labrador's paramedic system is not a priority for our government – unquote.

Why has the Liberal government chosen to ignore our paramedics?

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

**T. OSBORNE:** Thank you, Mr. Speaker.

Nothing could be further from the truth. We have identified, through the Health Accord, the integration of ambulance services in this province. That is something that we are actively working on.

Mr. Gaudet of the association has asked us for definitive answers on that, but those plans are being put in place, actively worked on within government. We can't give him the answers on what integration looks like until we are ready to announce integration, but it is actively being worked on.

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

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

**P. DINN:** Thank you.

It is interesting to hear the term: It couldn't be further from the truth. The Paramedic Association points to our recent ambulance strike, the potential termination of services in Ferryland and Trepassey, and the unexpected closure of the service in Whitbourne as examples of a lack of planning and foresight by this Liberal government.

When will the minister take action to stabilize paramedicine in this province?

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

**T. OSBORNE:** Mr. Speaker, that is currently under way with the integration of road ambulance services in this province. I expect within hours, not days, we'll perhaps have more to say about that, Mr. Speaker – within hours.

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

**T. OSBORNE:** What I will say to the Member opposite is that a strike with a private operator is something that is not

entirely within the control of the provincial government.

Integrating ambulance services, Mr. Speaker, will look after many of the issues. If Eastern Health have concerns for the safety of a group of residents that are serviced by a private operator, we must step in and take action. That is proactive, Mr. Speaker. If we didn't do it, the Member would be complaining that there was health concerns raised, safety concerns raised and we didn't address it.

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

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

**P. DINN:** It is interesting, the minister earlier said about the plan unfolding; we want to see a comprehensive plan now.

The association is calling on government to develop and publicly release a backup plan for every paramedic service in this province, including during strike action, contract termination and other times when the service is not available.

When will such a plan be publicly released?

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

**T. OSBORNE:** Mr. Speaker, I have great confidence in our Minister of Finance. I'm sure that tomorrow when we all stand and pay attention to a budget that we should all vote for, there will be a little more said about this.

But, Mr. Speaker, I will say that while we are going to outline what the future direction is for the integration of ambulance services, officials in our health authorities, officials in the department are actively working on this so that we get it right, so that we have the best road ambulance service for the people in this province. It is better to get it right, Mr.

Speaker, than to do it today to have it done, to rush it.

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

**SPEAKER:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** In response to a petition I raised concerning conditions of roads in the District of Harbour Main, particularly Route 60, the stretch between Upper Gullies and Holyrood, the Minister of Transportation and Infrastructure suggested collaboration amongst various levels of government.

Could the minister be more specific and explain exactly what his plans are? What are the details and when can residents of this region have the confidence that this deplorable section of Route 60, which has been in horrific state of disrepair for years, will be given the attention it deserves?

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure.

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

**E. LOVELESS:** Thank you, Mr. Speaker. Thank you for the opportunity.

The collaboration part is working with the towns involved in that road of Route 60. There are other colleagues sitting alongside of you who know what I'm talking about.

But I'm going to tell you to talk about – I'm not talking about collaboration; I'm talking about celebration, because we just announced \$1.4 billion over five years for roads in Newfoundland and Labrador.

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

**SPEAKER:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Speaker, we've heard about that five-year

announcement and what the people of this District of Harbour Main want to know is how is that going to improve their lives, travelling over these deplorable roads.

Route 60, other than the Trans-Canada Highway itself, is by far one of the busiest roadways on the Avalon Peninsula. It leads to an area where the population is rapidly growing, with many tourist attractions and it's such an important thoroughfare for people who travel to and from the capital city.

I have been hearing from many residents –

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

**H. CONWAY OTTENHEIMER:** – since the Roads Plan was released who are disappointed, frustrated and feel ignored by this government.

Again I ask the minister: When can the residents of this region once and for all expect government to deliver and do the necessary work to make these roads safe and drivable?

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

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure.

**E. LOVELESS:** I'm not sure if I'm going to be afforded the amount of time as the preamble that was just now. But I'll tell the Member, she's good at criticism, but she's not good at collaboration. I'll just say we just made a historic announcement of \$1.4 billion for the people of this province.

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

**E. LOVELESS:** That includes the whole of Newfoundland and Labrador. There's a planning process for that and I don't know if you've spoken to some of your colleagues, but even the Roads Plan that was put out,

they pat me on the back for it. You may want to talk to them.

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

**SPEAKER:** The hon. the Member for Bonavista.

**SOME HON. MEMBERS:** Oh, oh!

**SPEAKER:** Order, please!

The hon. the Member for Bonavista.

**C. PARDY:** Thank you, Speaker.

Once again, we see a federal government out of touch with the realities facing our crab fishery. The limit reduction in 3L means a loss of income for inshore harvesters.

I ask the minister: Did Minister Murray in Boston raise this issue with you? Why did we wait so long to reach out to Ottawa, according to what the Premier stated will be next week?

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

**SPEAKER:** The hon. the Minister of Fisheries, Forestry and Agriculture.

(Disturbance in the gallery.)

**SPEAKER:** Order, please!

I remind Members in the gallery you're not allowed to participate.

Thank you.

The Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Thank you very much, Mr. Speaker.

I think what the Member is referring to is the management plan that's about to come down from Ottawa in the next few days or the next couple of weeks. So there was a

precautionary approach taken on crab some time ago and there's been a working group dealing with that.

Let me tell you who's in that working group: fishers from 3LNO offshore, fishers from the 3L small supplementary, fishers from 3PS inshore, fishers from 3PS supplementary, fishers from 2J3K offshore. The FFAW is represented there, the Nunatsiavut Government is represented there, the Government of Newfoundland and Labrador, as well as DFO science and management. That's the people that's going in and doing the work.

I cannot be critical of when we're trying to rebuild stock. Our crab were at an all-time low, we're back on the cycle and we're reaching high. We need a good resource because that is where our fishery has been for the last number of years.

**SPEAKER:** Order, please!

The minister's time has expired.

**D. BRAGG:** Thank you.

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

**SPEAKER:** The hon. the Member for Bonavista.

**C. PARDY:** The minister addresses the federal management plan.

I ask the minister if he's concerned about the federal approach to the management of our fishery: closing the mackerel fishery, splitting the 3L biomass. Do you see a pattern?

I would ask: Where is this government's plan to address the issues in the fishery?

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

**SPEAKER:** The hon. the Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Mr. Speaker, anybody who knows me, I stand behind science. Science for the fishery around the coast of Newfoundland and Labrador is done by the federal government. There are fleets. We know there have been some issues but the science has been done. That's been done in surveys. I have been talking to harvesters.

We have to trust the science. We do not want to go back to our moratorium years where we overfished and overexploited the resource, Mr. Speaker. We need to have a sustainable fishery within this province for us to be who we are. We were born on the fishery. It's our history. It will be our future.

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

**SPEAKER:** The hon. the Member for Bonavista.

**C. PARDY:** Thank you, Speaker.

This summer, fish harvesters may be possibly be hit with a double whammy. The markets may not be viable enough to catch crab and they aren't allowed to fish for mackerel.

I ask the minister: What do you expect harvesters to fish?

**SPEAKER:** The hon. the Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Mr. Speaker, thank you very much and a great question.

There are multiple species along the shoreline of this province and some are in critical zones. Some are in precautionary zones. There's a management plan – the cod, the moratorium, I thought it was '82 but I think it was '92 when we went through the moratorium. It's slowly coming back. Not where we need it to be.

Cod was always the mainstay for our province, but we have just spent 10 to 15 years dealing with a lucrative crab fishery.

The markets crashed. There's no doubt about that. Prices plummeted last year. When I was in Boston last week the price of processed carb on the market right now sells for \$5.50 a pound – \$5.50 US a pound. That's what it's selling. Our markets across in China and Japan are not what it used to be. We are entrusting to the United States for the big part of the market, Mr. Speaker, and I will gladly take more questions.

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

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

**J. WALL:** Thank you, Speaker.

In a recent meeting, Municipalities Newfoundland and Labrador raised the lack of action by this Liberal government on Municipal Operating Grants, which have been frozen since 2015. Operating costs during the same period for municipalities for such things as fuel, road salt and other supplies have exploded.

When is government going to come to the table to help struggling municipalities in our province?

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

**K. HOWELL:** Thank you, Mr. Speaker, and thank you to the hon. Member for the question.

We have ongoing conversations with our partners at MNL, with communities all across the province and we have heard the questions, the concerns, the comments that they've raised about how they conduct business. We realize that the communities are responsible for providing services closest to home and that's a huge responsibility that they bear and recognizing that we always welcome conversations.

I would say to the Member opposite and to the rest of the Members of this House that

we're mere hours away from a budget, and in consultation with our communities, we always listen. We always review the things that happen. So I would encourage everybody to stay tuned.

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

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

**J. WALL:** Speaker, municipalities are asking questions because they've been ignored. They're asking questions on the Investing in Canada Infrastructure Program for over a year but only to get information from the media. Speaker, this is unacceptable.

Why is this minister ignoring municipalities in the province when it comes to ICIP funding?

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure.

**E. LOVELESS:** Thank you, Mr. Speaker.

That is important. We can all answer over here, by the way.

When it comes to Municipalities Newfoundland and Labrador, I don't think we're ignoring Municipalities Newfoundland and Labrador. We're not. I've been in individual towns, not just meeting with MNL but meeting with many towns and I've got pats on the back for meeting them. So we're not ignoring the towns.

We're investing millions and millions of dollars in rural parts of the province with Municipalities Newfoundland and Labrador. Since 2015, I believe it's in the tune of \$650 million have gone to Municipalities Newfoundland and Labrador including all communities in our province.

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

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

**J. WALL:** Speaker, I asked about ICIP funding. That's what I asked about specifically and municipalities cannot get an answer on it.

We are now a year since the regionalization report has been released by government, and we still haven't heard a word about the province's plans for that report. People across the province are asking questions. I'm getting questions and looking for answers.

I ask the minister: Will tomorrow's budget include action on this particular report?

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

**K. HOWELL:** Thank you, Speaker.

It's a great opportunity to speak to one of the most important pieces of work we're doing in our department, which is our work on regionalization. We've taken the report that was drafted by the joint working group and we've done analysis on that. We continue to work through the things that have been presented and the recommendations that have been brought forth.

One of the biggest challenges that we identify in this province is the geography and the population density. So as we're looking at the numbers and the information that's been presented to us, I've been very clear about the report and what I want to do in terms of regionalization. It has to be something that makes sense for the people of Newfoundland and Labrador. I don't want to go out with something that's not worth the paper that it's written on. I want to make sure that we have a plan in place to create sustainable communities that are vibrant and create places –

**SPEAKER:** Order, please!

The minister's time has expired.

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

**SPEAKER:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** I hope it makes a lot more sense than the stuff they're presenting to us today, I can tell you that.

Speaker, on January 17, 2023, the Child Death Review Committee submitted a report to government which contained a recommendation for moose signage along Route 330.

Can the Minister of Transportation and Infrastructure update this House on his plan to implement the recommendation?

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

**J. HOGAN:** Thank you, Speaker.

Yes, we did get the report and I thank the committee members for doing the work on that. I have forwarded that recommendation. I have forwarded that recommendation along to the Department of Transportation and Infrastructure. I look forward to that sign being put up in the near future to make sure that everyone is as safe as possible and the Child Death Review Committee hopefully doesn't have as much work to do in the future.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thanks for that.

Speaker, we've seen far too many deaths on our highways as a result of the moose-vehicle accidents. This report resulted from a tragic death of a youth, which has shone a

light on moose signage, brush cutting and other mitigation measures.

Speaker, will the department conduct a signage audit of our roadways to ensure signs are appropriately placed, visible and in good condition?

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure.

**E. LOVELESS:** First of all, Mr. Speaker, it's difficult when we talk about things of people losing their lives on our highways and safety is of the utmost importance to this government and certainly to me as minister responsible for Transportation.

We have been, I guess, in the last year and a half, two years, since I've been there, there's been an in-depth discussion around signage and we are making improvements. More improvements to come and that's in conjunction with municipalities in this province who are asking for the same signage. So we're working with them to come forward with a good plan moving forward.

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

**SPEAKER:** The hon. the Opposition House Leader.

**B. PETTEN:** Thank you, Speaker.

I guess if they come back and tell me I got to wait until tomorrow for an answer to this question, it means they must be shutting down MUN. So we'll have to wait and see.

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

**B. PETTEN:** You'll see.

Speaker, the fallout from the latest controversy at MUN continues to make headlines around the world. First, it was lavish office renovations and a padded contract and even a paid personal trainer. Then their disappearance during the faculty

strike and the “Ode to Newfoundland” controversy, which this House unanimously condemned.

Does government continue to have confidence in the president of MUN?

**SPEAKER:** The hon. the Minister of Education.

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

I think the question was about fiscal responsibility for Memorial University. The issue of that is being addressed. The Auditor General has already started a review and in conjunction with the staff at MUN and the Board of Regents, we’ll continue that review until we have a full accounting of how money is spent, on what and the benefit of our grant, which is the most generous in the country to Memorial.

Thank you.

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

**SPEAKER:** The hon. the Opposition House Leader.

**B. PETTEN:** Thank you, Speaker.

It’s more than fiscal responsibility; it’s the ultimate responsibility because this government is responsible for MUN. They sign off on the hiring of the president of MUN, they appoint people to the Board of Regents and, ultimately, they should be answering these questions, not leaving it to other people that we never see in behind closed doors. They’re the government; they should be answering these questions.

Speaker, MUN has lost yet another senior member of the executive, as VP of finance becomes the latest to join the stampede to the door. The VP of finance was only in the position for six months and joins a long list of others who have abruptly quit or are on a leave of absence.

Is the minister concerned about continuous high level of turnover at MUN?

**SPEAKER:** The hon. the Minister of Education.

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

I think it’s worth clarifying the fact that MUN, under the MUN act, is an autonomous body. It has its own governance structure and it reports to the Board of Regents or the Senate.

In terms of the stability of the senior executive and senior staff at MUN, I – and the Premier along with me – have raised some concerns about the perception that this needs to be a priority for Memorial. But, at the end of the day, they are their own bosses unless and until we decide to change the act.

Thank you.

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

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

**J. DINN:** Thank you, Speaker.

While Newfoundland and Labrador may have been the first to offer nurses retention bonuses, yesterday’s announcement about the Government of Nova Scotia of \$20,000 in bonuses is significantly better.

Speaker, I ask how does the Premier expect to keep overworked nurses in Newfoundland and Labrador when we’re only promising \$3,000?

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

**T. OSBORNE:** Thank you, Mr. Speaker.

As I mentioned to the previous Member that had asked the same question, our retention

bonus was offered several months ago, Mr. Speaker, to nurses; approximately 90 per cent of those nurses signed on for the retention bonus. It is more than just money, Mr. Speaker; there are systemic issues that government is working at and working with the Registered Nurses' Union that have been identified in the Nursing Think Tank that have to be resolved to make the work life better in Newfoundland and Labrador for nurses. Those issues are being worked on, such as the Health Human Resources Plan; the core staffing review; early learning and child care for health disciplines, not just nurses but other health disciplines.

Thank you, Mr. Speaker.

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

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

**J. DINN:** Speaker, yesterday the government announced more newly named Family Care Teams across the province.

Speaker, can the Premier assure residents that they can move with their family doctors to these teams?

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

**T. OSBORNE:** The answer is absolutely, Mr. Speaker. We understand that with one of the very first Family Care Teams that were set up that there were some orphan patients from the setting up of that. That was an unintended consequence, Mr. Speaker. We have addressed that.

Any Family Care Teams that are set up, the patients of a physician that is moving into that Family Care Team will move with the physician and be patients of the team. We absolutely intend to ensure that there are no abandoned or orphaned patients.

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

**SPEAKER:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Speaker.

Speaker, development in Labrador West is stalling due to a lack of electricity. There are massive opportunities waiting at our doorstep when it comes to mineral development.

I ask the minister: Will Labrador West's needs be prioritized in negotiations with Quebec on the Upper Churchill, or are we going to be on the outside looking in?

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

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

**A. PARSONS:** Thank you, Mr. Speaker, and I thank the Member for the question; I have been waiting for one.

What I would say to him is that electricity is certainly a top issue when it comes to Labrador and all the opportunity that we have there, particularly Lab West.

We have had multiple meetings with mining operators, with parent companies, and the reality is in Labrador as a whole we have a demand. Obviously, we're having multiple conversations now. The Premier is talking with the premier of Quebec on 2041. We're talking about possible expansion and other opportunities.

So there are a number of things going around. The big thing will be that we have to partner together. This isn't something that should just be borne by the province; this is something that we need to partner with companies, the province and everybody to ensure prosperity for that area. There is certainly a tremendous amount of opportunity; we want to see it realized.

Thank you.

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

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

**E. JOYCE:** Mr. Speaker, people, mainly seniors, are losing their driver's licence, being isolated, up to a 30 per cent chance of a risk of dementia because this government refuses to eliminate the wait-list for cataract surgeries on the West Coast.

The former minister of Health and Community Services stated in this House that the agreement is between his department and the Newfoundland and Labrador Medical Association – and I quote – we negotiate with the Newfoundland and Labrador Medical Association.

I ask the current minister: When you provided the additional 3,300 cataract surgeries, 300 for the West Coast, did you negotiate this increase with the Newfoundland and Labrador Medical Association as per your contract and as per the former minister stated you must do?

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

**T. OSBORNE:** Thank you, Mr. Speaker.

We have been working hard to reduce the wait-lists and meet the benchmarks, Mr. Speaker, that are put in place in a number of areas. We've done that with hip and knee replacements, we've done it with cataract issues and we're doing it with the cardiac cath.

We've focused on a number of areas. We are seeing improvements, Mr. Speaker, in reducing the wait-lists. What I can say to the Member as well, again I have great confidence in our Minister of Finance, I am anxiously awaiting tomorrow's budget and hoping that there's further good news for those who are awaiting cataract surgery.

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

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

**E. JOYCE:** I say to the minister, if there is, I'll be the first person to stand up and say congratulations (inaudible). I'll be the first person.

Minister, Mr. Robert Thompson, executive director of the Newfoundland and Labrador Medical Association, in a response on February 7, 2023, stated there was no consultation or negotiations with the Newfoundland and Labrador Medical Association on the specific calculations that went into the October 2022 allocations. We were informed about the calculations at the same time as the physicians.

I ask the minister: How can you not follow your signed agreement with the Newfoundland and Labrador Medical Association which would have given these 800 people their eyesight, their dignity and eliminate the wait-list for cataract surgery on the West Coast and may make your calculations better to improve the lives of the seniors on the West Coast? How can you do that, Mr. Minister?

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

**T. OSBORNE:** Mr. Speaker, the increase that was provided earlier this year was a one-time increase, not a sustained year over year over year increase. It was done to address the extended wait-list on the East Coast which had a disproportionately smaller share of cataract surgeries, based on the population in the province.

What was announced did what it was intended to do and get the wait-lists reduced, Mr. Speaker. I've spoken to the out-of-hospital cataract clinics in this province and I can tell the hon. Member that we've seen a reduction in the wait-lists in all areas of the province and stay tuned for tomorrow.

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

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

### **Tabling of Documents**

**SPEAKER:** The hon. the Minister of Education.

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

Pursuant to the *Transparency and Accountability Act*, I'm delighted to submit the Private Training Corporation 2023-2025 Activity Plan.

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

**B. DAVIS:** Thank you, Mr. Speaker.

I rise today in this hon. House to table the WorkplaceNL Strategic Plan for 2023-2025.

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

**A. PARSONS:** I'm pleased to stand in the House today to table the 2023-2025 Strategic Plan for the Oil and Gas Corporation Newfoundland and Labrador.

Further I'm pleased to stand here today to table the 2023-2025 Strategic Plan for Newfoundland and Labrador Hydro and Nalcor Energy, along with the required written statement as per section 16 of the *Transparency and Accountability Act*.

**SPEAKER:** Are there any further tabling of documents?

Notices of Motion.

### **Notices of Motion**

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

**J. HOGAN:** Speaker, I give notice that I will on tomorrow move the following motion that the Public Accounts Committee comprise the following Members: MHA for Harbour Main, MHA for Placentia - St. Mary's, MHA for Baie Verte - Green Bay, MHA for Exploits, MHA for Labrador West, MHA for Mount Pearl North and MHA for St. George's - Humber.

**SPEAKER:** Further notices of motion?

The hon. the Government House Leader.

**J. HOGAN:** Speaker, I give notice that I will on tomorrow move the following motion:

WHEREAS the Commissioner for Legislative Standards issued a report further to an inquiry under subsection 42(2) of the *House of Assembly Act* entitled the *Tibbs Report* on September 14, 2022; and

WHEREAS the Speaker of the House of Assembly tabled the *Tibbs Report* in this House on October 12, 2022;

THEREFORE BE IT RESOLVED that the House concur in the report of the Commissioner for Legislative Standards entitled the *Tibbs Report*.

**SPEAKER:** Are there any further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

### **Petitions**

**SPEAKER:** The hon. the Member for Bonavista.

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

**C. PARDY:** Thank you, Speaker.

I would ask that the minister probably would give a response to this petition. I can only ask.

The residents of the District of Bonavista fully realize that the fishery is the province's only renewable megaproject and the high volume of harvester retirements over the following years will lead to labour market shortages in the profession. Further to this scenario, the regulation of new entrants having to earn 75 per cent of their annual income during the fishing season from commercial fishing is dated and counterproductive to an effective recruitment program.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to impress upon the Professional Fish Harvesters Certification Board to review the regulations pertaining to fishing licensing, in particular the 75 per cent minimum requirement annual earnings from the fishing industry, to create a better pathway for new entrants.

This is totally in our bailiwick as far as the province. This regulation came in around the moratorium or post-moratorium for a reason back then that now that we're 30-plus years later, we're finding that we've got very few new entrants into the fishing industry, and a significant part of it is the 75 per cent rule and regulation where they've got to have their total income or 75 per cent of it coming from the fishery.

We find that in the seasons that we're presenting now is that they can't afford to live with that regulation; therefore, the five-year journey to get a fishing licence has to be aborted. They can't do it. So how do we know that it's a problem? Because we have very few new entrants into our fishing industry – very few.

Comparisons – we look at Norway where a 9 per cent increase between those that are

30 to 39 years old. Nine per cent increase with females into the industry. But this government, does it have a plan? No, it doesn't. I would say to you this is one that is lacking and one that should be addressed.

We've got a gallery full today of fish harvesters that they've come here and maybe the minister can rise to discuss and talk about the 75 per cent regulation, but can also look at and discuss the 3L biomass not being separated and the harvesters' wish is that the fish negotiations would stop until they get the 3L biomass situation straightened out.

(Applause.)

**SPEAKER:** Order, please!

Again, I'll ask you for the one last time – I understand how serious an issue this is for each and every one of you, but I ask that you respect the Chair.

The hon. the Minister of Fisheries, Forestry and Agriculture with a response.

**D. BRAGG:** Thank you very much.

I was waiting for you to sit down, Mr. Speaker, before I got up.

(Disturbance in the gallery.)

**SPEAKER:** This is the last warning. Any more comments and I'll clear the gallery.

The hon. the Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Thank you very much.

Mr. Speaker, I take the remarks of the Member opposite quite seriously. We do need new entrants into our fishery, but the voice of the fishermen and the fisherpeople need to be heard. You want people who are going to grow the industry, who are serious about the industry.

The fishermen in the gallery are serious about this industry. They're the ones who've been keeping this industry alive. Not the people who ran off to the offshore, not the people who ran off to Alberta. It's the fishermen who stayed around the coast of this province who've kept this alive.

If we're going to let people work from outside, I will not do it without consulting with the masses of the fisherpeople in this province. Because there's opportunity for growth for fishermen and fisherpeople. I do not want to take that away from them.

I stand here before you and before this House and the people in the gallery; I take this job very seriously. I want to grow this industry; I want to grow it to the most prosperous it can be, Mr. Speaker.

Now, on stopping the negotiations and the biomass – the two are not connected, Mr. Speaker. I feel for every person who's going to put their foot in a boat this summer. I feel for the people who already know the price will be nowhere close to the \$7 mark that we saw for the two seasons. When you're selling fish at \$5.50 on the market, we all realize you can't buy it for more than you can sell it for. We realize that.

But there's a legislative process in which we set the date for people to come forward for negotiations. Should the FFAW and the ASP decide and want to defer that – which they did this year. They deferred it by a week. That was okay. We agreed. Both parties must agree. There is a process. There is no way – so I'm following the process and I'm taking this job very seriously, Mr. Speaker.

**SPEAKER:** The minister's time is expired.

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

The hon. the Member for Exploits.

(Disturbance in the gallery.)

**SPEAKER:** Order, please!

Order, please!

I'll ask to clear the gallery.

This House stands recessed. I ask all Members to leave the floor.

### Recess

**SPEAKER:** Are the House Leaders ready?

Order, please!

We're going to go back to finishing our petitions. The hon. the Member for Exploits was about to present his petition.

**P. FORSEY:** Thank you, Speaker.

Residents on Route 350, 351A and 352 in the Exploits District are concerned with the road conditions of these routes, causing safety issues and damages to vehicles.

We, the undersigned, call upon the House of Assembly to ask the Government of Newfoundland and Labrador to immediately have roadwork contracted to upgrade and improve conditions of these routes.

Speaker, I've had a number of meetings with the ministers; I've had a number of discussions with the current minister. In four years, I've had very little roadwork done on Routes 350, 351A and 352. That's in the area of the 60-kilometre zone. We've had some 100 kilometres of highways, TCH stuff, done, but very little in the community, especially the drive-through communities.

I had a number of emails and calls last year with damages caused through the potholes and road conditions, especially in the Roads Plan this year. Very little, again, planned for the Exploits District on those routes and those zones. So I'm asking the minister to look at those routes again and try to get some more roadwork done on Route 350, 351A and 352, so that at least by the

summertime we're not causing so much damage, so much cost to the drivers in the area.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure for a response.

**E. LOVELESS:** I'll just respond and say that I believe there is north of \$5 million being invested in his district this year.

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

**J. DINN:** Thank you, Speaker.

Again, this is a petition I presented before. It is on reforming the justice system to better serve survivors of sexual assault.

WHEREAS the global Me Too Movement had laid bare the gross inequalities and obstacles facing survivors of sexual assault who seek justice; and

WHEREAS serious concerns about how the justice system handles criminal offences related to sexual violence are evidence-based on statistics about reporting rates of sexual assault in relation to other crimes. These concerns also emerge from the reported experiences of survivors; and

WHEREAS in Canada one in three, 31 per cent, of victimizations are reported to police but only one in five, 20 per cent, of sexual assaults are reported to police; and

WHEREAS survivors hesitate to report sexual assaults because they don't believe they will see justice; and

WHEREAS these facts and conditions all combine and result in a failure of the justice system for survivors of sexual assault;

THEREFORE we, the undersigned, petition the hon. House of Assembly as follows: acknowledge that the status quo is failing survivors of sexual assault; undertake a review of the K-to-12 curriculum to identify gaps in education about consent, healthy relationships and gender-based violence; implement an alternative justice option, such as transformative restorative justice practices or options rooted in Indigenous legal traditions and practices in response to gendered-based violence throughout the province; have the Minister of Justice ask the chief judge of the Provincial Court to consider a practice directive which would prohibit opposing counsel from approaching witnesses and which would prohibit counsel from yelling at witnesses; introduce mandatory training for provincial judges on trauma, PTSD and consent model on the federal requirement; and consult with key community stakeholders to identify and appropriately fund new initiatives to prevent and address all forms of gender-based violence.

Speaker, I've presented this before on behalf of numerous petitioners; I'm not going to say much more. But I would appreciate at this point in time – I'll sit down and maybe the Minister of Justice and Public Safety or the Minister of Education could give an update on where some of these initiatives are, if there's any bit of progress in reforming the justice system.

Thank you.

**SPEAKER:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thank you, Speaker.

The background to this petition is as follows: Eastern Health repositioned one of the ambulances from the Trepassey region to the Cape Broyle area. This has left one ambulance in the Trepassey region. Residents of Trepassey and surrounding area 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 safety and the well-being of the residents of Trepassey, and have accessibility to an ambulance in a time of emergency and meet national response times.

Speaker, I've spoken on this many times for sure. With the ambulance being first moved from Trepassey, the reaction was that it was based on a number of calls. The number of calls is not the issue in the district. I've said it before and I'll say it again: it's not the issue, the number of calls.

Yes, it might not be a whole lot of calls, but it's the distance and the geography of the region that's the issue. Two hours from hospital in conditions like we have today, which would be ideal, but that's not always the case. It's not only serving that area, it's serving Portugal Cove, St. Shott's and Cappahayden. It responds to calls further down the shore now that there's no ambulance being staffed in Cape Broyle, or staffed minimally, maybe a couple of weeks now since December. So they're responding and they're in a red alert as soon as they leave.

So it's incumbent on this government with a budget coming out, that they take care of this area and make sure that the area gets a staffed ambulance in the district down in Cape Broyle, and also put the one back in Trepassey. When they leave, they're down; they've got none left when they're there. An aging population in the district is something that should be looked at. Right now, that should be taken care of. The people are concerned. I read out emails yesterday. Sad stories with sad endings.

Now could they have changed? Maybe, maybe not, but we're not to determine that. The person that's sitting home is not to determine whether they should get their loved one in a car and drive him out or wait

for the ambulance to come. Whether it be an hour, a half hour, an hour and a half – it's never a half hour. I was to an incident here in the middle of town. It was a half hour. Being five minutes from St. Clare's, I was a half hour. We were a half hour waiting on an ambulance right there in the centre of town, five minutes away – a half hour waiting on an ambulance.

So they could be in a red alert here, we didn't know at the time. All we know is when you've got somebody hurt and there's somebody lying on the ice or there's somebody in a house lying down having a heart attack or having a stroke, time is of the essence. We need this looked at and we're hopeful that it's in this budget that they can take care of this.

Thank you.

**SPEAKER:** The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Speaker.

This petition is for fair electricity rates for Northern Labrador communities.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to ensure that fairer electricity rates be provided to the residents in our Northern Labrador communities.

The electricity rates charged to Northern Labrador residents are cost prohibitive to using electric heat and are a barrier to adequately heating their homes. The rationale for this petition is to bring electricity rates more in line with what our neighbouring residents of Lake Melville pay.

For the first 1,000-kilowatt hours, Torngat Mountains residents are charged the same rate as our neighbours of Lake Melville region. However, above the ceiling of 1,000-kilowatt hours, Torngat Mountains residents pay six times the rate that Lake Melville residents pay. Six times the rate, jumping

up to 19 cents a kilowatt hour. This is the highest rate in the entire province. This prevents most residents from being able to afford to heat their homes with electric heat. Low-income families and households that don't have the manpower to haul wood are the greatest impacted.

Poorly heated houses often result in damage, creating expansive repairs from frozen pipes, moisture damage and mould. Poorly heated houses create social and mental health issues that can be long lasting. We strongly believe that changes to electricity rates need to be made for Northern Labrador residents of Torngat Mountains.

Mr. Speaker, I read this petition yesterday and it's really hard for me to actually focus on this petition because it's so upsetting. It's upsetting because families, our elders, our low-income people are really, really impacted. When we look at the price of stove oil – people talk a lot about furnace oil but stove oil we pay \$2.40 a litre. So \$2.40 a litre for stove oil to heat our homes really creates a barrier when you look at, depending on the temperatures outdoors – you know if we've got a cold month or a not-so-cold month, we could pay between \$1,000 to \$2,000 just to heat our homes. A lot of times, people actually are paying that amount and their homes are still not really warm.

We've got an aging population now. Their vision is not as good as it used to be. A lot of times, they physically are not able to travel the distance to get the wood. What we would like to see is a change in the way electricity rates are distributed throughout the province.

In our district, the cost of heating your house shouldn't be 19 cents a kilowatt hour; it should be more in line with what the rest of the province pays.

Thank you, Speaker.

**SPEAKER:** Orders of the Day.

### Orders of the Day

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

**J. HOGAN:** Thank you, Speaker.

I call from the Order Paper, Order 5, An Act to Amend the Management of Information Act and the House of Assembly Accountability, Integrity and Administration Act, Bill 22.

**SPEAKER:** We're speaking to the amendment now on that particular bill, Bill 22.

Do we have any speakers?

The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Once again, it's a privilege here to speak in this House.

The important part of this we want to talk about here – I'll speak to the amendment on that, second thought, taking something back. The idea that we take something back and go into consideration, and I understand that we want to do some good. I understand that these are recommendations that were made in the past by Auditors General, different inquiries, Muskrat Falls inquiry. We understand that and the duty to document is important. I understand and believe that. But when there are concerns and stuff about some of the ways things are written and we have legitimate concerns about how things are written.

Once again we're asking to have a look and look at the concerns that we have. Also, like I said, the Privacy Commissioner has concerns on this particular bill. I have concerns on this particular bill. My colleagues have concerns on this particular bill. I agree with the Leader of the Official

Opposition, take it back, the House have a look at it and then come back and then restart the process of going through this. Because right now we're going to go and we'll do this and we'll vote on this amendment. You're still the government side, but is it really worth pushing it through in such a fashion that we just can't take a second look at it? We can't take a second look at the things that we have concerns with, things that the Privacy Commissioner has concerns with.

I think that's all we're asking for, is that we have a look at it. There's other stuff in here and recommendations that were made by, like I said again, the Auditors General and different commissions and stuff like that, that we can actually go back, have a look at everything like that.

So this is where I have a concern with it. It's just that we have to keep the ability to actually have this discourse, the ability that we work collaboratively to do the best types of legislation. We don't have to go down the road adversarial. We could work together on it and listen to the concerns that we have instead of just acknowledging that we said something and moving along. We don't have to go down that route and that's why I think that this is what we're asking for. It is just the ability to move to the next phase of it and to keep going.

Like I said, we have to look at the clause there; we have different issues in the sense that we want more clarity but is this a loophole? It is another thing too; can this be used as a loophole that actually would probably do more detriment than good? Is it really going to do what we want it to do? Is the fact that we're going to have the ability to actually provide more information to the public that they're looking for, that they're entitled to, or is this actually maybe used in the sense that it could possibly hinder some things that people are entitled to but are not receiving when they ask for information?

That's a concern that we all have. I expect that we should all be absolutely the most transparent in everything that the province does. I would like so see more transparency but I also see that we have the ability to be more transparent when we're sharing information.

We live in a digital age and the expectation of the digital age is that information now. We pick up our smart phone or anything like that and we have the ability to find out more information now than ever. We have access to more information now than we ever had at any point in society.

But you look at the sense that we want to make sure that we have expedient access to our own information as a province.

**SPEAKER:** Order, please!

I ask the Member to stay relevant to the amendment we're talking about.

**J. BROWN:** I am.

And the ability to gather –

**SPEAKER:** The amendment is dealing with regard to delaying the process right now.

**J. BROWN:** I know; I'm getting there. I take a roundabout way to get to things but I'm trying to share a story here.

**SPEAKER:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

The idea that we have access to information in an expedient way as a matter of fact is that we also have the ability to find out and we have the ability that the province wants access to information. But here is the thing, if you have something in here that actually delays that, it is going to have an effect on the population because society today is expecting transparency. They are expecting access to information, their access into that.

This is where I'm saying is that we should take a look at it to make sure that it does actually fit in today and the expectations of our society that we have today, compared to even five years ago, 10 years ago.

Transparency is a massive topic; it is a massive concern for many people. It is a massive thing that we have to look at.

The Privacy Commissioner has concerns and we have concerns. It's because society has changed as a whole when it comes to the idea that we live in a society with more transparency and a society that demands transparency and a society that has an expectation of transparency.

This is where I have concerns is the sense that if we don't have this right, we're actually probably doing more harm than good in the way of society's expectations now when it comes to access to information and the ability to make an informed decision.

That's why I agree that we should delay this, have a look at, but also look at the concerns that the Privacy Commissioner has and their ability to actually look at the information that is being requested by the public. Because like I said, once again, we're in a society now where they want transparency, they expect transparency and because of the way society is now with access to information, they want their information now.

That's where you have to look at how we move forward with it, and how we look at the actual expectations that people have. Once again, I think we should take an opportunity, a moment to think about that, but also at the same time think about the concerns that we have, concerns that the Privacy Commissioner has and probably even some of the concerns that the public's going to have. Because, once again, the expectations of the society we built and we live in now is that they want to be able to be transparent and the expectation that they can access to information that they're entitled to. That's where we're at. We're a

fast-paced society that has access to everything at our fingertips. But, at the same time, we understand there are some things that they're not entitled to. There's a lot more that they are entitled to and they should have access to that.

I think we have the ability now that we should actually take the moment, review all this and have a conversation about it. Not just today, but I think it'll take a little more time than we expect. Because if we don't get this right, there is a lot of negative impact on that and some changes that we're going to make. If it has impact on people's ability to access that information that they have access to now, then it's fine. But at the same time, there's probably information that they're entitled to but because of the way that the duty to document was never really properly carried out, they never, ever had access to it now.

So the connotation is we will be producing more documentation if everyone lives up to the expectation of duty to document, but now that we have that, society and the province will want access to that information that hopefully they're entitled to. If all this documentation is being made that they're entitled to, yet somehow in the way this is written, it starts getting blocked, then we just defeated the purpose of the real reason why we're doing this.

Once again, I'll say it, I think it's a good idea to step back, take a look. There's no harm in it. There's no harm in taking a second look at something. There's no harm in –

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

**J. BROWN:** No, no, I agree with the minister.

There's no harm in actually taking a second look at something and delaying something because this is what our job is. Our job is to look at this stuff. It is to actually question and pick apart. But if we were to push things through, then that's it.

I hear the chirping and I understand that they just want to push this through now and do their own thing but that's fine. But I'm going to stand and say that I don't think it's right.

**AN HON. MEMBER:** They should be listening.

**J. BROWN:** Yeah.

But, at the same time, it's important that we have to do this. At the same time, I think that it's important that we do take an important moment to delay this and to correct what seems to be some issues that we have and listen to the experts and the standing Officers of this House on how do we best address this and make it the best possible legislation to get the end results that we all would want.

Thank you, Speaker.

**SPEAKER:** The Member for Humber - Bay of Islands already spoke.

**E. JOYCE:** I spoke for a minute and a half (inaudible).

**SPEAKER:** If you're not there, you have to start debate again once you come back. If the House gives its consent, we'll allow him the time. Without consent –

**AN HON. MEMBER:** Leave.

**SPEAKER:** Leave.

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

**E. JOYCE:** Thank you. I thank you, Government House Leader, for that.

That's where I was at, by the way. I just want to –

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

**E. JOYCE:** No one deserves to be accosted and that, no matter what the situation is and they will calm down. They were good after they had a chat and give them credit for going out. Give them credit.

Mr. Speaker, I'm going to have a few words on Bill 22, and it's the duty-to-document bill. I'm going to support the amendment to give it three months. To give it what we call a cooling-off period, the same thing that we did before with the health care budget, some issues with the health care that we had, with the boards to bring it back, I'm going to support that. Because we do need time to review this, especially with the concerns expressed by the Privacy Commissioner which I have here.

I've been through Bill 29; there are only three or four of us here that ever went through Bill 29. I was one of the ones that stood here and filibustered for five days, five days and nights, to change it. It was tough. It was a tough grind but, at the end of it, they pushed it through. Like I said earlier this morning, the former premier, Tom Marshall, went and got a review done and got it changed again.

If we had to do that back with Bill 29, take a bit of time to review it and do it right and not try to just ram something through, it might have been done.

Mr. Speaker, I know it is associated to this because of the duty to document. I know when we went down through the whole situation before with duty to document, that includes the Management Commission also. I'm assuming it does. Because I remember when Justice Green – we went through the whole constituency scandal; I was here. Justice Green came out with the Green report, which ended up to be the *House of Assembly Accountability, Integrity and Administration Act*.

I'll just read the section 22.1: Duty to document. This is why we need to reflect. "The commission, officers and staff of the

House of Assembly service shall be responsible and accountable for ensuring that all advice, deliberations, decisions and recommendations of the commission that result from a formal or informal meetings of the members of the commission are properly documented in accordance with the Records Management Policy of the House of Assembly.” That’s duty to document. That’s what we all follow in this House of Assembly.

I know of a meeting, back 2018, where there was information said at a Management Commission meeting, where there were no minutes taken. I put on the access to information and they said: No, there are no minutes of the meeting. I followed the privacy. They came back and you know what they said? I have it in writing. Two people got private notes but they didn’t enter it in as minutes. That’s what I have in writing. They’re classifying them as private notes, not as minutes of the meeting.

You know what was said in that meeting? There were false statements made to the Management Commission, but there was never anything documented in the minutes. That’s why this is so important. I’ve been through it. I have to give the Minister of Energy credit. He stood up inside this House of Assembly and stated what was said in that meeting and you know what, there was nothing changed.

So this is why from the experience that we went through, the experience that I went through, the experience that the Management Commission went through at that time when there were no minutes taken of the meeting, they went against the Green report. They went against section 2-1 of the Green report. They did not have minutes taken of the Management Commission meeting, but there were private notes. Instead of putting them in, they kept them themselves and said: no, no, no, they’re private notes; we’re not going to include them. They went against the Green report.

So this is the issue that I have. We have to put safeguards in so that people all across government follow the rules that we come up with. They’ve got to follow the rules that we come up with. What are their consequences? I ask: what are the consequences if we don’t follow the rules? What are they? None. What’s in this here for consequences? Absolutely nothing.

So this is the concern that I have. I just want to read for the record – and I know the minister said this morning they were in consultations with the Privacy Commissioner since 2020. I think the minister said 2020? Here is what he put in.

The Information and Privacy Commissioner identifies concerns and here’s what he has in there: “As required by ATIPPA, 2015, the provincial government initially consulted the Office of the Information and Privacy Commissioner in fall 2022 on this draft bill. At that time we expressed three fundamental concerns: It exempts the entire Cabinet decision-making process; it has no independent oversight; and it does not actually create a mandatory duty to document due to the discretionary nature afforded to the Chief Information Officer.

“The proposed bill does not address these concerns.”

That’s the person who’s overseeing the privacy in this Province of Newfoundland and Labrador. I know the minister said they were consulting. I know consulting and listening to the experts are different. I’ve been there. This House has been there on numerous occasions.

I used the example of the Member for Mount Pearl - Southlands: Muskrat Falls. We’ve been there. I was in Opposition at the time of that also. We led the filibuster on that also, on the Muskrat Falls. The reason why we couldn’t get any information of any meetings, any notes, any cost analysis that was ever done and what oversight, if any, was ever done on the Muskrat Falls. We

couldn't get it. I'm definitely not saying that we should not have this legislation. We should. But we should take our time and do it right. I just named a couple of examples – three examples – where we need to take our time on it.

Now sometimes people say the best thing in life is experience. I had the three experiences in this House of Assembly where duty to document on three occasions wasn't done. When you get the House of Assembly – this House of Assembly itself – going against the Green report and not documenting a meeting that they had, there's something fundamentally wrong. How can people in this province say okay, we've got trust in what's going to happen here.

I was even interviewed by Justice Green on the Green report. I was actually interviewed by him on what should be put in the Green report. That was back in 2007 I think it was. I was actually interviewed by him and his group that he set up to bring in the *House of Assembly Accountability, Integrity and Administration Act*.

I'm going to take my seat now, Mr. Speaker, but I'm just saying slow down, let's do it right. I ask the minister to sit down with the Privacy Commissioner and try to work this out so that when you bring this bill back in here, or if you're going to go back and make changes to it, that he can say some of his concerns have been addressed. I don't think that's a hard question for anybody to say that he's unreasonable. You ask that question: is it reasonable to go back to the Privacy Commissioner and try to work out these three concerns?

Any person in Newfoundland and Labrador would say go back and try to work it out. Go back and try. If you come up with a good enough reason why these three concerns can't be addressed of the Privacy Commissioner, then we have to decide what's better, what the Privacy Commissioner is saying – which I have full

confidence in, by the way. I've got to put that on the Table also. I have full confidence in the Privacy Commissioner. If the minister can work it out with the Privacy Commissioner, I think it would be better for all of us in this House of Assembly.

I'll take my seat, Mr. Speaker. I thank again the Government House Leader for the opportunity to continue that speech. It's not that I wasn't here. I was just outside. I wasn't trying to evade because I knew I had 18 minutes and 22 seconds left. I even marked it down.

So thank you very much, Mr. Speaker, and I thank the Government House Leader again.

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

**J. HOGAN:** Thank you, Speaker. I'm happy to stand here this afternoon to talk about the proposed amendment.

Not that anyone really cares but I did a little bit of reading over lunch. There's a book called the *House of Commons Procedure and Practice*. I've heard a lot of comments, everyone speaking to the amendment here this afternoon about: we need time, we need three months, this is rushed. Obviously, the minister has spoken at great length today about how it's not rushed. Three years is not a rush to get legislation brought forward; in fact, I think she said this is a little bit too long and she's sorry that it took so long. So it is time to get on with that.

I believe that Justice LeBlanc said in his report on the Muskrat Falls inquiry that this should have been done within six months. It has taken too long. I don't think another three months is going to accomplish much further.

Obviously, there are disagreements in the House and this is why we're here, to debate those disagreements, what should or shouldn't go in the bill. It doesn't mean we need to take three extra months to continue

to debate that. I think that the issues are very clear right now and we could move forward and have a full debate on this bill, rather than debate how much time we need to debate a bill.

When I did my reading, I do want to read out a couple of paragraphs from that, which talk about this hoist amendment, just for a bit of background information and exactly what a hoist amendment means. As I said, we are talking about delaying this for three months. But when I did my reading, the effect of approving this amendment today would not be just delaying this, it would be in effect killing the bill.

So just for every Member's knowledge about that and for everyone listening at home, the public, and for the sake of Hansard too, to get it on the record of what we would be voting on here when we do vote for this amendment: "A public bill which was not referred to a committee before second reading may not be amended before being read a second time and being referred to committee." On the other hand, like in this situation, the motion for second reading of a bill may itself be amended. This is what was proposed today, to amend the resolution itself, the motion itself.

There are three types of amendments that may be moved without notice: a three- or six-month hoist, which was what was proposed today; a reasoned amendment; and a motion for referral of the subject matter to a Committee. The hoist amendment is what was proposed today. A hoist is an amendment that may be moved to a motion for the second or third reading of a bill. Its effect is to prevent a bill from being read now, from being read a second or third time and to postpone the reading for three or six months. In this case, it would be three months.

Historically, the hoist amendment originated in British practice, during the 18th century as a method of postponing the resumption of consideration of a bill. It was

subsequently agreed that the adoption of such an amendment by the House was tantamount to the rejection of the bill, since the length of the postponement was intended to prevent further consideration before the end of the session.

Historical events were responsible for the establishment of three or six months as the postponement period. One hundred years ago, sessions rarely lasted longer than six months, so a six-month hoist amendment would be proposed at the beginning of a session and a three-month hoist in the final weeks of a session. Today, of course, we know that sessions like ours last longer than six or three months.

So what does all this mean? Well, the hoist amendment is rejected, of course, debate will continue on the main motion which is what I think we should be doing. The adoption of a hoist amendment – and I know the Member for Humber - Bay of Islands says he was going to support the amendment, but just so he knows what happens if this amendment is adopted, the adoption of a hoist amendment, whether three or six months, postpones further consideration of the bill for an indefinite period.

For this reason, the bill disappears from the Order Paper and may not be introduced again. If we don't delay it for three months, it disappears and cannot be introduced again, even after the period specified in the hoist amendment has elapsed. The bill is thus defeated indirectly and any attempt to place it back on the Order Paper will be ruled contrary to the decision of the House. Attempts to apply the hoist amendment to a resolution or to include it in the text of a reasoned amendment have been ruled out of order by the Chair.

So to be clear, this amendment, if adopted, it means that the bill will be defeated. I'm not sure, when the amendment was proposed, if the Opposition was attempting to actually delay this by three months or if

they were indirectly trying to defeat this motion totally. So what that would mean is there will be no duty to document; not by this government or not by any government. So that's what we're debating here today. That's what they're asking us to vote on. That's what the amendment will be.

The Member for Humber - Bay of Islands said he wanted to support a duty to document. If you support the amendment, you'll be killing the bill. There will be no duty to document in this government or in any future government.

**E. JOYCE:** (Inaudible.)

**J. HOGAN:** The amendment will kill the bill.

So, with that said, I just wanted to make sure everyone was clear on what they're voting for when the time to vote for the amendment comes. Do they support a duty to document; do they support keeping records of the government; do they support making people accountable for their decisions; do they support having an historical record that we can examine when we have to do inquiries like Muskrat Falls to ensure we know what decisions were made along the lines before the consequences of the decisions actually come to fruition?

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

**J. HOGAN:** I think that's a good idea. This side of the House thinks it's a good idea. We should have a record of what we're doing in government and future governments should have that as well, Speaker.

The last point I want to make, and there does seem to be a mixing about the bill itself, of what its purpose is. It's about managing information. It's about writing down decisions. It's about confirming what was done and what was said to ministers. It is not about access to information. Let's stay relevant to the bill, let's think about why we're here, let's debate why we're here and

not have amendments that propose to kill a bill that was recommended in an inquiry by Commissioner LeBlanc and everyone on this side of the House, and I'm sure everyone in the public recognizes it's important to have this bill passed.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Member for Tornгат Mountains.

**L. EVANS:** Thank you, Speaker.

I just want to speak a little on this amendment and didn't get a chance to speak on the bill yet. The amendment here, the motion to be amended by deleting all the words after the word "That" and substituting: "the bill be not now read a second time but that it be read a second time this day three months hence."

So I just want to talk a little bit on the amendment. Regardless of what the Member for Windsor Lake said, why did the Opposition feel like they had to bring in this hoist amendment? I think that's the question. I listened to the Leader of the Official Opposition, when he was doing his speech, before he actually introduced the amendment. He talked about rushing. The Leader of the Official Opposition, in his initial speech, talked about rushing; this seemed rushed. He talked about the need for clarification. He questioned the engagement and he questioned the intent of this legislation. We, here, in the official Third Party, we actually agree with him.

So that's why an amendment was brought in. If the government is questioning why we would be bringing in an amendment that could actually kill a bill, well, they have to actually take the responsibility for bringing in such a poor, thought-out bill, because for us we have grave concerns.

A lot of our grave concerns were clarified when we got this news release from the Privacy Commissioner. It says: Information and Privacy Commissioner Identifies Concerns with 'Duty to Document' Bill." Now, just going back to our technical briefing, which is why we, the Third Party, we, the NDP, have concerns and support the Official Opposition in their concerns, is because during the technical briefing we actually talked to the Chief Information Officer and asked what did the Privacy Commissioner see on this. Was he consulted? Because there's a history now – we look at a history where there's a failure to consult. I mean we just have to look at some of the recent legislation, the gender pay equity legislation, where women's groups weren't consulted and unions weren't consulted. That's setting the legislation up to fail.

Our leader talked about the provincial health authority legislation that was deeply, deeply concerning. There was a failure there to consult. Of course, the Privacy Commissioner was also not properly consulted as well.

So there's a history here. We on this side, the Opposition, have a right, a duty to actually question this legislation. So when we asked the Chief Information Officer about the Privacy Commissioner, he claimed that the Privacy Commissioner was consulted on this legislation, but he proved to be very evasive when we questioned about the opinion the Commissioner had on this. Because we were interested during the technical briefing if the Privacy Commissioner was consulted, what was his opinion? The Chief Information Officer stated that the Information and Privacy Commissioner was very capable of commenting on this legislation if he felt the need to do so.

To us that was concerning, that was alarming and that actually made us question this legislation. He also appeared to be very hesitant to let us know whether he had

received any feedback from the Privacy Commissioner on this bill. I thought, okay, here we go again. We only have to quote Yogi Berra on this one.

For us it is very, very concerning. For me, this amendment is not about killing a bill; it's about trying to hold this government accountable. Why would they be bringing in legislation where the Privacy Commissioner has to actually send us all an email identifying some of the concerns, the three concerns that he had, and in actual fact stating that this legislation didn't meet the questions that they had? For us, it's really, really hard to support legislation when you have the Privacy Commissioner concerned.

Who should we trust? That was brought up here as well when we're talking about this amendment. Who should we trust? Should we trust the government who has this history now of bringing in legislation without consultation? For us, it's really, really concerning. In actual fact, we were debating legislation only to find out that the legislation we were debating was in violation of the ATIPPA. That was this fall when the House was sitting. Trying to pit us against each other is not going to work. Because, at the end of the day, the Opposition has to stand together and hold this government accountable because they're not transparent. They're not transparent. In actual fact, there's a lot of evasive stuff going on.

You bring in legislation and we think, oh good, we're finally going to have transparency; we're going to have a duty to document. I worked in industry. If any of the companies that I worked with operated the way this government is operating, they'd be all fired. Our responsibilities working with companies, we have legislative responsibilities for documentation. The legislation actually outlines three years, 10 years, how many years you have to actually document certain things. If we as a company did not do that not only would we

be fired, we could be charged. We could face jail time or severe fines.

To say now, oh, we're doing so well. There is only another province that's introducing this legislation. We're going to be the second in Canada and that we're doing so well is a failure to bring in good legislation. That's where the failure comes with this government. This government wants to get up and grandstand about this wonderful legislation. As the Member said, he was excited to hear about it. He thought it was going to be a good thing. We don't even need the Privacy Commissioner to tell us that this is actually bad legislation when you go through it.

There are sections in here that's really, really concerning. So when you want to look at the amendment, if what the Member for Windsor Lake is saying that it is an amendment that could kill this legislation, they have to take responsibility for forcing the Opposition to take such drastic measures.

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

**L. EVANS:** In actual fact, that's the problem I have here. And if this amendment is not passed, I will stand again and I'll discuss this legislation because this legislation is inadequate. The whole province should be starting to get very, very concerned about the way this government governs, bringing in this empty legislation that looks really good.

Gender pay equity – 40 years women have been fighting, activists have been fighting for that and then we get that snuck in maybe because the briefing was that the minister was ATIPPed, but then to stand here and supposedly going to welcome this legislation to find out they weren't consulted. Like, how crazy is that?

On the provincial health authority legislation that's going to actually right the ship, as so many people talk about, for our health care

and now we find out a lack of legislation, the failure to consult, even though the Privacy Commissioner requested many times, the failure to consult with unions when whole districts were going to be impacted,

So, for us, we cannot trust this government. I'm not going to say like my fellow House Member – I'm not going to apologize and say don't be offended. You know something? You've got to take responsibility and if you're offended by us not trusting you, well then you earned that distrust. You really have. I'll sit down, Speaker.

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

**SPEAKER:** Seeing no other speakers, shall the amendment carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**AN HON. MEMBER:** Division.

**SPEAKER:** Division has been called.

Summon all Members.

### Division

**SPEAKER:** Are the Whips and House Leaders ready to call the vote?

Third Party ready?

Government?

All those in favour of the amendment, please rise.

**CLERK (Barnes):** David Brazil, Barry Petten, Helen Conway Ottenheimer, Paul Dinn, Tony Wakeham, Jeff Dwyer, Pleaman Forsey, Loyola O'Driscoll, Craig Pardy,

Joedy Wall, James Dinn, Jordan Brown, Lela Evans, Eddie Joyce, Paul Lane.

**SPEAKER:** All those against the amendment, please rise.

**CLERK:** John Hogan, Lisa Dempster, John Haggie, Gerry Byrne, Bernard Davis, Tom Osborne, Siobhan Coady, Pam Parsons, Elvis Loveless, Krista Lynn Howell, Andrew Parsons, Sarah Stoodley, Derrick Bragg, John Abbott, Brian Warr, Perry Trimper, Paul Pike, Scott Reid, Lucy Stoyles.

Mr. Speaker, the ayes: 15; the nays: 19.

**SPEAKER:** Thank you.

I declare the amendment to be defeated.

On motion, amendment defeated.

**SPEAKER:** We will move to the main motion of Bill 22.

The hon. the Opposition House Leader.

**B. PETTEN:** Thank you, Speaker.

It is a pleasure to get up and speak on this bill. It is an important bill. It is one that, I guess, leading off we didn't think it was going to be too controversial when you saw it on the Order Paper. I spoke to the Government House Leader. It was the *Management of Information Act* and it should be routine we figured.

As the minister started off when she introduced it, she said it was housekeeping. Most times when use the word "housekeeping," it is really housekeeping. You change a clause; you change a word. You remove a clause; you update a year. Usually it is pretty minute and, on our side, we are pretty agreeable to those things and we will usually give a quick assent. We'll give a speaker – our shadow minister will usually speak to it and we'll go to Committee. It is a pretty routine process and we do that regularly in the House.

But when we got this legislation yesterday morning and then staff and our MHAs had a chance to look at it and decipher it, as the day went on yesterday and there were a bit more questions asked and a bit more looking into it, in conjunction while the House was sitting last night, we discovered it is not so housekeeping. It is not so clear; we have concerns.

Before I digress into my main part, I hear lots of comments, I see lots of body language, I see lots of head movements across the way. And that's fine; we do it over here as well. But I say this and I say this with the most respect and sincerity in this House, we have a role. I will repeat when I say I don't mind banter. Trust me. I love banter. I actually smile when I see the other side getting up to come at it. I love it; I think it's great. I think we don't do enough in here. No disrespect, Speaker, I don't think we do enough of it. I think it is really good for the House. I think it is good for the public.

I think spirited debate in the Legislature is a good thing. Because I think sometimes some of the best comments, some of the best quotes, maybe some of the better legislation comes through those spirited debates. I know you may not agree and it's all about decorum, and I appreciate that. But we have a very important role as the Opposition. Can you imagine where our Legislature, our Parliaments would be, if we never had an effective Opposition to hold government to account, call out things they don't agree with?

We're not always right. Maybe I wished sometimes government would also be so humble. It's not a bad thing to say you're not always right. I know my colleague from Ferryland used an example that he put in a point of order, a motion, when served on a council. By the time the debate ended, he ended up voting against his own motion. That's a really good example of when you think things out and you debate it out

properly, you come to the conclusion I may not have been right.

I certainly can attest in this House and the government opposite can agree, if they don't – they will not agree but they should agree. There is lots of legislation they brought into this Legislature. Once we start bringing up valid arguments, strong debate, alternatives, they've actually made changes. I mean I look no further than Bill 20, this past spring in the House, when we had the health bill come in here and we had similar concerns. That time there was no consultation by the Privacy Commissioner. We're in the middle of debate and the Privacy Commissioner emailed us here, all the House Leaders during the debate and said that he had concerns. He wasn't even after being consulted to his satisfaction.

We formed an all-party Committee, which we have not moved ahead with yet, but we took out part of the bill, we're setting it off to our all-party Committee and we proceeded with the remainder of the bill. But that's good debate. That's good governance. That's what an effective Opposition can do. So can you imagine if you never had any of these people over here on this side, what we'd be dealing with? It's frightening to think that.

So when you look at Bill 22 and you start looking at the clauses and you read it and you start getting your head around it – a lot of it can be very dry. I mean, some of it is not an easy read, a lot of this stuff is and that comes with a lot of legislation. But when you look at the fact, there is no change in the clause. The clause says the Cabinet Secretariat – there is no change in this clause that we have an issue with. The problem is no change is the problem. That is exactly the problem because when Justice LeBlanc done the Muskrat Falls inquiry, he found a problem that things were not documented in Cabinet. Cabinet Secretariat had no documentation to provide.

That was one of his biggest frustrations, right throughout government. But ultimately, when you go up the line, your issue is most of the meat on the bones is going to come out of Cabinet. That's ultimately where most of the information – if you're doing a public inquiry or something of the magnitude of what he did, that's where you're looking for your information to. That's where the rubber hits the road, so to speak. Because in departments you're going to get some information, but it all funnels to Cabinet Secretariat. That's ultimately where it goes, which is obviously Cabinet, the Premier and his ministers.

If you're going to not document there and you're going to close the door on that, you're going to put up a wall there, who's winning then? You could look ahead in five years' time and we could have an inquiry into, I don't know, wind energy. It could be anything we could have an inquiry; we don't know where it goes. Then when the next Commissioner takes over, what's he going to say? Can't get the information. There was no documentation. I can't find any information in Cabinet Secretariat. I'm not allowed to go there. There's information there, but we're not allowed. They're excluded from documentation.

Isn't that repeating the same wrongs? Aren't we doing the same thing over again? There's a definition of that, you do the same thing over and over again expecting a different result. I won't tell you what that means, but I think most here know. That's the issue.

Why can't we stop and have a conversation? We could stay in debate here. We have no problem; I don't think any of us are going anywhere. Because we have conviction to do what we think is right. On this one I really believe, we strongly feel, and I think we're pretty confident, we're on the right side of this argument. That what we're arguing here is a very valid argument.

The Government House Leader opposite can get up and say they went along with our amendment, they were going to technically take this legislation out and it would remove it and we'd have to go back to the drawing board. That's only semantics, Mr. Speaker. All they have to do is come back with a proper piece of legislation that we can all agree to and he'd get fast passage.

They spent three years on this legislation – three years. We only just got it yesterday. We only got it 24 or 30 hours ago. We weren't involved in this three years ago. I know Opposition are let know the last minute. Oh yeah, that's the way we've done it forever and a day. You did that when we were in Opposition. The PCs did it. The Liberals did it. That's fine. But does that mean it's right? I don't think so. Does that mean we can't change? These are the fundamental questions you get.

I'm standing here now, if there comes a time I'm on that side of the House is someone going to get up and read *Hansard* and criticize me for what I'm saying right now? They can, but they won't be criticizing me on this issue, because if I have any say it's an issue I've spoken about to the former Government House Leader and it's an issue I really believe needs to change. Opposition should be given more time. We should be dealing with more Standing Committees.

I don't have any problem sending these bills off to Committee. I'm not a huge fan of all-party Committees, but there's no reason we can't have Committees to review the bills. We've got all these government Committees here now. We put them together for Estimates. The only time we use these Committees is to put together for Estimates. Why can't they be put together and deal with this legislation when it comes to them? Isn't that really what you should be looking for?

Yesterday, I was here and I was going around the House – a lot of people might see me. I'm flying around the House. I'm all

over the place. Ironically, believe it or not, I don't miss very much. My caucus sometimes laugh about that, but I'm actually keened in. I'm listening to stuff. I don't know how I do it. Yesterday I was waiting for something and I hear two of my colleagues sitting down, talking amongst themselves, but I happened to be listening to them. Do you know what their conversation was? The magnitude of what you sign up for. Like, they said we ran to get in government. You know you ran to be an MHA. You ran to represent your district. You ran to represent your province.

Coming in this room here – and we all must remember the first time you walk in and it's a pretty daunting experience because this is a lot of history in this. This is our Legislature. It's where our bills are made. It's the laws of the land. Every decision made in this House has such a huge impact on every individual in our province. That weighs heavy on me. I think it should weigh heavy on all of us. We can affect the lives of every individual in this province, literally, by the so-called stroke of a pen, standing in your place and saying yea or nay. That's a pretty powerful position to hold.

Also, I realize government controls the House. They have a majority government, but we have a very, very important role. So they can pass legislation, but it's much easier to get legislation through when you're working with the other side, when we agree on things. It is a lot easier to sell it to the public, Speaker. You're agreeing on stuff – and it's not the way this place works and probably will never be the way it works.

But what has really stuck with me was the way they said it and they really take this role seriously. We should take it seriously. I think most of my colleagues, most of us here, do take it seriously. I'll sit in our caucus room. We have lots of debates about the direction of government, direction of the province, what we feel. There's a lot of passion in that room – a lot of passion because we care. I

say this many times, too, I think a lot of Members opposite care.

But if you really care and you really want to get things and do things right, why not sit down and talk about this? Why not pull it back and say, you know, fair enough. Let's park this. Let's have further conversations. Let's get it right. Because ultimately if we get it right and they get it right, everyone wins. You wonder sometimes how people win. You are going to say, how can you win with this piece of legislation? This is not going to affect me. It's not going to affect you. It will though indirectly, because there will be a next time.

You look at the Cameron inquiry, I stop there, pretty daunting. That was a pretty sobering experience, the Cameron inquiry, the breast cancer inquiry. Can you imagine how horrible, how horrendous that would have been if the commissioner of the day would have come out and said I can't do a proper, thorough inquiry into this because I have no documentation?

We had an opportunity to get the proper documentation, to have it available for future practices but the government of the day decided no, they were going to keep that under wraps. But just imagine that, so people can look at the Muskrat Falls inquiry and that was of public interest, fiscal interest, the public purse obviously, but just imagine put this into another inquiry. It could be an inquiry into multiple deaths – heaven forbid; I mean we had the Ocean Ranger inquiry. Put it into different contexts. Muskrat Falls, very important but it wasn't as much life and death; it was more about policy and fiscal management decisions, our future, very important obviously but you have to put it in right context. Here today, as debates have gone on, I've listened to all the debates – I think I listened to pretty well all the debate. I keep thinking back, it depends where you apply this rule to. On certain things it's not going to be a big deal.

A lot of these inquiries, they could be of a different magnitude, it won't be such a huge deal. The reason Justice LeBlanc had such an issue with the Muskrat Falls inquiry was most of the key information happened in the Cabinet room or up in Cabinet Secretariat, which is all irrelevant, it's all the same area. It's all the same envelope. That was his issue. He couldn't pry nothing from that because there was nothing documented and we seen that as the inquiry went on, they couldn't remember. There was no back up. There were no minutes. There was no anything.

So this became an issue. We heard this in other inquiries, in other reports as well. It's not a new thing, duty to document. So contrary to what the Government House Leader says, we applaud the duty to document. We just don't think they're going far enough. You can't just go part way with this. You can't (inaudible) have these exceptions, because ultimately the main goal of this legislation should be to open the doors on all documentation right across the board. If you stopped at Cabinet Secretariat, you're not fulfilling it. You're not filling your role in what you should be doing for the people of the province.

So when you look at, like I say when I go to people who – we did one that was of serious public health or a tragedy. Can anyone in this House tell me who wins then by keeping it secret? You can put anything into Cabinet; we know right now that you can attach anything to a Cabinet document and all of a sudden it is off limits, but this goes a step further.

If you have nothing to hide and nothing to see here, so to speak, well let's move on. Let's get it done. Why can't you deviate and list out these things here; there is a duty to document and these are the things that will be made available. There are certain things – and this is part of the argument, and I'll agree on one small part. I think there are certain things that go in a Cabinet room that, for obvious reasons, that should

remain confidential. I get that and I realize important decisions that Cabinet make a lot of times, but there is an awful lot of information that I think can be made available, that should be documented.

So if you go up there and you're the head of one of these major corporations or you're the CEO of one of these companies or the owner of an oil rig – imagine the owners of the Ocean Ranger. If they went up to Cabinet and had a deck with them that was very important information into it. That never sees the light of day under this legislation; that will stay in that Cabinet room. Who wins then? Who wins? I don't think we win. I don't think the victims win. I don't think the public wins. I don't think government wins. I don't think any Member of this House of Assembly wins. So that is what I wonder.

I sit down and I openly think about that and I pondered that all day as this debate goes on and I keep thinking – and I haven't even looked at my first page yet, so I can talk for a while on many other issues, but I think that's the question everyone here needs to ask. You take that out; you put that wall up. What's the reason for it? Can anybody tell me what the reason for that is? I know everyone can get on the soapbox and they can go on and on and on and on, but what is the real reason for it? What is the desired outcome?

I know sometimes there is frustration across the way and there will be eye rolls and head turns and what are you getting on with and that, but what is the real reason – what's the desired outcome? That's what I have to ask and I don't think anyone in this House can give me an honest answer or one that they believe. They'll give one because you toe the government line. It is the right one to give – in government you give that answer because that's what we're supposed to do.

But it really bothers me when I sit here day after day, we sit in this House session after session, and I see this disregard for the Opposition and what we really do. It is

disappointing because Members opposite have never sat on this side of the House, outside of a few, rightfully so. I know that they get this better than most of their colleagues do, the ones that are over there. They understand it. But there's a lot of that House across the way, they got elected and they went right into government, and most of them right into Cabinet posts. They should spend a few days over on this side of the House and deal with the same issues we deal with on a daily basis, on a weekly basis, how hard it is to get one single thing done as an Opposition Member, on top of what you do in the House, trying to debate legislation.

I don't think there'd be any eye rolls or head shakes at us after that if they were to come over here and walk a mile in our shoes – not the one. But I see that level of arrogance a lot of times in this House and it's not cool and it should never be happening. But we hear it happening and I don't mind calling it out. It is what it is. I've been called that myself so I'm not opposed to that either. But I don't mind calling a spade a spade and this is what I hear in this House.

My final couple of minutes, Mr. Speaker, I want to move an amendment. It's a reasoned amendment. I move this amendment and it's seconded by the Member for Stephenville - Port au Port that:

Whereas a reasonable period of time has not been provided to review and consult on this bill, and further consultations are urgently required on this bill prior to its passage to ensure the changes it would cause will not improperly deny accountability, transparency and access to information to the people of Newfoundland and Labrador and those who serve them, and will not compromise the work of the statutory offices of the House of Assembly that safeguard the rights of Newfoundlanders and Labradorians, including the Office of the Information and Privacy Commissioner, the Office of the Auditor General, the Office of the Citizens'

Representative, the Office of the Child and Youth Advocate, the Office of the Seniors' Advocate and others.

Therefore the motion be amended by deleting all the words after the word "That" and substituting: "the bill be not now read a second time but that its subject matter be disposed and returned to the House at a future date following public consultations."

Thank you.

**SPEAKER:** This House will recess to give us an opportunity to review the proposed amendment.

The House stands in recess.

### Recess

**SPEAKER:** Are the House Leaders ready?

Order, please!

Upon review of the proposed amendment by the Member for Conception Bay South, we did a thorough review of the amendment and we find that it is in order.

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

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

**J. HOGAN:** Mr. Speaker, I move that the House now recess until 6 p.m.

**SPEAKER:** This House do stand recessed until 6 p.m. this evening.