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HANSARD

*Speaker: Honourable Perry Trimper, MHA*

Monday

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(Night Sitting)

The House resumed at 6:30 p.m.

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

Admit strangers.

The Government House Leader.

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

I move, seconded by the Minister of Finance and President of Treasury Board, that the House resolve itself into a Committee of the Whole to consider Bill 23.

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

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We're now considering Bill 23, An Act To Amend The Liquor Corporation Act.

A bill, "An Act To Amend The Liquor Corporation Act." (Bill 23)

**CLERK (Barnes):** Clause 1.

**CHAIR:** Shall clause 1 carry?

The Chair recognizes the hon. the Member for Topsail – Paradise.

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

Mr. Chair, on November 21 a briefing by officials was held in the Department of Health offices, but the Department of TCII were there as well, officials from there. It was a little bit of a different briefing. There was a deck provided, there was a cover page and an outline of what was contained in the deck. Then there was a page for questions and then there were three pages of information.

The bill was passed out at the time, but then it was taken back and we weren't allowed to have a copy of it. There was more information provided in the public briefing the next day, but really not a lot of time in the briefing.

I wanted to ask the minister, on page 4 of the briefing material, under Retail and Distribution Model, it indicated here that: "NLC Regulator and (at outset) Distributor."

I'll back up a page, just to be clear on this, while the minister is maybe trying to locate the information.

On the first page it says: "NLC needs appropriate legislative authorities to implement retail and distribution model in time for the July 2018 deadline." The bill would: "Enables the NLC to: Buy, import and sell cannabis; Control the possession, sale and delivery of cannabis; Establish, maintain and operate cannabis stores; Issue licences for the possession, sale and delivery of cannabis; Determine price and the forms, manner ...." So very basic what the bill was going to do.

"With approval, NLC can develop and issue Request for Proposals for retail licences."

On the next page, where it says Retail and Distribution Model, it says: "NLC Regulator and (at outset) Distributor."

I wonder if the minister can explain what that refers to when the material indicates at the outset?

**CHAIR:** The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Chair.

At the outset, NLC will be the online distributor. In addition to that, in extraordinary circumstances, if there is a location in the province where there is a demand but no private business to set up a storefront, it would allow them to do that as well.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I apologize to the minister; I never got all of his remarks. At the outset, the minister referred to online sales.

I'm sorry, Minister, I missed what you said. If you wouldn't mind, maybe you could clarify at the outset what that means about online sales?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

Yes, at the outset, NLC will be the online distributor for online sales.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I had on the outset. I apologize to the minister, but I had on the outset circled twice on this one page. There is a section there on online sales on the outset, but before that it says: "NLC Regulator and (at outset) Distributor."

I could pull out a copy for the minister if you want to have a look at it, but the line is: "NLC Regulator and (at outset) Distributor." It looks like being the distributor will only be at the beginning. That's what it almost seems like. There will be a different distributor after that.

Maybe the minister could clarify that.

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

**MR. OSBORNE:** Thank you.

I'm not sure – I mean, I can certainly check with officials, but it's my understanding that NLC will be the regulator and distributor on a permanent basis, other than the online sales. Initially, they will be set up to do online sales. We'll determine at some point down the road whether or not we're going to put that out to somebody else.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Yes, I'd appreciate it, because it seems to indicate that NLC will be the regulator, which the bill clearly indicates, but at the outset, the distributor. So it indicates on the briefing provided that someone other than NLC may be the distributor, other than the outset. The minister, maybe he'll get a message or clarification or something as we go on.

On the next page of the briefing, it talked about next steps. "Amendments to the *Liquor Corporation Act* would provide NLC with authority to regulate, distribute, and do business in cannabis, similar to its authorities with respect to alcohol."

Then the last line on this briefing said: "NLC, in close consultation with GNL" – Government of Newfoundland and Labrador – "will develop a Request for Proposals for retail licences."

Minister, can you give us some indication how that request for proposals for retail licences will take place? How will the selection of retail licensees be made?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

At this particular stage, this legislation gives NLC the ability to start that work. At this particular point, it's not legal for them to conduct business in cannabis.

Those details will become more clarified as we get further into the process. In fact, this week I will be meeting with the CEO and the chair of the board at NLC. They will give me an update

on where they are at this particular stage, but they are developing the RFP process.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Today in Question Period, we had a discussion about production. We've asked questions before about the standardization of quality and so on, but we had a discussion about production.

In the answer today and the information provided – maybe the minister can clarify this – that production will be strictly under the purview of the federal government. I think the Minister of Justice earlier referred to the feds and I assume the federal government I know he's referring to.

Production, quality production, Minister, while it's not included in the bill, you're telling me that's the purview of the federal government.

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Mr. Chair, Health Canada is responsible for issuing licences when it comes to medical cannabis at this point in time and for cannabis once it becomes legal. They will be the ones who would be licensing for production.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Maybe the minister, then, can clarify the process. The federal government licenses a producer. How does Newfoundland and Labrador Liquor Corporation arrange for a supplier? How does that take place?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

We issued a press conference, myself, the Minister of Finance and the Minister of Justice

and Public Safety, where we had highlighted distribution and regulation about this particular bill and around supply.

The federal government has passed legislation that will make cannabis legal sometime in July of 2018. Each province has the responsibility to either secure supply or supply will be provided through other means and other avenues. If there is no production licence or production facility in a province where it's legal, it would be able to be imported from other parts and other jurisdictions through online purposes. It is the responsibility and the onus is on a provincial entity to secure appropriate supply.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

From reading the bill, what we know so far, the responsibility for securing a supply as I understand it – I ask the minister to correct me if I'm not correct.

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

**CHAIR:** Order, please!

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

NLC would find the supplier. Would that be correct, Minister? It's up to NLC to find a supplier, one that is licensed by the federal government?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** This piece of legislation designates the NLC to be the regulator and the distributor. They would be able to then go out for a request for proposals to look at those who would like to get in the business to operate into a retail model.

When it comes to supply, those who would wish to operate here in the province would have to apply to Health Canada federally for a production licence if they would like to produce in Newfoundland and Labrador. But in terms of supply, if there is no production or a supply agreement in the province, then that would be

able to be supplied by any other jurisdiction, basically, through other methods.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Maybe the minister is not understanding what my question is. I appreciate the information and his effort to provide an answer. NLC will be given the authority here to do an RFP process to determine who will sell marijuana in the province.

My question is: What process will be used to determine who supplies NLC?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** I think the Member opposite is getting into some operational issues that are not really pertinent to the particular bill. I'm not sure which particular clause the Member opposite is speaking to, but the NLC will be the distributor and the regulator when it comes to cannabis when it becomes legal here in the province.

The responsibility and the onus would be on ensuring, as a government, to have adequate supply. Or if supply is not guaranteed, then it can be provided by any other entity across multiple jurisdictions. So, as a government, we will certainly take responsibility to secure appropriate and adequate supply.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I'm not trying to be difficult with the minister – I'm really not. The bill lays out here that – and the briefing material, which was very brief, has a line in it and it says: "NLC, in close consultation with the GNL, will develop a Request for Proposals for retail licences."

Clear enough. They're going to develop a request for proposals. That's how they're going to find licensees, there's going to be a request for proposals. I'm not sure how people are going

to be able to apply for that if they don't know what the rules and the parameters are and so on, but there's going to be a request for proposals.

I'm just asking the same thing. You said it's an operational issue. Well, getting licensees is an operational issue too, but it's embedded right in the legislation how they're going to do that, or at least it was in the briefing. They're going to do a request for proposals.

My question is the same: Will a request-for-proposal process be used for suppliers? Will it be sole sourced? What is the plan and what will be the process when it comes to supply?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

As I've said previously in response to this, the onus of supply is the responsibility of each government jurisdiction to secure adequate supply. We have been doing a tremendous amount of work as a government, working through this process with the NLC and others across multiple departments and jurisdictions, because of the legislation that has happened federally that will legalize cannabis in July of 2018.

We are taking the steps to make sure that we have adequate supply here in Newfoundland and Labrador. We also have the mechanism put in place, through the NLC, to be the distributor and the regulator so that they can go through an RFP process. I can't be more clear than that when it comes to – the bill itself is dealing with regulating the product and how it will be distributed through a retail model. It is not dealing with the specifics of the matters the Member opposite is providing or questioning.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Maybe I'll try and use another example so the minister understands what I'm getting at. If the government decides they want to purchase vehicles, for example – let's say they want to purchase vehicles for the Department of Transportation; they just bought a

new piece of equipment – I’m sure that there was a tender process or a request-for-proposal process in order to find the best suited supplier to provide the needs to the government.

You just can’t walk up to a dealership out on Kenmount Road and say I’m going to buy that car, that car and that car. There has to be a process in legislation where you have to tender it or, in some cases, you can go do an RFP to find out who’s best suited to provide exactly what it is you’re looking for.

Will that kind of process, Minister, be followed when NLC sets out to buy a supply of cannabis?

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

**MR. OSBORNE:** I’ll ask the Member – I mean, I appreciate his answer. I know that the Minister of TCII has been trying to be helpful, but I’ll ask him in which part of this act you’re referring to.

I think you’re getting ahead of yourself. This act is a very necessary first step in allowing NLC to start to outline the work they need to do to get ready to put out RFPs for retailers, but I’m not sure this act is dealing with the question you’re asking.

I’d ask you to point out exactly which part of this act. The Minister of TCII is trying to answer your question, but I’m not sure it pertains to this particular act.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

One of the issues is that it’s not in the act. I don’t see it here in the act. If it’s here in the act – that’s why I’m asking the minister to tell me if it’s in the act and what the process will be.

I’m referring under clause 1 which, quite often, people get in and have a broader discussion. If the minister wants to tighten it down and not allow us to seek that answer, then that’s the choice of the minister. But what I’m asking for is some clarification on the information we received and, for that matter, information we

didn’t receive during the briefing or that’s not clearly laid out in the bill.

Mr. Chair, that’s fine. If the minister doesn’t want to go down the road and provide that information, I’m okay with that. We’re on clause 1 and clause 1 also deals with the amendment to section 2.

I’ll ask the Minister of Finance: Will hashish be included in sales of cannabis?

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

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

I can just speak to this because one of the – I guess after we did the press conference, it’s amazing how many emails I’ve received. Basically, I can say that people have dissected everything that we said up on that podium that day. Some people agreed and some people will disagree; some people will say: How did you say that?

One of the things that people asked is – I actually made a comment and said that smoking cannabis can be more harmful than smoking cigarettes. So somebody came back and said: How can you say that? That’s not true. What I did was I got here – this is one of the things that we’ve referred to, is the Canadian Centre on Substance Abuse.

Two things I will say; one, we’re still early on. We’re talking about right here cannabis means “(i) cannabis plant, (ii) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, a cannabis plant, regardless of whether that part has been processed or not ... (iii) any substance or mixture of substances that contains or has on it any part of a cannabis plant ...”

Maybe there’s some scientific aspect that I’m not aware of, but when you look at what cannabis is – and one of the big parts of the debate, when this started out, it was the legalization of marijuana. That term is gone because it’s not accurate. What we’re dealing with is cannabis. So referring right to this, which comes from the Canadian Centre on Substance Use, Cannabis is a “greenish or brownish

material consisting of the dried flowers, fruiting tops and leaves of the cannabis plant, *Cannabis sativa*. Hashish or cannabis resin is the dried brown or black resinous secretion of the flowering tops of the cannabis plant ....”

What I would suggest – it says here: Currently in Canada, licensed producers and registered individuals can supply cannabis for medical purposes in fresh, dried and oil forms.

I can’t get into exactly because I’m not intimately involved in the production side – there are also questions that will not be answered until next summer as it comes to certain formats, including edibles. But looking at this right now, looking at the definition that’s in the act and looking at what cannabis definition is according to the Centre on Substance Use, I think this should answer the question.

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

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

I would like to ask the minister what kinds of analysis was done vis-à-vis the expected potential revenue sales, the profits from those revenue sales; if he could table, actually, a report, an analysis of using our existing infrastructure through the Newfoundland and Labrador Liquor Corporation or going totally private.

Because when I look at the *Report on Public and Stakeholder Engagement*, initially, the Minister of Justice had said that there really wasn’t much support for the sales through our existing Newfoundland and Labrador Liquor Corporation; but, in fact, when you look at adding up the responses to existing Crown agencies and a new Crown agency that there were over 2,000 people really pushing for that kind of a sale to the public, that it would be either in our existing Crown agency or new Crown agency. Perhaps, though, what could happen is using the strength and the success and the expertise of our existing Crown agency to be able to do the majority of the retail sales and again they do have different methods of doing retail sales through the Newfoundland and Labrador Liquor Corporation.

I’d be interested to hearing from the minister exactly what kind of analysis was done about cost-benefit analysis or not, and if he could table the reports of that kind of analysis and study.

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

**MR. OSBORNE:** Mr. Chair, the analysis on the revenue to be made, we’ve been very clear that we’re estimating. Unfortunately, I don’t think the people who are currently selling cannabis products in our province are prepared to tell us how much they’re selling. We’re putting forward an estimate of what we think the market will sustain, but it is an estimate.

As far as an analysis of whether or not we should allow it through a private retailer or through an NLC store, for a variety of reasons there are social concerns with putting a cannabis product and alcohol in the same store. We’ve heard that, so there are social concerns with that. If we were to put it in an NLC-operated store, we’d have to build new bricks and mortar.

We’ve got a hybrid system which we think satisfies both. It will give NLC some revenue as a result of being the distributor, the same as private NLC stores now where we have private operators operating in a number of areas in the province, including on the Northeast Avalon, NLC outlets or outlets for the sale of alcohol. We also have corner stores that sell beer products. There are a number of instances where alcohol is sold through private industry.

There’s a very strong desire to allow private industry to create employment, to provide economic opportunity and to provide opportunity to entrepreneurs to sell product in a private setting. At the same time, NLC will be the online distributor, so they will reap the full benefit of sales online. They will reap some benefit through revenue as distributor to the private retailers. We’re also allowing private retail entrepreneurs the opportunity to set up a business, create a profit and employ people in the province.

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

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

I can understand that there's the potential of jobs here, but we also know that in convenience stores where beer is sold that, for the most part, the employment is precarious, it's part time and it's minimum wage. However, if we task our Newfoundland and Labrador Liquor Corporation, and we know there are different tiers and different ways the Liquor Corporation does retail alcohol – and those jobs are unionized jobs. They have good wages. They have benefits, which extend to the whole family of the employee. It means it's a better economic situation for the community in which the workers live and work as well.

I would ask the minister: Does he think that precarious, part-time, low-wage, often minimum-wage jobs, are better jobs than jobs that have benefits, that are well-paying, that have pensions and that are secure? I would just ask him that because it would be interesting to see. I know there's the issue of bricks and mortar; however, there are ways of getting around that. Everybody is going to have to deal with bricks and mortar. When we sell alcohol, we have to deal with bricks and mortar.

My question, once again, is if we use the model we have that is successful, that creates good jobs, that brings profit into the public sector, that's reinvested in education, that's reinvested in health and in infrastructure, why would he choose not to do that?

I guess my first question is: Is it better to have minimum-wage, precarious, part-time jobs without benefits than it is to have jobs through the public sector, through our Newfoundland and Labrador Liquor Corporation?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

I respectfully disagree with your opinion, and I would say that every convenience store owner in your district would respectfully disagree with your opinion. I would say that all of the liquor outlets in the province, the people who are working in those would respectfully disagree

with your opinion. The Retail Council of Canada and the convenience store associations would respectfully disagree with your opinion.

How ridiculous to say that those jobs are not valuable. They are.

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

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

I never once said they are not valuable – never once. Again, we're talking –

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

**MS. ROGERS:** Mr. Chair, I'm sure the Member for Bonavista will have a chance to stand and speak if he needs to, but maybe he'll just let me have the floor.

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

**CHAIR:** Order, please!

**MS. ROGERS:** I'd be willing to listen to him if he gets up and says something.

**AN HON. MEMBER:** Labrador West (inaudible).

**MS. ROGERS:** And Labrador West, actually, both of them. Thank you very kindly.

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

**CHAIR:** Order, please!

**MS. ROGERS:** Mr. Chair –

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

**CHAIR:** Order, please!

**MS. ROGERS:** Mr. Chair, Ontario has said they're conceding to the fact that the timeline to – they're going to do it through the Ontario liquor corporation. They said the timeline is tight, and they started way ahead of us here. So we have even a tighter timeline.

I would ask the minister again – first of all, I object to him misrepresenting what I said because I certainly didn't say that those were not valuable jobs. I would like to say, I reiterate, that the Newfoundland and Labrador Liquor Corporation has a few ways of setting up retail shops and it seems to be working. It is successful.

However, government is saying they're not going to have any retail through the Newfoundland and Labrador Liquor Corporation unless there's a community where nobody else will set it up. If this is profitable, it adds an opportunity to bring more money into the public coffers. Why would we not do that?

My question is, once again: What has the analysis been on doing it – and we know that Ontario is saying the best way for quality control and for dealing with a controlled substance is through the public sector. We already have that in place. There are a number of ways of dealing with the bricks and mortar. We can see it the way places deal with VLTs. The government is certainly benefitting from that, not that I'm saying that's the model we should use.

If the people of the province – over 2,000 in the public engagement sessions – are saying they want it in an existing Crown corporation or a new one, I'm not suggesting we go through a new Crown corporation, but what is the analysis he has done about why not going through the Liquor Corporation? Instead of just inflammatory language and twisting my language, what has he done, what analysis has he done about the possibility of going through our established Liquor Corporation which, again, would bring profits right back into the public coffers?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

Maybe I misheard the Member, but I thought she said that convenience store jobs were precarious, part time at best. That, to me, meant something –

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

**CHAIR:** Order, please!

**MR. OSBORNE:** Obviously, Mr. Chair, that meant something to me that obviously means something different to her. I think that they provide valuable employment to the people in the province. The vast majority of liquor outlets in the province are liquor outlets, not NLC-owned buildings staffed by NLC staff.

The distribution of cannabis will run through NLC, will create employment and government jobs through NLC. But we also need – I mean, who knows, it could be 100 or 120 or 150 stores in the province by the time this is set up and done. I don't think this government is in a position to go out and build 150 buildings, I'm sorry.

Mr. Chair, the reality is this gives the best of both worlds. It gives revenue to NLC. It gives revenue to NLC through online sales. It gives jobs to NLC through the distribution and management of the product and regulating the product. It creates employment in smaller communities and throughout the province in a model where private enterprise – in fact, I received a message from somebody in your district, as you were speaking, who's interested in setting up a shop.

Am I to send him back a message on Facebook and say she's not interested in you having a shop? The reality is, Mr. Chair, every one of our districts throughout the province have people who are interested in becoming entrepreneurs. It gives a business opportunity and employment opportunity for those individuals.

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

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

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

I am a small-business owner. I know the risks of being a small-business owner and a retailer – I know.

Mr. Chair, would the minister tell me that people would rather work in small businesses with lower wages than in working for the Newfoundland and Labrador Liquor Corporation with jobs that have benefits? Is that what he's

saying? I'm not so sure. Again, I would really like the minister to table the analysis that they used in order to come to the decision that they're making.

Also, the issue about bricks and mortar; to have to build 150 stores, I don't think that's valid. I don't think that would be the case. I don't think they would have to build 150 brick-and-mortar stores with the rollout of this. We know there are going to be online sales and we know there are other ways of doing business.

I would say to the minister: Does he really think that people would prefer low-paying jobs that are precarious, to concrete jobs that have benefits and higher wages? I just wonder if that's what he thinks.

**CHAIR:** Shall the clause carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 8 inclusive.

**CHAIR:** Clauses 2 through 9 inclusive.

The Chair recognizes the hon. the Member for Ferryland.

**MR. HUTCHINGS:** Thank you, Mr. Chair.

Section 3 references buy, import and have in its possession for sale and sell alcohol and goes on to describe the process. I'm wondering in regard to the import portion of it, when we look at interprovincial trade and the export from one province to the next. I know there were changes made to the Agreement on Internal Trade which evolved into the Canadian Free Trade Agreement.

I wonder if the provisions are in place and everything is within that current agreement or that updated agreement to allow for the import into various jurisdictions. If there was a

producer in Ontario, for example, that the province had decided they were going to be the provider in the province, they could import into the province under the current interprovincial guidelines and regulations and they now exist in a manner which would allow that to happen

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

I thank the Member opposite for his question on the Canadian Free Trade Agreement that came into force in July of this year. I can confirm there is no specific chapter for cannabis.

Thank you.

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

**MR. HUTCHINGS:** Thank you, Mr. Chair.

I appreciate the minister's reference to no particular chapter. Is he confirming that the current written context of the agreement would allow the import of cannabis into the province under the current method as written and there would be no need for an amendment to change that current agreement that exists?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Mr. Chair, given that cannabis is not a legal substance until it comes into force, it was determined in the new agreement that there would not be a chapter specific to cannabis in the current Canadian Free Trade Agreement. But that doesn't preclude any opportunity to go down that road once cannabis becomes legal.

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

**MR. HUTCHINGS:** Thank you, Mr. Chair.

I appreciate the answer. So just to be clear, once cannabis is legalized, in Canada there would be a requirement to revisit the Canadian Free Trade Agreement to allow the import of cannabis, i.e. into Newfoundland and Labrador?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Mr. Chair, right now when it comes to medical cannabis there is a whole import process. All users of medical cannabis are importing that product because we do not have a dispensary here, we do not have a producer. We don't have that infrastructure currently here in Newfoundland and Labrador.

What this new legislation and the legalization of cannabis will create is an opportunity where Newfoundland and Labrador, like other jurisdictions, can look to either create an industry, or import product and deal with the process of making sure there is adequate supply. This legislation will enable the Liquor Corporation, the NLC, to import if necessary cannabis products to meet supply because it will be legal across Canada.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Mr. Chair, section 3 refers to amending section 33 of the NLC Act. It says: The corporation may, with the prior approval of the minister, “establish, maintain and operate cannabis stores at the places in the province that may be considered advisable for the sale of cannabis in accordance with this Act ....”

Is he referring to a co-location with alcohol? If so, what is your expectation of how many places there may be a co-location?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

This is an important question. I thank the Member for the question.

NLC are going to make best efforts to find private retailers for cannabis throughout the province. In a situation where we are unable to find a retailer in a part of the province that a market exists – which is unlikely, but in the event that could happen – NLC reserves the ability to set up a retail operation in a private

area. Only under very extenuating circumstances would this happen.

It is possible that you could have a liquor outlet that would end up having cannabis as well, but we would, in those situations, ensure that they're not on the same shelves or within the same retail area that alcohol is. So they would have to set up a separate retail area for the sale of cannabis.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I thank you for your answer on that.

Just for clarification, I just wanted to run over to 33(i) where it says: with the prior approval of the minister – (i) refers to “buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act or the *Liquor Control Act*.”

What is this section? What are you referring to? What is it that you're expected that may have to be purchased or leased to carry this out?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

I may need some further clarification from the Member opposite on his question, but I believe what is being pertained to in section 33(i) is around plant and equipment or maybe product around alcohol that would be either produced or dealt with here in this province where there is some production of product that would happen at the headquarters of the Newfoundland and Labrador Liquor Corporation.

If that doesn't answer the question specifically, he could further ask a question and I'll do my best to provide an answer.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Just to be clear, section 3 says section 33 of the act is repealed and the following substituted: The corporation may with the prior approval of the minister – so it's 33(d) and then there are a number of subparagraphs and it goes over to (i) "buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act or the *Liquor Control Act*."

Maybe the minister can tell me – it may be referring just to alcohol production because it's changing an entire section here. Does it in any way refer to buying or leasing plant – and I know plant is not the marijuana plant; a plant refers to the operation plant, production plant and equipment. Does that in any way relate to buying or leasing plant and equipment for processing of cannabis?

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

**MR. OSBORNE:** Thank you.

Again, I thank the Member for his question. As you know, there have been sections of the act that have been added to. This primarily dealt with alcohol and alcohol products, so we're adding cannabis to an existing act and amending the act to allow for cannabis as well.

To answer your question more directly, Newfoundland and Labrador Liquor Corporation, it is not our intention and it is not the intent that the Newfoundland and Labrador Liquor Corporation would become a manufacturer of cannabis or cannabis products. Does that answer your question more directly?

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** It does, Mr. Chair. I thank the minister. It does clarify it because we just had a discussion about the federal government being responsible for licensing and production. The minister, I think, was expressing some reservation that licensed produced marijuana may be available in time for July rollout of people being able to purchase marijuana, so you may have to import it. Therefore, I wanted to clarify why you would want to buy and lease equipment.

Mr. Chair, under section 4 – I think we're on 3 to 8; is that correct, Mr. Chair? Yes. Under section 4, section 4 adds after section 34 and it adds a number of items here which allows the board to grant to a person a licence to possess and so on; may issue different classes of licences and set out the terms and conditions of those licences.

My question for the minister; How does a government expect an individual, potential licensee, to apply if they don't know what the rules are? How long before that application process will begin? Can you give us any kind of insight as to what will be involved in that application process?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

For greater clarification, I'd ask the Member what section he's referring to. In an attempt to answer his question, to the best of my ability, without knowing the exact section he's referring to –

**AN HON. MEMBER:** 34.1.

**MR. OSBORNE:** 34.1.

This is part of the RFP process that's being developed by the Newfoundland and Labrador Liquor Corporation. This act will develop –

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

**CHAIR:** Order, please!

**MR. OSBORNE:** This act will give the Newfoundland and Labrador Liquor Corporation the ability to do further work and prepare for an RFP process and to design the regulations that are required to allow for storefront operations so that people can possess, sell and deliver cannabis products.

They're still in the process, and will continue to be in the process for a short period of time, I would suspect, to design and put forward the regulations that will deal with this. So at this particular point, it would be premature for me to get into how they would do that.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

Maybe the minister might be able to shed some light – maybe he’s not in a position to do so at this point in time. We’ve got a July date pending where sales are going to begin. We have reference here in amendments to the board being able to issue classes of licences and applications for licensees and so on, and how a licensee shall be granted a licence under this section.

But the nuts and bolts, of course, they are not here and will be in the RFP process. So my question for the minister: Knowing that July is fast approaching, people are going to have to do a business plan, may have to seek some financing or partners and so on. The expansion – we don’t know the size, what might be required of the location size. We don’t what the staffing requirements may be. We don’t know what divisions may have to happen or separations may have to happen in buildings, where there would be some kind of dividing wall or some other access.

Minister, maybe to simplify the question, do you have any idea or can you give us some insight as to when the details of that process may be known?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

The Minister of Finance, who is responsible for the NLC – the NLC is well equipped to deal with RFPs. They’ve made sure that through their private model there’s an application process, there is a clear compliance, and this legislation will enable them to go through that process.

If there are people that are out there that are interested, I would encourage them as well to reach out to the Department of Tourism, Culture, Industry and Innovation. They can speak to our economic development officers. They’re well equipped – all throughout the province there are offices where people can advise them on

financing, business planning, consulting services and various matters.

As the country moves forward through the legislation of cannabis in July of 2018, all provinces are moving forward with their plans. This government, we feel we have a very robust plan with our hybrid model here. By advancing this legislation, we can meet, to the best of our ability, the July 2018 target. We will certainly be ready to move forward with that rollout based on this model and these initiatives.

Timelines, certainly, are very tight, but the Newfoundland and Labrador Liquor Corporation has experience in this field. They are best suited to work out through the RFP process. They will certainly get that matter out as soon as possible. But they need this bill passed in order to be able to have permission to go and draft the RFP, put out the call and see what type of uptake comes from that. Then that will create further steps as to what other initiatives may need to be taken by the NLC or by the provincial government.

Thank you.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I appreciate the information from the minister. Minister, we’re also hearing provinces and officials in provinces who are expressing concern about not being able to meet the deadlines.

I’m not questioning the competency of the officials at NLC in any way. I’m sure they’re very competent. In fact, I thought the Minister of Finance just made a comment – maybe I’m wrong – a few minutes ago that the RFP process is underway and they’re developing the RFP process. What you just said was they can’t begin to develop the RFP process until the bill is passed, but I would suggest they’re probably already at the RFP or developing the RFP.

My question wasn’t so much about the NLC’s ability to have the RFP ready and to send it out. My question is about people who have an interest in becoming a licensee and how much time they’ll have to develop their business plans,

financing if they need it, having to get permits from municipalities to make renovations which, in some places, sometimes can take weeks and months for building permits at the necessary municipal level as well.

My question was: How soon do you think before the RFP may be available so that people will have an understanding of all the requirements that are going to be on them when they go through the application process?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

I'm certainly well aware. Entrepreneurs across this province and those that are operating in the private sector right now – I would say to the Member opposite for St. John's Centre, there are 2,000 businesses in this province supplying over 40 per cent of employment, so quite significant what small and medium businesses provide here in Newfoundland and Labrador. They're very equipped with dealing with an RFP process. This is not something new.

The Newfoundland and Labrador Liquor Corporation does not have the ability to issue an RFP until the legislation is passed – just if I misspoke or made any point earlier. What I would say is this has become knowledge, this is public knowledge. We're working as quickly as possible.

There are very ambitious guidelines when it comes to cannabis being legal. This is new to Canada, to the entire country. It's a new sector or a new industry when it comes to Newfoundland and Labrador. So across government, we've been working very collaboratively, very robustly on this particular matter. We've determined this hybrid model through the private sector is the best approach.

We have the expertise in terms of TCII to look at financing. As a government, something we did is we put in service standards so that we give people a clear timeline as to when they put forward an application, when they can expect to see financing or approval on a particular application. We're working with credit unions,

with CBDCs and others when it comes to a financing piece.

We'll also work with municipalities and encourage municipalities in this process, but municipal governments have their own set of criteria. They will determine their process when it comes to issuing permits and how they would go their particular bylaws on that matter. They have their own jurisdiction.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I have great respect for entrepreneurs in this province, I say to the minister and to Members of the House. I have great respect for businesses and entrepreneurs and people who try really hard.

I also know of businesses in the province who, in recent years, are having a much more difficult time in being able to make ends meet and stay viable and are looking for new ways to create new business opportunities, as entrepreneurs quite often do. Many businesses see the legalization of marijuana as such a business opportunity for them. That doesn't mean they're all necessarily in favour or against it. They see it as a business opportunity.

We know now many circumstances where for a business to want to become a retail licensee, it could take months and months of municipal processes in order to obtain that. I'm familiar with businesses in municipalities who, on matters that are much more routine than getting a licence to set up an operation to sell marijuana, have gone through many months of consultation and application.

Municipalities, in some cases, may have to change their own municipal regulations and requirements to allow this type of a business. A person who wants to sell marijuana in a business would quite likely, in many municipalities, have to apply for such a business licence. If they want to do alterations or do physical changes to their structure, there's a whole process there.

We'd have to get an engineer involved to design a physical modification. Not only engineers,

they'd have to get electrical engineers, plumbers and so on to do all of that work, which can take a significant amount of time, submit it to a municipality and then ask for it to be passed. That can take a long time itself, especially when it's something new that's being done.

My question, again, was not about NLC's capabilities; I hear what people in other provinces are saying about concerns and the tight timelines in getting this done. The more I think about it, even as we're having this discussion tonight about a person wanting to file an application to be a licensee, there may be a significant amount of hurdles, even in a municipality you may have to go through.

My question was: Do you have an idea how long before the RFP process will be ready to roll out? How long it will be before RFPs are in the hands of potential retailers so they can start all the processes they have to do?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

As I said earlier, until this passage of this enabling legislation to allow the NLC to issue their request for proposals, a request for proposals cannot be issued. That timeline will depend on the passage of the particular bill.

We are working on a very rigid timeline. Regardless of the passage of this bill, cannabis will become legal in July 2018, and then it will be possible for anyone in the country to purchase cannabis. So this is why we're moving forward as quickly as possible. We want our entrepreneurs to be very adaptable and those who want to look at this as a business opportunity, to move forward, to put an expression of interest in an RFP. That will be evaluated.

There is generally a set timeline. That will be up to the Newfoundland and Labrador Liquor Corporation to determine when the opening, when the closing date, the evaluation period and the response time. But the start time of July 1 is not as imperative as it will be to have every

single store or every opportunity that will be created in Newfoundland and Labrador.

Some people in some areas will take longer than July 1 to access, create and get through these barriers as in any business that the Member opposite has identified.

Every person will have access to purchasing cannabis should they wish to choose. This is why the NLC will be having their online portal to be doing the online sales. They will have adequate supply to be able to ship and distribute to any of the entrepreneurs who are successful in an RFP process. This, I think, will be a continuous rollout process.

Some people are going to take more time to determine the market, determine the opportunity and do their due diligence when it comes to the business planning process, just like entrepreneurs would, any entrepreneur when they're looking at that opportunity. Nobody is going to make incredibly quick and haste decisions on this particular matter. You have to do your homework as with any entrepreneur.

Our department is available to work with any entrepreneur who's looking at this as an opportunity. We will provide them with advice and direction and areas of expertise where they could go. As well, the Newfoundland and Labrador Liquor Corporation has people with that expertise. When the RFP is issued, then they will provide that one-on-one advice and direction.

I would say to the Member opposite, some of these questions are in the hypotheticals of what if a municipal government is three weeks longer than somebody else in issuing a permit, or if somebody needs to build a new structure or do renovations or whatnot. All of these things may or may not happen, but that has no impact on the legislation we're debating here today.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

There's nothing hypothetical about my question. My question was: How soon will the RFP be available for people, potential licensees, to see

it? The minister hasn't answered it. He said it depends on the bill. It is not hard to say, well, within a week after the bill is passed or within 10 days, but the minister is not saying. There's nothing hypothetical about it.

My concern, as I expressed, was that as time goes on the time available for people to get licensed, get finalized and be ready for July – the time gets shorter and shorter and shorter. I point out the example – not hypothetical, a very factual example – of the experience that many people have in municipalities where they have very strict development regulations, very strict rules about making significant alterations, if that happens to be required in a business, that could take months. Especially where municipalities require public meetings to take place for members of the public to come and discuss what is planned and how it's going to impact their neighbourhoods.

I suggest on this being brand new and not everyone in the province and in the country, for that matter, are agreeable – which is not unique to this. But in this particular case, not everyone is agreeable to have marijuana sales open up the way that the federal government has anticipated. There's going to be a lot of people wanting to know details about it and it could slow the process down.

Not hypothetically. That's what municipalities do. They do public consultations. They require people to make applications, submit drawings, engineered drawings and so on which are going to come at a cost and effort to them. But as the minister said, it looks like in July not everybody's going to be able to licence, just some. It's not going to be done completely, but it will be done somewhat.

Under 34.1, again under subsection (5) it says: "The board shall not grant a licence under this section where" and there's a list of them here, Mr. Speaker. One of them says: "The board shall not grant a licence under this section where ... (c) the board, in the board's absolute discretion, is of the opinion that the applicant is not a fit and proper person to keep and operate a premises where cannabis will be sold ...."

How is that going to be evaluated or determined, Minister?

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

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

I believe the section – and the Member opposite can guide me if I'm wrong here. Is that section 34.1(5)?

**MR. P. DAVIS:** Subsection (5)(c).

**MR. A. PARSONS:** Subsection (5)(c). It says: "The board shall not grant a licence under this section where ... (c) the board, in the board's absolute discretion, is of the opinion that the applicant is not a fit and proper person to keep and operate a premises where cannabis will be sold ...."

This is something that I think we've seen in the past, as it relates to alcohol, in that if you have individuals that have contravened the legislation or regulations in the past – because, again, it's not a right, it's a privilege. If you look down further – I think it has to be read in the entirety here – there's a bunch of things the board can look at here and say is this a person that should be granted this licence under this legislation?

You see here that the past conduct of the individual establishes reasonable grounds for the belief that they will not carry on business in accordance with the law and with integrity; the applicant is carrying on activities that will be where they are licensed in contravention of the act; the granting of the licence would not be in the public interest; or if they've been convicted within the past five years preceding the application for a violation of various pieces of legislation there; and their equipment and accommodations do not meet the standards that have been set out.

What I would suggest is that there is, I believe, an appeal process here that they're – again, the decision's made. I've seen these before. People have been charged under the *Liquor Corporation Act*, people have been given summonses. In this case, it's their discretion and it's their opinion, but there are grounds that have to be established. By going through the rest of it, you can see this is the kind of stuff they'll be looking at. Is this a person that should be in the market to sell this substance?

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I appreciate the information from the minister.

The concern that I have here, Mr. Chair, is when it says “the board, in the board’s absolute discretion, is of the opinion that the applicant is not a fit and proper person to keep and operate a premises where cannabis will be sold ....” I was just reading under section 34 because this whole section, this whole area that we’re discussing, section 34.1, is an amendment of the act to follow immediately after section 34.

I was looking at section 34 which is actually: Licences to brewers. Now, it’s going to move to people who can sell marijuana. There’s nothing like this under the current section of the act, Mr. Chair. Under the *Liquor Control Act*, under section 34, there’s nothing like this under this particular section. If it’s somewhere else in the act and the minister can point it out to me, I’d appreciate it.

My concern is that the board is given absolute discretion. Again, I quote: “the board, in the board’s absolute discretion, is of the opinion that the applicant is not a fit and proper person to keep and operate a premises where cannabis will be sold ....”

My question is: Is there any standing policy in determining if a person is not a fit and proper person? How is that going to be determined? Will there be a set of guidelines? I don’t see it under section 34 for liquor licensing. If the minister had a minute now to have a look at it, I can give him some time just to research a little bit.

It is under subsection (5). It’s section 34.1, which talks about granting licences. It also talks about: “A licence shall only be granted under this section to (a) an individual or a group of individuals, where that individual or each member of the group of individuals is at least 19 years of age; or (b) a corporation or partnership authorized to carry on its business in the province whose officer or agent in charge of the premises for which the licence is required is at least 19 years of age.”

Subsection (5), which we’re now discussing: “The board shall not grant a licence under this section where” – and there are 12 or 13 different paragraphs. So (c) is not a fit and proper person.

I don’t know, Minister, if you had a chance to look and provide some other information. I’d appreciate it.

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

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

The Member is asking a question as it relates to section 34.1(1). Basically, what we’re talking about here is who the board can grant a licence to. They may grant to a person a licence to possess or sell cannabis and it lays out certain characteristics here: it has to be an individual or a group of individuals; they have to be 19 years of age; if it’s a corporation, they have to carry on business in the province.

Then when you get to subsection (5), the section the Member is asking about, it says: The board shall not grant a licence under this section where – and it lays out a bunch of sections. So what we want to think about here is keep in mind that purpose is giving the board discretion to refuse to grant a permit or a licence to sell this substance, where they haven’t paid the fee, they haven’t met the requirements set out in 3 and 4, which is the age and the corporation part.

You just go down through it, if we feel that – and I say we, but it’s not we, it’s the board – the past conduct gives reasonable grounds that they’re not going to carry the business on in accordance. They committed a wrongdoing in the past of various pieces of legislation. That section says “the board, in the board’s absolute discretion, is of the opinion that the applicant is not a fit and proper person to keep and operate a premises where cannabis will be sold.”

So what I would say is that whenever we deal in anything, whether it’s alcohol or whether it’s cannabis, we have to ensure that protections are put in place that basically the law is being upheld and that there are certain standards being set.

Now, what I would say, again, the board has that absolute discretion, but any person under subsection (c) that is denied this would have an opportunity or a right to contest this. It's not like it's boom, you're blackballed. You're out and that's it; it can't happen. What I'm saying to you is of the opinion that the applicant is not a fit and proper person.

What I'm saying to you is you have to look at what they're trying to do here. I see the Member opposite, I think he might get where I'm going with this. I think the section here states very clearly that when you look at it in its entirety is that we don't want to have a situation where the wrong people are being put into a business here where there are certain controls that have to be put in place.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I'm not going to repeat it, Mr. Chair. I'm not going to repeat what he said. I'm not. We are talking about 34.1 – and I get it. Under 34.1(1), (2), (3) and (4) talks about granting a licence; (5) talks about not granting a licence.

Minister, maybe you can just give me some insight because my concern about it is – and I appreciate where you are, but my concern about it is it says the board's absolute discretion. So when you talk about having the right to appeal and so on, when it says the board's absolute discretion, that kind of means their decision is final. That's what it means, their decision is final.

Minister, under (5)(g), the board shall not grant the licence under the section where “the granting of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located.”

Now, Mr. Chair, I go back to questions I asked earlier on this very section. The Minister of Tourism, Culture, Industry and Innovation answered the questions, or responded to my questions anyway, about the length of time for licensing and so on. He referenced that I was somewhat hypothetical, but under – I appreciate

what he said; I just remind him, that's all. Under subsection (5), “The board shall not grant a licence under this section where ... (g) the granting of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located.”

I'll ask the minister: Will there be guidelines around this particular section whereby the public will have a process to go through, should they wish to express the needs and wishes of the public in that particular community where the premises will be located?

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

**MR. HUTCHINGS:** Thank you, Mr. Chair.

I just want to reference again – I think the minister has spoken to the section in regard to the appeal process. I think he concluded – if he would just repeat, I think there was an appeal process in either the case of the section in regard to whether a determination was made that conduct – I think there were two sections, 34.1(c) and 34.1(e), and one deals with the absolute discretion and the other one talks about “the board reasonably believes that the past conduct of the applicant establishes reasonable grounds for the belief that the applicant will not carry on business in accordance with the law and with integrity and honesty.” I think he indicated there was an appeal process.

For either of those cases, if an application was denied, there would be an appeal process heard before another application would be accepted.

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

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

I think where the Leader of the Opposition was going with this was (5)(g) “the granting of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located ...”

We know that there are certain situations, certain communities, particularly as it relates to the provision of alcohol, that the community has the

ability to say that it's a dry community. That's something that has been kept in mind to certain communities where this may also be chosen to apply.

Again, the granting would not be in the public interest – this is a discussion that would happen in particular circumstances. I'm aware of a couple of communities where that is the case right now. I think this is basically where this is laid out to, to cover off that type of situation.

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

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

I would just like to go back to an issue I raised and the Minister of Finance said to me: Well, the Newfoundland and Labrador Liquor Corporation would have to build 150 stores. Then in response to another question, the Minister of Finance said: Well, it just needs to be for a private enterprise, simply needs to be a different section from the alcohol in the store.

I'm wondering if the minister can give us a little more clarity about what exactly would be required by any store, whether it be the Newfoundland and Labrador Liquor Corporation or any other store that may be selling alcohol, what exactly would be required?

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Mr. Chair, the RFP will clearly identify what the requirements are for any private entrepreneur who would like to look at retailing cannabis.

I have to say to the Member opposite and her questioning to the Minister of Finance, we have fewer than 30 corporate NLC stores across the province. If you have to look at the jurisdiction, the geography of which we have, the capital expenditure of looking at building stand-alone stores that don't exist now for alcohol, but to look at doing it specifically for cannabis, it seems to be – I'm not sure where the Member opposite is doing the particular research on that matter for it to be a viable option for the

Newfoundland and Labrador Liquor Corporation to go down that road.

We have been very clear that the NLC would be only used or the express retail outlets that currently sell alcohol under NLC, they would not be given preference over an alternate retailer that would be looking to retail cannabis.

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

**MS. ROGERS:** Mr. Chair, I am fully aware of how the Newfoundland and Labrador Liquor Corporation operates. It has its corporate retail stores. It has its Liquor Expresses in different parts of the community. It has an infrastructure and a culture and experience and expertise in dealing with controlled substances.

So I'm not sure why the Minister of Tourism, Culture, Industry and Innovation would be answering the questions that I'm asking of the Minister of Finance, why he would assume that we're not aware of how our liquor corporation works. We all know that, and it's also very, very successful.

We also know that people are trained well, are paid well. They have benefits, and the profit from the sales stay within the public sectors. So I'm fully aware of how the liquor corporation works.

Again, the Minister of Finance said we don't need a separate, stand-alone store. He said what we need is we simply need to put it in a different section from alcohol. Well, that's possible in our corporate stores. It's possible to do a small separate section.

Cannabis doesn't take up a whole lot of room. It doesn't. It's not like bottles of alcohol. It takes up very little room. So the actual footprint for the retail section for cannabis is quite small. We also know in communities where it's not possible for the liquor corporation to set up that there are going to be online sales.

Mr. Chair, I would ask the minister again, can he table the analysis on which he made this decision?

Earlier I spoke about the possibility of the profits of the sales of cannabis going back into the community, to go back into our public funds. We don't even know if it will be stores that are national or multi-national that will open up a number of retail shops. That means the profits will be taken out of the province, will not be reinvested into the province. Is this an opportunity we are missing?

Again, I would ask the minister – either of the ministers – not to answer by exaggerating or misconstruing what I have said so far, because I know how the infrastructure for our liquor corporation works. It's successful. It's time honoured. It's doing what it's supposed to do, and it can do this as well. Why the minister would go toward listening to those who would advocate not to have their profits reinvested back in the province, it's a mystery to me.

My question is, why can it not be – if, in fact, the minister said it just needs to be in a different section from alcohol, why it cannot be set up within the structure and the infrastructure of the Newfoundland and Labrador Liquor Corporation, as in the Liquor Expresses that are operated by private enterprises in different parts of the province as well? What's the big deal here? Why can it not be done?

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

**MR. OSBORNE:** We've already expressed, very clearly, that it will be only in extenuating circumstances. It is not the model. It is the exception only in extenuating circumstances, if there is a market in an area for the product, but we don't have a retailer come forward. I have my doubts that that is going to happen, but we have to be prepared in the event, so we built it into the legislation.

I will ask the Member, are you advocating that every liquor outlet in the province have a section within it to sell cannabis? Because there are social problems with that; they are well founded.

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

**MS. ROGERS:** Mr. Chair, what I am suggesting is that we use the infrastructure that

has been proven successful within the liquor control of Newfoundland and Labrador. We have experienced salespeople.

For those entrepreneurs who have private Liquor Express outlets and they do not want to sell cannabis, absolutely they should not sell cannabis. Nobody should be forced to sell cannabis; however, let's use the time-honoured, time-tested successful infrastructure and model that we have. Why would we not when it means growing well-paying jobs and reinvesting the profits from sales back into the province?

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

I was going back to 5(g); I don't think we finalized it. I think the minister may – I know he's been doing some work over there, the Minister of Justice and Public Safety, so he might have another comment on it.

Under 5: "The board shall not grant a licence under this section where (g) the granting of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located."

I'm just wondering if the minister envisioned some type of an opportunity for public engagement or a public consultation meeting. What do they envision there when there may be a community – I know he did reference dry communities. I never thought about that when I first read it. I appreciate the minister providing that because there are communities who are known as dry communities in our province, but there are also small communities that have some very strong views within the community on certain aspects of life and sometimes that involves alcohol intoxicants and the use of, and may also have a strong feeling on the sales of cannabis. I was going to say marijuana, then I was going to say narcotics, but the word I know they want to use now is cannabis, so on cannabis.

I'd ask the minister: What does he envision there if someone applies within a community for a licence to sell?

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

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

I think perhaps what was envisioned was the situation we currently have in very, very, very few communities where they are what we know as dry communities; there's no alcohol allowed in the communities. There was a thought process that maybe this is something that ought to be considered.

This is something that's going to be legalized in Canada; it's going to be legalized in every province. So I certainly don't envision a process where communities are going to sit around and have a referendum on whether they want to do this or not. I don't think that's what's being envisioned at all.

I think this is something that's been debated for some time; people have known this is coming for more than two years now. It's certainly not something on our end that we plan on doing.

I know the Minister of Municipal Affairs hears from MNL all the time. I'm not sure if this is a topic that's been brought up to him. He can speak to this at some point. This was to cover off a specific area of concern that had been raised. I'm certainly not talking about having multiple communities talking about – many communities, actually, are talking about the potential here to have new business and to have new industry, so that's very exciting.

Thank you.

**CHAIR:** The hon. the Member for Topsail – Paradise.

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

For the minister's information, I only have a couple of more points that I just wanted for clarification.

Again, under section (5), if we go over to (i) there are three subparagraphs. To read it as it should be read, in all fairness: "The board shall not grant a licence under this section where ... (i) the management, equipment, accommodations and facilities of the applicant's

premises (i) do not conform with the licensing standards and operational requirements as determined by the corporation, (ii) do not conform with the laws and regulations of the province, or (iii) have not been approved in writing by an inspector appointed under the *Liquor Control Act*."

My question is about the inspector. I know the Newfoundland and Labrador Liquor Corporation has liquor inspectors. Will they anticipate the requirement for additional inspectors? What kind of training do they envision that inspectors will be required in order to carry out those types of inspections?

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

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

What I would suggest is that NLC will have to make a decision as to what they're going to need in terms of inspectors that are going to be necessary to cover this off. That's one of the things that I think there will be the creation of additional jobs, especially at the outset of this. This is something that's extremely new.

A lot of this is evolving. There is nothing set in stone here as to what the NLC is going to do. It's probably hard for them to even envision what to expect in terms of when the RFP goes out, what's going to come back, what that uptake is going to be, what that level of interest is going to be.

I can only talk anecdotally on the calls that I've received since then saying: I'm very interested in this. I'm looking at a business loan. I want to reach out. It's hard to tell, but what I would suggest is that section (i) there is just one of the reasons where a board is able to not grant the licence. This is where we're dealing with: The management, equipment, accommodations and facilities don't comply with the licensing standards or the laws and regulations of the province.

They have inspectors now that are able to do these types of inspections as it relates to alcohol. This is just going to be something added. I think there's going to be an education component to this. Whether you're an inspector with NLC, or

whether you're a student in schools, or whether you're a legislator in this House, there's an education component to this, but that's something I don't think has been determined yet.

Thank you.

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

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

I just have a couple of questions or comments. The first issue, and it's kind of been raised, is as it relates to the RFPs – I heard the minister of business and innovation talk about – that's going to go out. I'm wondering how that process will work. Will there be consideration – or any special consideration – for local business, how it will work if one company applied to have 10 stores? Is that possible?

I guess what I'm getting at is that unlike in the retail trade and the normal course of business, when you're dealing with normal goods and services, sure, anybody can open up a store; it's a free market, competition. You can have chain stores that are coming from the Mainland, from the United States. Multinational firms can come in; they can compete and so on.

But when we're talking about this, it's a controlled product. It's through the NLC; it's controlled by the government. It's basically a monopoly, a legal monopoly to some degree. It's different than somebody selling shoes or selling windshield wipers or whatever it is they're selling. It's different; therefore, I would think that we would have some level of control based on that to ensure this is going to be sold locally.

Now, there's one issue that the Member for St. John's Centre, of course, is advocating that it would be sold through the liquor stores. It would be good-paying public service jobs. That's one aspect of it, but I guess the other side of it is even if we allow it to go to private business, is there a way we can assure that at the very least it's local businesses so that the profits and the money are going back in Newfoundland?

Not that we're going to have Walmart come in and all of the money is going to go to one billionaire in the United States, and that's where

all the money goes; we don't benefit from it. Yes, we'll get a few minimum wage jobs, but that's all we will get; whereas, if we ensure that they were all local businesses that were doing it, at least the profits, one would think, would be reinvested in the communities and so on. I'm just wondering if there's consideration for local business to have a priority in opening up their little shops.

You don't need huge infrastructure. We're talking about selling cannabis; you only need a little small storefront like a little smoke shop. That's all I would envision at least. It's not like you need a big giant footprint. There's no reason why any Newfoundlander and Labradorian can't open up a little cannabis store as long as they meet all the requirements. I would think that should be a priority to make sure that happens as opposed to it going to some big chain store.

**CHAIR:** The hon. the Minister of Tourism, Culture Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

I thank the Member opposite for his question and concern about highlighting the opportunities that would exist for Newfoundland and Labrador entrepreneurs here in this province.

If you look at the NLC and you look at their record when it comes to RFPs, when it comes to the criteria that are put in place, and you look at the independent private operator of NLCs, you would be able to look at that mix and look at the community impact they would have over a controlled substance. Primarily the majority, the vast portion of all the product that will be at NLCs will be imported here into Newfoundland and Labrador because we're not a vast producer when it comes to alcohol product.

Although, we are very proud to say that our craft brewing industry is seeing more and more jobs being created all across Newfoundland and Labrador. You're seeing that opportunity on a small scale that is happening. The provincial government wants to see maximum value to the people of the province when it comes to private sector job creation and return to the Treasury when it comes to this process.

The NLC has a proven track record when it comes to going out and seeking those who want to get into business, looking at the various products that would be carried. It's too early to tell exactly what type of products, the number of products and all these type of things. Those types of decisions will be made based on the decision of the NLC, as they do with certain stores that they have, carrying a minimum amount of product, et cetera, et cetera.

Obviously, this is certainly something new for Newfoundland and Labrador, but we feel that the Newfoundland and Labrador Liquor Corporation has the capacity and they have a proven track record where they have been investing in local entrepreneurs in Newfoundland and Labrador that are independent franchisees that exist in the marketplace today.

Thank you.

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

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

I thank the minister for his commentary, but I would challenge it, to some degree. Yes, I understand that in small, rural communities, no doubt, that there are local businesses that are operating the Liquor Express stores and so on – in small, rural communities, absolutely.

But when you get into areas like the St. John's metro area and so on, that's not the case. If you were to look at all the private liquor stores, every one of them are attached to a big grocery store chain. As a matter of fact, we had a local liquor store outlet in Paradise, by way of example, on St. Thomas Line. What was it called? Hamilton's Grocery; there, for years, they had a liquor outlet. That liquor outlet brought an awful lot of customers into that store and they helped make the rest of the business very viable.

Of course, what did NLC do? They decided we're going to take it and we're going to put it into Sobeys in Paradise, we're going to give them the liquor store, take it away from the small, local guy who is going to spend his money, invest his money in Newfoundland and

Labrador and let's give it to Mr. Sobeys so he can make a few more billion dollars, or a few more million dollars off us and take his profits to the Mainland.

That's what happened with the liquor store, so I guess my concern and question is more around – once again, yes, I get it, in rural Newfoundland in small towns, yes, there's an opportunity; but when we get to the larger areas, I wouldn't want to see Sobeys, Dominion, Shoppers Drug Mart or whatever opening up all the cannabis stores under their name and all of the profits gone to the Mainland and none of it reinvested in Newfoundland and Labrador, except for a few minimum wage jobs which no doubt, if a local person did it, they would have to hire the same workers anyway, but at least the profits would stay here in this province as opposed to going off to the Mainland. So I guess that's my concern, Minister.

**CHAIR:** The hon. the Minister of Tourism, Culture, Industry and Innovation.

**MR. MITCHELMORE:** Thank you, Mr. Chair.

I appreciate the Member opposite's concerns. I would ask, though, that we are debating a particular bill; there are various clauses in the bill of which we're here and prepared to answer questions. If you want to get into operations when it comes to the NLC and their overall process, then questions can be posed to them. They have an RFP process when it comes to alcohol right now that after a licensee or a franchisee who is in the private sector, they have their agreement, their contract and that contract can either be renewed or it goes up for bids. It goes up through that process. That is a competitive process.

I've seen in my very own district where a private franchisee of a retail outlet has lost their licence and it's moved to another location, to another venue as well. And that's part of the free market and part of a competitive process. I'm sure, as they develop their RFP, there will be some restrictions, maybe in terms of distance, in geography from store, so that the market is not over penetrated and over saturated.

But that is something that I would leave up to the capable hands of the management and the board at the Newfoundland and Labrador Liquor Corporation. They have the experience and they have been doing it. They have a proven track record and they have been returning significant dollars back to the Treasury in terms of their corporate stores and a private retail model.

This is why we've gone down this route as a hybrid model so that we can make sure that we have the proper regulations, that we are prepared, that we can look at creating maximum employment and that we can look at the return to Treasury and provide benefits for Newfoundlanders and Labradorians all across this province.

Thank you.

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

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

I thank the minister again for his answer. I will say, though, that we're debating this bill here in the House of Assembly, so I'm not going to be debating with Newfoundland and Labrador Liquor Corporation. That's why we have legislation and that's why we debate it here.

Obviously, the minister has given me his position. I would suggest that I do have some concerns about it. I certainly just want to, for the record at least, say that I do. NLC does have a proven record, as I said, and I'm not questioning everything that NLC has done. They've done a lot of good stuff and they brought money to the Treasury, there's no doubt; but then again, if you have a monopoly, it's pretty hard that if you couldn't bring profits to the Treasury, we'd definitely have a big problem.

Again, I will stand by my concern that obviously then we're talking free market – I understand if we are talking regular retail items, that's one thing; we're talking about a government-controlled product, one product, being cannabis. It's controlled totally by us. We should be able to ensure that we maximize the benefit to Newfoundland and Labrador. If we go totally the route we've gone with the liquor store, then what we open up for the possibility of is for

some of these big, giant retailers to come in, particularly in the urban areas, and take over all of the sales and all of the profits go right out the door.

Yes, it will provide a few minimum-wage jobs. Then again, if ma and pa down the street did it, they would provide the same jobs. They still need to have a clerk in the store; they still need to have people there to work, no different. The only difference is their money, their profits, would be reinvested here in Newfoundland and Labrador as opposed to being sent off to the Mainland to the billionaire that owns the large chain.

The only other question I have, and this is for the Minister of Finance – I'm assuming it's the Minister of Finance. I'm just wondering about the taxation. This is an issue that's been raised by a number of people to me. They were concerned about – or I don't know if they were concerned about, but the question they had around taxation is: If we tax the marijuana too high, based on the excise tax, and I guess there's going to be sales tax and everything else and then there are issues around price setting and how that will work, then the concern is if you make it too high then people are just going to buy marijuana off the street anyway because why would you pay double for the same product?

I understand because one is legal and one is illegal, but the bottom line, if you're going to pay twice as much for it, the average person who's buying it, if they can buy it off Joe down the road, once they have it, the police aren't going to know if it was the legal stuff or the illegal stuff, I suppose. So if you want to create an incentive for people not to buy the illegal stuff, you can't have the price of the legal stuff so far out of reach that it's a disincentive for people to buy the legal stuff.

I'm just wondering: Is there any thought on how the prices would be set, what tax would be there and whether the prices of the cannabis bought legally would be in any way close to the price of what you buy off the street? I can see the Minister of Finance is really engaging in what I have to say there and I certainly look forward to his answer.

**CHAIR:** The Chair recognizes the hon. the Member for Topsail – Paradise.

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

I'd like to move on to section or paragraph 5, which is the repealing of section 41 and being replaced by: "All money received from the sale of alcoholic liquor and cannabis accruing in the administration of this Act shall be paid to the corporation."

Mr. Chair, there's a tax discussion happening federally. The federal government has said a 50-50 split on taxes collected through the sales of marijuana – there would be a 50-50 split with the federal government and the province. We're hearing talk now that the federal government is going to revisit that. I ask the minister if he has any comment on it. Is there a goal or – I should just explain for a second because I realize there's an anticipation, but also an unknown about the sales and the potential revenue. We're hearing from provinces on the high cost of implementing the requirements for the legalization of marijuana.

The province has said here as well – has publicly said – the responsibility of much of the administration is borne by the province and the cost comes to the province. There have been thoughts and concerns expressed that a 50-50 split with the federal government on taxation revenue would be inadequate and it should be a split that more favours the province.

I ask the minister: Are there efforts underway by your government to increase that split from the 50-50 split?

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

**MR. OSBORNE:** Thank you, Mr. Chair.

I thank the Member for his question. The 50-50 split is not acceptable. It's not acceptable to this province or any other minister of Finance in any other province or territory. We have been dealing with and dialoguing with the federal minister of Finance over this particular issue.

At this particular stage, we're still in dialogue. I won't say what the outcome of that dialogue will

be until the dialogue is concluded. I will say that the federal minister has already come out and said that he is open to an arrangement other than 50-50, so we will continue that dialogue.

In reference to earlier questions by the Member, I do want to just clarify some language because what we've done here is simply updated the language. Some of this language was already in place but somewhat updated.

There are two bills. There's one bill, the *Liquor Control Act*, and the other bill is the *Liquor Corporation Act*. I believe this one is under the *Liquor Control Act*: "A licence shall not be granted to a person unless the applicant qualifies under the regulations in respect of his or her eligibility and conduct, and the management, equipment, accommodation and facilities of the applicant's premises (a) are so located as to not cause inconvenience to a church, school or hospital ... (e) are suitable for carrying on the business of selling alcoholic liquor in a reputable way, and are constructed and equipped so as not to facilitate a breach of this Act, or the regulations and have been approved in writing by an inspector as appropriate to become a licensed premises." Very similar to the previous act, I would say.

"A licence shall not be granted to a person unless he or she is an appropriate person to keep and operate the kind of premises in respect of which the licence is sought and he or she has not been convicted within 3 years before his or her application for the licence for an offence under the *Criminal Code* ...."

It goes on to say that "the board may refuse an application for a licence or refuse to approve the transfer of a licence where (a) past conduct establishes reasonable grounds for the belief that the applicant will not carry on business in accordance with the law and with integrity and honesty; (b) the applicant is carrying on activities that are, or will be, where the applicant is licensed, in contravention of this Act or regulations; and (c) in the case of an application for a licence, the issuing of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located."

“The board shall refuse to issue a licence to a person or shall cancel the licence of a licensee who has been convicted of an offence under section 124.1.

“The board may cancel a licence where the licensee has been convicted of an offense under the *Smoke-free Environment Act, 2005*.”

This act was updated a couple of times, including 2005 and 2009.

**CHAIR:** Shall clauses 2 through 8 inclusive carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, clauses 2 through 8 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, enacting clause carried.

**CLERK:** An Act To Amend The Liquor Corporation Act.

**CHAIR:** Shall the title carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 23 carried without amendment?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

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

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

**MR. A. PARSONS:** Mr. Chair, I move that the Committee rise and report Bill 23.

**CHAIR:** The motion is that the Committee rise and report Bill 23.

Shall the motion carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

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

**MR. SPEAKER (Trimper):** The hon. the Deputy Speaker and Chair of Committees.

**MR. WARR:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 23 without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 23 without amendment.

When shall the report be received?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

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

**MR. SPEAKER:** Tomorrow.

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

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

**MR. A. PARSONS:** Yes, Mr. Speaker, I call from the Order Paper, Order 5, second reading of Bill 21.

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

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

It's a pleasure to speak to this particular bill, An Act to Amend the Members of the House of Assembly Retiring Allowances Act and the Portability of Pensions Act. I was actually sitting in the Chair that you occupy, Mr. Speaker, when this issue first came to light and was dealt with by the Management Commission.

The provisions of this act come from the recommendations of the Management Commission. They've been passed by the House of Assembly Management Commission – or I should say they come from the recommendations of the MCRC, have been approved by the Management Commission and now on the floor of the House of Assembly.

Just to give the Explanatory Notes: “This Bill would amend the *Members of the House of Assembly Retiring Allowances Act* and the *Portability of Pensions Act*.

“The *Members of the House of Assembly Retiring Allowances Act* would be amended to clarify existing provisions of the Act that relate to entitlement and calculation of registered and supplementary allowances to be consistent with the terms of the pension plan. The Act would also be amended to provide that a member of the

House of Assembly who is elected for the first time to the House of Assembly on or after November 30, 2015 must reach the age of 60 years before he or she is eligible for a pension; is not eligible for a reduced pension; accrues a pension at an accrual rate of 2.5% of the MHA's or minister's salary per year; and is not permitted to be credited with pensionable service under the Members of the House of Assembly pension plan for service accrued under another public sector pension plan or a pension plan of another government or entity.

“The *Portability of Pensions Act* would be amended to exclude a member of the House of Assembly or a minister elected for the first time on or after November 30, 2015 from the application of the Act.”

So, Mr. Speaker, this is in keeping with the recommendation put forward by the MCRC, who is chaired by Sandra Burke, and it's also been in keeping with what was passed and debated at great length in the Management Commission – I got you, Madam Clerk. I'll look after it; not to worry.

It is in keeping with the Management Commission, Mr. Speaker. It's in keeping with the decision of the Management Commission and it's now on the floor of the House of Assembly. So I'm delighted to speak to this act and I'm delighted to have second reading of the act – the seconder for this particular act is the Minister of Tourism, Culture, Industry and Innovation.

**MR. SPEAKER:** It is moved and seconded that Bill 21 entitled, An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act And The Portability Of Pensions Act, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act And The Portability Of Pensions Act.” (Bill 21)

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

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

Everything I said before, ditto.

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

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

So much for prep time for the hour to get ready for it; in response, I'd like to echo exactly what the Minister of Finance just shared with the House of Assembly. It's a privilege to stand and speak to the amendment to Bill 21.

As the minister so eloquently outlined earlier, just to give our viewers a little bit of understanding of how it works, every time after a general election, and a General Assembly is put in play, a commissioner is appointed and a commission to oversee the operations of the House of Assembly, particularly around the compensation for its Members.

Obviously, it's a moving target relevant to the economic situation, the attraction to the office, the makeup of a particular office for an MHA and the compensations that are related to that. People would say over the years there are certain packages around the pension plan for MHAs that were fairly lucrative. If you come from an area where you get a civil service pension or if you come from the private sector where there are no pensions, it was a very lucrative program.

To bring it in line, from a financial point of view, a full review is done and there are interviews that take place with staff within the House of Assembly, entities outside but, particularly, MHAs who are interested in meeting with the commission and outlining some of their concerns or issues or clarifications. But it's also particularly for the commissioner and their staff to ask questions of MHAs for clarification, how they operate, how they operate their offices, issues around travel, issues around compensation, what's expected of them from a financial point of view, what are some of the challenges they may have. It's finding that balance between what is a proper compensation for an MHA in their operations versus what's acceptable by the general public when they see an MHA offer themselves for office and get elected, and what's a workable and palatable process there from a financial compensation.

What people don't realize, there are a lot of integral parts there. There are different

variations of travel, for example. There are some MHAs, colleagues here in this House, who have to take helicopters to get to their district. What does that mean from the way of what kind of a travel budget they would have?

There are other ones who have to travel hundreds of kilometres any given time. There are some who travel by ferries. There are some who can just walk out their door and be at Confederation Building and their whole district is within a two- or three-kilometre radius. So it depends there. It's not as simple as people saying here's a budget for everybody to operate and everybody operates the same way. There has to be that type of dialogue. I give credit – I've been here for three of those, and everyone is unique, because a new commissioner comes in and has a different perspective from sitting outside. It's always – my three times, it's somebody with a legal background, because it is a legal document and it's a piece of legislation. So they have to understand the integral workings, because it's a contract between the people of Newfoundland and Labrador and the MHA who signed on and was elected by those people.

It's very encompassing at some times for the discussion of understanding, as I mentioned earlier, the balance between what it takes to be able to run in office and be an MHA and represent your district in a holistic approach, and being financially fiscal to be able to ensure the job gets done, but the taxpayers are not paying exorbitant amounts of money. And, just as importantly, that it's fair across the board. That every MHA, regardless of the size of their district geographically or the population, have the ability to be able to represent their constituents and have contact with those constituents. There may be various ways for that to be done. So there is a whole compensation process. I just outlined this to give our views there a better understanding of what it is that we're debating here.

If there are major changes, some may be just operational, but if they are major changes that affect the legislation – and the compensation is put into legislation around our salaries, the compensation for travel, the processes there and the pension plans, particularly. In this case, one of the big ones here is around the pension

remuneration and the process. It also includes when you can pull down on your pension. When, at the end of the day, what that compensation would be.

Issues around if you had a previous pension within the civil service, how you roll that into an existing one, and are the benefits to the taxpayer or are the benefits to the MHA or is it a balance there to make it attractive enough and not to make it such that a person who's committed their career for a number of years in a pension plan in another program would lose or in any way financially be detrimental to that ability to draw down on that. While at the same time, it's also to ensure that it's lucrative enough to be attractive, but not too lucrative, that there's segregation between those with pension plans and who pay into it, to those who don't have it and that big gap.

There has been discussion over the last number of years – this is not the first time that the pension plan process has been reviewed and changed. A number of years ago, the same review was done and then it was a recommendation to move it down. This will be our third or fourth movement from a pension plan over the last probably four or five Assemblies, and reviews.

At one point, it was extremely lucrative. There may be some Members here, which I think there are, who are on the higher pension plan. It was reduced and reduced again now. It's at a point now where it's in line with the civil service and the norm of what a private sector pension plan program is about. It's reduced to 2.5 per cent annually for a Member in the House of Assembly, but it also notes some other changes in when you can draw down on your pension. You can't do it now before the age of 60, to be eligible; you're not permitted to be credited with pensionable service under the MHA Pension Plan for service accrued under other public sector pension plans. So you can roll those into it, but now you have to wait longer to be able to draw down on it.

What that basically says there is that the pension money, which is the public purse, can't be drawn down until a particular time. That gives, obviously from a financial point of view, an opportunity to be able to spread the payments

out over a period of time and it makes a commitment that if you're going to go into the public service, particularly as an elected official, that there's a certain commitment you have to make and there's a certain service you have to provide before you can draw down on it. That's basically what was being discussed, but the crux of the whole process here was to ensure that the financial liability was in legal par.

Now, there's been some debate – I went and met with the commissioner for a period of time and outlined some of my concerns relevant to equality across the board. Some of it was relevant to my own district and some of my own concerns. A lot of what I discussed was what I had heard from my colleagues and had watched in the House, how some of the other ones have some particular challenges around travel and compensation and what was reasonable at the time.

The commissioner, we had a good, open debate. We had a follow-up debate in this House after hours in a round table discussion with the commissioner about some of the recommendations. No doubt, some we fully agreed with. Some we questioned whether or not they were in the best interest of the MHAs when it came to travel and these types of things, but there's always going to be a difference of opinion. Somebody from outside would see it from a different perspective than somebody who deals with it on a day-to-day basis and understands that.

There's nobody in this House who doesn't understand the reality that we have to deal with when it comes to being open and transparent and showing to the general public that this is about a career choice we've made, that people have entrusted us to do and that fair compensation is fair compensation, but elaborate compensation is not acceptable. It's beyond the norm.

I think we've come to a good balance, particularly around pensions. The travel things are out-of-pocket expenses. If you take on any job, you don't expect to lose money out of your own pocket when you take that and you provide the service.

Those things were debated, and at the end of the day an acceptable agreement was put in play.

Some had benefited a little bit more because of the challenges they may have in their districts. Some other ones, it took away from what was already in place but everybody understood this was about being fiscal, showing that we all do our part here and we all try to have a balance done as we look at that.

The pension plan; it's unfortunate that not everybody is on the same system. That's based on the principles of when the review was done and the recommendations by the commissioner would outline exactly what at the time. It's a snapshot in time.

When things are financially good, an extra 1 per cent on a pension is not a big issue for people. I say people from outside, from a different perspective who are looking at it, and saying: okay, well that's reasonable. But a different snapshot in time, and there are more challenges financially or these decisions having to be made around program cuts or services, then that extra 1 per cent adds up to X number of dollars, which people then see. Maybe it's money that could be better used to either provide a new service or continue an existing service. So it was a balance there.

The other thing is there's an understanding, while being a politician is a unique job, and coming from somebody who was a civil servant realizing at times you'd say you'd never want to be a politician and there are times being a politician you'd say you'd never want to be a civil servant because of the challenges and that there. Now what we've done with the pension plan, we've brought it in line. The pension plan for MHAs is in line now with the pension plan for civil servants.

There is a continuum there. There's an even line that we all service the people in different capacities and that the pensionable years – and there has to be. That's one of the attractions of going into public life, but particularly as an MHA, that there is pension plan.

Now, I know people say lucrative pensions and all of this, but what people forget is this is no different. I explained this to some of my bureaucratic friends only recently when we were having a debate about it. The pension plan for an MHA now under this new section is the same as

for them. Keeping in mind, the longevity in politics, at best, is eight to 10 years in most cases. If you draw down at 2.5 per cent from that perspective, it's not a big pension.

A number of years ago, there were people who left the House of Assembly after 10, 12, 15 years when the pension plan was 5 or 7 per cent. It was a little bit more lucrative and there were higher salaries at those times. Keeping in mind, salaries for MHAs have been rolled back over the years. There are a number of things there. At that point, it seemed really lucrative. That's why I want to just explain that things have changed dramatically to bring things in line with the other jobs that are within the civil service, so that there's a comparable process as part of what's being done here and the taxpayers get the right return on the salary base and the compensations that are being put forward.

As we do know, obviously we're in the midst of the civil service and the various bargaining units looking at exactly what would be an acceptable agreement to sign off on. We all understand that everybody has to do their part from a financial point of view. That's part of the whole review process, after the election and every General Assembly by the commissioner, is to look at, for the next four years, what's a proper compensation process. What's fair and equitable, and what sends the right message to the general population out there.

The right message is we're all in this together. In hard times, we all try to dig in and do our part. Sometimes we have to bite the bullet, as they say, a little bit and take a little step back from a financial point of view. In good times, when the money is there, you plan properly and maybe the compensation is to get back to where you were.

That's how it works within the civil service, how it works within government and that's, I think, the compensation that came through here. It wasn't always exactly what we liked and it wasn't always what we agreed to. The difference here, when people come into – sometimes in a General Assembly the changing is you come in on a job with an understanding this is what your compensation is going to be.

Fortunately, or unfortunately, in this process the compensation review process dictates that they

can then implement mid-stream – like what’s happening here – changes to the compensation process. That then becomes, is it fair? If you take a job with a company, if you take a job in the civil service, you know when you’re coming in, you know what the compensations are for that job, you know what the pay scales and that are as part of that.

That’s the process. That’s why the review process is there, and the MCRCs are there for that particular reason. The commission does a review; they come back with a set of recommendations. Then the Management Commission reviews that. They’ll do a debate on that. They may want to try to go back to the commission. They can accept all or none, or some of the commission’s recommendations.

In most cases, unless it’s extremely off to one side, they’ll try to define a happy medium there and try to come up with something that’s sellable to the general public and acceptable in the House of Assembly. Sometimes it’s not always the right plan, but in this case decisions were made. There was a lot of debate. At times a lot of clear understanding of why people had some concerns and some challenges around the commission having a better understanding of exactly the roles of MHAs.

Maybe that’s a role we need to play. We need maybe somewhere down the road to get it out there more of exactly what the operation is of an MHA. It’s not only just sitting in the House or attending somebody’s function, but the whole operations of getting to your constituents, dealing with your constituency issues, the travel parts, all those types of things.

There may be some recommendations down the road around the configuration of the commission, what that looks like. Maybe the traditional way we’ve done it isn’t in the best interest of those being elected or those people who are elected to serve when it comes to developing a proper compensation package that will be acceptable and will be in the best interest. There has to be a happy medium. That it’s attractive enough to be able to ensure that there are a multitude of people who put themselves forward as candidates.

In this day and age where we have booming industries in the oil industry and the construction industry, we have some very healthy salaries out there. What was considered a great compensation package as an MHA – and still there are. From an everyday point of view, it’s a decent compensation package that we have, but for the amount of work that people put into it, there has to be at least an open dialogue as to what’s needed when you’re travelling, when you’re working within your district, when you’re trying to communicate with your constituents.

So there are a number of changes there that we’re still – it’s a living entity. We’ve managed to make some changes to some of it that we feel was in the best interest of serving our constituents, and that would be through our communications and our access.

The pension plan, while there was a lot of debate, it never got to where I think everybody would have wanted it to go at the end of the day; but it was a recommendation that was put forward by the commission and was adopted by the Management Commission. This is what we’re here now debating, this part of the bill itself, as part of it.

While I’ll be supporting that, I do think that it should go on record that the whole review process has to have a different configuration. Maybe there needs to be a component there of either former MHAs or Citizens’ Rep, or somebody else who also goes to that legal counsel, to look at the whole perspective. Maybe there’s a better way as part of the whole compensation package that we can better serve our constituents, and that could be through the use of technology, it could be how we travel, it could be how our offices are set up or it could be how we communicate.

All of these things are important when you look at how you’re going to serve your people in your districts, how you’re going to recruit candidates and how you’re going to follow the procedures in the House of Assembly. That all has a bearing on the compensation package that’s offered and it has a bearing on how often and to what degree you can meet with your constituents.

They are all very important issues that have to be put out there. This particular one here is

around the pension plan and the drawing of the pension plan, and there are a number of changes, as I noted here, about the age when you can draw down on it, how long you must serve to get elected to be able to do it, the percentage now has dropped dramatically from the previous proportion.

The other issue here is that there was a lot of debate around if you're going to change the legislation it should be on a go-forward basis. Those who were elected were elected based on a formula and a compensation package that they felt was comparable to either the careers they were coming out of and would keep their own lifestyle and understand that would still make them be able to serve their constituents.

We had recommended that and we had lobbied for that that this would be on a go-forward basis like it has been in the past. When they made a change, it would be the next by-election or the next general election. Unfortunately, that wasn't the recommendation by the commission, so this is one of the few things that become retroactive to when people got elected. So it's a unique set-up, one of the few times I've seen it in government where something is retroactive to take away from a particular group who came in with an understanding of what a compensation would be or what the benefits would be or what they were entitled to.

That's one issue I have with this, particularly around that. The compensation, that's a negotiated thing. I understand the philosophy behind it and I can see where it's transparent and clear that we're all on even keel, but it does not put it because you come in with a different expectation – and unfortunately, some Members here are going to lose because of that and came in with a different understanding and a compensation package that has changed midstream, and changed midstream that it goes back for them.

So it's unfortunate, but we will be supporting it. The Management Commission have decided that; the commission had made the recommendation. It does fall in line with the pension plans of other civil servants, and similar to what may be in the private sector. We do understand the intent of it.

Mr. Speaker, on that note, I will sit down and say that we will be supporting this amendment to the bill.

Thank you, Mr. Speaker.

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

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

I'm pleased to stand and speak tonight to the bill that we are dealing with. I'll get the full name to put it on the record: Bill 21, An Act to Amend the Members of the House of Assembly Retiring Allowances Act and the Portability of Pensions Act. I thank the Minister of Finance for bringing it forward and I thank my colleague for Conception Bay East – Bell Island for the good explanation he just gave of it. I won't have to repeat a lot of what he said.

I think it is important. I am a Member of the Management Commission at the House of Assembly, so I was part of the work that went into looking at the issues that are involved with here in this bill with regard to the pensions. We did come to an agreement with regard to accepting the recommendation of the MCRC, the Members' Compensation Review Committee.

I think it's important for the record and for the public that we do just a little bit of reflection on where the MCRC came from, and why I think it was so important that we accept recommendations of the MCRC. In 2006, Chief Justice Derek Green was given the unenviable job of looking at the whole issue of the House of Assembly, and why we had come to a point where we'd come, which led to Members of this House actually being imprisoned because of abuse of use of funds.

It was a very difficult moment for everybody. I was just coming into the House of Assembly at that time, being elected in a by-election, and it was not an easy time for anybody. I think for people who may not remember 11 years ago – and I can't believe it, but it's 11 years ago since that commission was set up. I think it's good for us to remember what it was that Chief Justice Green –

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

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

**MS. MICHAEL:** Who, by the way, we recognized in the House last month and who did retire on November 30. I think it's really good to remember what it was that he was dealing with and where the MCRC came from, where the Members' Compensation Review Committee came from.

Chief Justice Green was dealing with a system in this House – and I hate to say it; I think there are still systems like it elsewhere in the country – which fed and led to what had happened in terms of abuse of funds by MHAs. He was shocked – I remember meeting with him in the summer of 2006 and his own reaction to the system that we had, the system of the Internal Economy Commission, which was an internal committee of MHAs that was secretive, that did not even include all political parties that were sitting in the House of Assembly, that made its decisions without any public accountability whatsoever. The MHAs set their own salaries. The MHAs often did that secretly and what the new salary was didn't even come out publicly.

It was a shocking system that we had. In his report, Chief Justice Green wrote: "It is time to return to a more principle-based system. The need to rebuild public confidence requires it."

It is in that spirit of trying to restore confidence in the House of Assembly and confidence in the Members of the House, confidence in our whole system, it is in that spirit that he made the recommendation and he created, basically, the Members' Compensation Review Committee.

What he stipulated in his report was that an MCRC would be set up after every general election, so every new session of the House of Assembly. I think we're now in the 47th session. After every general election, when a new session started, an MCRC would be set up.

Now, it's interesting to note that there have been three MCRCs since his report was done. When he did the first report, we had already had a general election. So after that session, it was a

little bit later into the session before that MCRC was set up.

Then, the next time, which was 2011, it was set up a bit earlier on. I'm happy to say in 2015 it was set up rather quickly, which was good. But the bottom line is that it's always been there since his report was passed in this House in 2007. It has always been there that the MCRC is going to be set up, and there must be an expectation by MHAs that changes are going to happen because the MCRC has been set up.

That was the argument, actually, that was used by the MCRC when we met with them, when the House of Assembly Management Commission met with them to go over the recommendations. That was their argument for the fact that Members who were elected in 2015 would be affected by the pension decisions that they were suggesting, just like all the rest of us would be affected immediately by whatever recommendations they came out with.

For example, two MCRCs before that we had cutbacks in salary as MHAs. We were literally cut back and then we were frozen, the salaries were frozen. That happened immediately. We got elected, there was an MCRC, recommendations were made and we immediately had cutbacks in our salaries. We all accepted it because it was the MCRC recommendation.

One of the things, then, that's so important is that the MCRC has to make a report respecting the salaries, allowances, severance payments and pensions to be paid to MHAs. That's what they're set up to do, nothing else. That's what they're set up to do. In actual fact, the MCRC that was set up after the election of 2015 was the first one that really took head-on the issue of pensions. The other two had sort of talked about it and sent it back to the House of Assembly.

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

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

Final warning.

There's one Member who's speaking right now in debate. This childish behaviour of barking out little comments is going to stop.

Please, the Leader of the Third Party.

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

As I was saying, the MCRC, when it was struck – no matter which one it was – were of the understanding that they were making recommendations affecting the people who have just been elected. That's the whole idea. That's why, as a Management Commission, I remember with the very first recommendations of Chief Justice Green himself, we felt we had to let every recommendation be tested. We have since made changes to some recommendations, but they're thought out very, very carefully.

He wrote the legislation that we passed. We passed that legislation because we had to show that we were willing to have a third party make decisions. We were willing to have a third party come up with the recommendations that affected us as MHAs, as public servants, as people who are paid from the public purse.

So when the MCRC for 2015 finally took head-on the whole issue of pensions and came up with recommendations, I personally, as a Member of the Commission, really believed that we had to listen to their recommendation. We obviously did, as the Member for Conception Bay East – Bell Island explained.

We did have quite a bit of discussion in the Commission. There were differing positions and we worked it all through. It was all worked through publicly. It was all there for people to see and the decisions are there.

Even though it took a lot of discussion, we eventually came to the point of realizing that in the spirit – it was certainly my understanding – of the report written by Chief Justice Green, in the spirit of his recommendation, that we make decisions based on principles. The principle that we had to make our decision based on here was that we put our affairs in the hands of the third party, the MCRC, and we follow what they recommend.

I guess in one way I do disagree with what was said by the Member for Conception Bay East – Bell Island. That's a struggle he went through; it wasn't one for me. I didn't feel that we had a

decision that was a retroactive decision; it was a decision no different than the decision that was made when our salaries were cut. They were cut immediately and we accepted it. We had been elected with one salary and a year or a year-and-a-half later – I can't remember the timing – our salaries were cut.

Based on that, I, as a Member of the Management of Commission, right from the beginning thought we had to go with the decision of the commission. The commission is set up so that we have objective decisions made. The commission is set up to listen to the public and to get opinions from the public. The commission is set up so that the benefits, the salaries and other compensation that we receive as MHAs are part of a very public open and transparent process.

This is what the MCRC is specifically charged to do, to review the salaries, allowances, severance payments and pensions. After they go through the process, they're the ones in the best position to issue the recommendations. Right from the beginning, I, and the caucus I represent, believed that we should follow those recommendations.

I wanted to go through all of that so that those who are listening or who may be reading *Hansard* down the road will remember the history that led to where we are tonight, and the history of how the decisions are now being made, where the recommendations are coming from as they relate to salaries, benefits, pensions and severance, et cetera.

There will be other things that we will be dealing with here in the House as well. Tonight it's the pensions, but there are also changes around severance as well. I feel good that we're following the recommendation of the MCRC. I think we should be proud that we're following the recommendations of the MCRC and that we have been doing that. I think it is important that we do it.

As the Member for Conception Bay East – Bell Island said, we do now have a pension situation where things are more in line with the public service pension. If we had the same process 20 years ago that we have now, it would have been that way, I would suggest, right from the

beginning. I think it's important that we realize it needed to change, but it's one of these things. At some point the change had to happen and now is the time for making that change.

Having said all that, I want to thank, once again, the Members of the Commission itself, our own Commission, the House of Assembly Management Commission, for the work that we went through. It took months for us to struggle with this one and to come to the decision that we came to.

I also want to thank the Members' Compensation and Review Committee for finally taking head on the issue of pensions and giving us a recommendation that we struggled with and have finally come to an agreement with and that we're dealing with tonight in the bill that I hope we will pass.

Thank you very much, Mr. Speaker.

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

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

I'm not going to take too long, but I am going to make a couple of comments.

I guess being an independent Member, I don't sit on the Management Commission nor am I represented on it. I find out about it through – I can obviously watch the meetings, I can read *Hansard* and so on, but I'm not part of that group or not part of that decision-making process and I don't have anyone who is representing me on it. So I did just want to, for the record at least, make a couple of comments on this.

As has been said, and I'm not going to belabour the points that have been made, we all know how the Management Commission came to be. We know how the MCRC came to be. It all stemmed from the constituency allowance scandal that happened and so on and Chief Justice Green's report. He put in a number of measures to ensure that we had openness and transparency when it came to Members and limiting their ability to determine their own benefits and salaries and allowances and so on

and to do it in an independent way, to do it in a public way. That's what this process is about.

I'm not going to argue the merits of the decisions that were made by the commission, the MCRC. They were set up as an independent commission of very qualified individuals. Members may agree with all, none or some of what the recommendations they made are; but, at the end of the day, whether we agree with it all or some of it, or none of it or not, it's irrelevant.

The fact of the matter is we put these people in there to review Members' benefits. It happens every four years, basically. They review Members' benefits, including salaries, including pensions and so on. They make a number of recommendations. The recommendations go to the House of Assembly Management Commission, which is made up of Members of the three parties, and they can either adopt all, some or they can reject all the recommendations.

I do understand why the Management Commission does have that ability, that they don't necessarily have to accept everything that is brought forward, but I do strongly believe that if we truly want to be true to the process and we want to make it independent, and we want to ensure the public have confidence in the recommendations and have confidence in Members of the House of Assembly, then I think it's important, unless there's something that's totally out in left field, that we should be accepting the recommendations of the commission as made.

I think, for the most part, that's what's been done. Certainly these particular amendments here – we've had others, but these particular amendments here in this bill relate to MHA pensions. Obviously, it went through the process. The commission believe it's fair. All Members may or may not necessarily agree, but at the end of the day it's the process we all signed up for.

We knew this process existed. Certainly, we didn't know what the findings at any given time every four years when the MCRC do their deliberations and they review these things, we don't know what the outcome is going to be, but

we do know it's going to happen, and we do know when it happens things could change.

Things could change, whether that be changes that we like, whether it be changes that the public likes. That's always debatable I guess, but at the end of the day we know that process is there. We know change could come. We know it's done in an independent – we would hope – fair manner. I believe it is, and I think it's incumbent upon all of us to accept all the recommendations, including this one here.

So with that in mind, I will be supporting this bill.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the hon. the Minister of Finance and President of Treasury Board speaks now, he will close the debate.

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

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

Again, Mr. Speaker, I think everybody has had their comments on this. I'm not going to prolong the debate because it is something that was put forward by the Management Commission as a result of a recommendation of the MCRC. It went through a great deal of debate and I think all Members of the House now agree with this particular legislation.

Thank you.

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

The motion is that Bill 21 be now read a second time. Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

**CLERK:** A bill, An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act And The Portability Of Pensions Act. (Bill 21)

**MR. SPEAKER:** This bill has now been read a second time. When shall the bill be referred to a Committee of Whole House?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

On motion, a bill "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act And The Portability Of Pensions Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 21)

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, that the House resolve itself into a Committee of the Whole to consider Bill 21.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We are now considering Bill 21, An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act And The Portability Of Pensions Act.

A bill, "An Act To Amend The Members Of The House of Assembly Retiring Allowances Act And The Portability Of Pensions Act." (Bill 21)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 7 inclusive.

**CHAIR:** Clauses 2 through 7 inclusive, shall they carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried

On motion, clauses 2 through 7 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, enacting clause carried.

**CLERK:** An Act To Amend The Members Of The House of Assembly Retiring Allowances Act And The Portability Of Pensions Act.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 21 carried without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

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

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

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

I move that the Committee rise and report Bill 21.

**CHAIR:** The motion is that the Committee rise and report Bill 21.

Shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

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

**MR. SPEAKER (Trimper):** The hon. the Deputy Speaker and Chair of the Committee of the Whole.

**MR. WARR:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 21 carried without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 21 without amendment.

When shall the report be received?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

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

**MR. SPEAKER:** Tomorrow.

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

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

**MR. A. PARSONS:** Yes, Mr. Speaker, I would call from the Order Paper, Order 3, second reading of Bill 3.

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

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

I'll continue on where I left off as it relates to Bill 3, which is the *Court of Appeal Act*. This is a brand new piece of legislation.

Just to provide you some background, I actually spoke to this on November 14. At that time, I had an opportunity with – that day we had the presence of Chief Justice Green who was the chief justice of the Court of Appeal and who has since retired. We wish him well in his retirement and thank him for all of his years of service.

I took the time during that part of the debate to stand and speak to what the independent *Court of Appeal Act* is and what an independent Court of Appeal is. I think how I would put it out there to the layperson is that anybody that's using this court will not actually see any change in how the court operates. They're not going to see a change in how matters are heard; they're not going to see a change as it relates to how the procedure works, but there's been a history.

I went through *Hansard* from what I said that day. It's amazing when you go back and read what you had to say for a piece of legislation. Sometimes you're half scared if you're going to be able to make any sense of it or not. After going back and looking at what I said that day I can pick some sense to it, thankfully. I think I put a bit of an explanation on what we're trying to do here.

This really is a perception thing where if you have these two courts, the Court of Appeal is hearing appeals from decisions from the Trial Division. Having them theoretically in the same division, under the same act can create a perception that it's not truly independent. That's what we're trying to do here. If anybody asks questions on, well, why are we doing this, there's a lot of theory and reasoning behind this.

What I would also say is every other province has moved this route. As I said before, some have changed their judicature acts, some have created stand-alone pieces of legislation. That is where we have gone. It's been a significant amount of time in the works. This is one of the bills that came up when I first got into this role after having discussions with the chief, with justices, with people in the department. So I was happy to work with them.

It's amazing when you're going through this where you might have a simple concept in mind that you want to do, but if you're not careful how you legislate, how you draft up legislation – that's why I speak so highly as it relates to the Office of the Legislative Counsel and to the staff who do this work, because you can basically cause yourself possible harm down the road if you're not careful in how you put the wording now.

I think this was a case where – we all want to make sure because a lot of times when you read the legislation, in some cases, the original drafters may not be around to talk about what the intent was. We have to look at it now.

I think we have a good piece of legislation here. I know that the Court of Appeal is certainly supportive of this; I know the judiciary is supportive of this. I think it's the right move. I'm happy to answer questions to it. I will say I wish Chief Justice Green was here to be able to sit in this House and answer them because he'd do a heck of a better job than I would.

I'm going to try my best to stand up and answer questions. I look forward to the comments from my colleagues on the other side as we continue on into Committee after this.

Thank you.

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

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

Just to rise very briefly on this bill this evening, on Bill 3, An Act Respecting an Independent Court of Appeal in the Province, Mr. Speaker. I can tell you on this side of the House, we certainly support the bill and credit the government, but also Justice Green, in speaking with the minister and seeing this done.

I know Justice Green is soon reaching his retirement at the end of this year. We certainly wish him well. To see this happening, which most other jurisdictions have done, is a good thing and good progress.

Mr. Speaker, in 1975 the *Judicature Act* was created. It created a separate appeal division within the Supreme Court. This act will essentially separate those two courts, the Supreme Court Trial Division and the Supreme Court of Appeal division, as it's known, Court of Appeal – separate them as two separate courts, separate and be distinct from the Trial Division. Some jurisdictions, as I mentioned, have created a separation and have done so under the *Judicature Act*, which is what the province is suggesting through the process of

this bill. It's what will happen to create that separation.

Mr. Speaker, I thank Justice Green again. I use this opportunity to thank him for his – I don't remember – 42 or 43 years of service in the province to the people of Newfoundland and Labrador and the justice system; a highly regarded Supreme Court justice, as he's been known to be. I wish him well. This is probably one of his official last – I can't say decision, but last pieces of work that will significantly change how the judiciary is established and set up in our province into the future.

In closing, Mr. Speaker, we support the bill. We intend to support this bill under Bill 3, the *Court of Appeal Act*.

Thank you.

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

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

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

I'm happy to take just a moment to speak to Bill 3, *Court of Appeal Act*.

While the bill itself is fairly thick, it's kind of deceiving in a way. I know there are a number of things that have to be done, from a legislative point of view, just to make it all right and proper. But at the end of the day, as the Minister of Justice has indicated, really all we're doing here is we're just trying to change the set-up, if you will, with the Court of Appeal to make it an entity onto itself.

Nothing, as I understand, as the minister said, is going to change in terms of the day-to-day operations of the courts. I'm glad to hear that the judiciary and the legal community have been consulted and they're all on board.

I think it's important to note, and really what this is about is a matter of perception, as the minister said. Perception can sometimes be reality in many people's minds. It's very important that people have the perception and the confidence in our court system. I think it's important, in this case, that people have the

perception and the confidence that indeed the Court of Appeal is a separate entity and that it's not simply a rubber stamp.

No different, Mr. Speaker, than when you look at the workers' compensation system and you have an internal appeal process. Many injured workers would tell you and feel that's something that, in their mind, is only just adding to the process and lengthening the claims because it's really a rubber stamp in most people's minds.

You have the person at the desk next to the person who made the decision, who is basically reviewing the decision of their colleague. In many cases, it just gets rubber-stamped. That's how injured workers feel. That's why we have a workers' comp review division, which is a separate entity unto itself, so that people can have their matter independently appealed and they have some confidence that indeed is going to be an independent look at the case.

This is no different in the sense that somebody goes to provincial court to the Trial Division on the matter and if they're not satisfied with that decision, they have the right to appeal. People just need to have the confidence that that truly is an independent entity, an independent body that's actually reviewing that appeal and it is not simply a rubber stamp.

We know it's not. That's not how the system works. The courts are set up independently, but I think, as the minister said, the idea is to remove any perception that may be there that that's what's going on. That's really all that's being done here.

It's being done in other provinces. It makes sense, as I said. From what I understand, it's certainly something that Chief Justice Green had his hand in. It's something that the judiciary agrees with. It's something the legal community agrees with. I have no reason to believe that it's not the right way to go, given that they're doing it in other jurisdictions and it seems to be working fine there. So with that in mind, I will be supporting Bill 3.

Thank you, Mr. Speaker.

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

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

I, too, am very happy to stand to speak to Bill 3, which is the bill that will "enact the *Court of Appeal Act* to establish the Court of Appeal of Newfoundland and Labrador as a separate court which is independent from the Supreme Court of Newfoundland and Labrador. Currently, the Court of Appeal is a division of the Supreme Court of Newfoundland and Labrador by virtue of the *Judicature Act*.

"The jurisdiction of both the Court of Appeal and the Supreme Court of Newfoundland and Labrador would be unaffected by the Bill."

I would like to thank the folks from the Justice Department who gave us a very thorough briefing. When we first arrived, Mr. Speaker, they had smiles from ear to ear on their faces. They said you are going to be so happy about this bill. They were so proud to present this bill. They said it's a good-news story. It's a good-news bill and it truly is a good-news story. It truly is a good-news bill. I want to thank them for their dedication, for their patience and for the thorough briefing they gave us.

They are right; this is a good-news story. I understand entirely why they were so happy to present it to us. I can imagine that the Minister of Justice himself is happy and proud to be able to present this bill to the House at this time.

Currently, the Court of Appeal is created by Part I of the *Judicature Act* and, in fact, up until 1974, there was no separate Court of Appeal in the province, and an appeal was heard by three other Supreme Court judges. In 1974, the *Judicature Act* created our Court of Appeal, and here we are today in 2017 looking at a new piece of legislation, a bill which will create a new act, which will create the Court of Appeal under its own legislation. It means we'll also have to clear up some of our *Judicature Act*. So 50 per cent of it is on this new act for the Court of Appeal; 50 per cent is sort of cleaning up our legislation to align it with the fact now that the Court of Appeal will have its own act.

It's terrific, it's absolutely terrific that here we are today modernizing our justice system, and one of the key persons responsible for this work

is our soon-to-rotate Chief Justice Derek Green. Earlier in this session a few weeks ago when he did come to the House when the minister introduced this legislation and first spoke to it, I said that Chief Justice Derek Green is really a justice superhero, and I still want to make him a cake that he can wear. What incredible work that he has done pushing for the modernization of our judiciary system and of our court system. This is part of modernizing our justice system and how we make laws, and that's what we're here today to debate.

I totally and wholeheartedly support this legislation, and I could not imagine that anybody in this House wouldn't. Again, I think we can be proud of this, as all the Justice officials are proud of this bill, as the Minister of Justice is proud of this bill, and I'm sure the judiciary, and especially Justice Derek Green is proud of this bill. It creates a new act, and it basically pulls out the legislation found in Part I of the old *Judicature Act* and places it in this new bill with amendments to modernize it and make amendments to the remaining parts of the *Judicature Act* to account for the fact that the Court of Appeal is now in separate legislation.

That is an exciting thing, Mr. Speaker; it's something that we can all support. The officials who did give us a briefing, the deputy minister Todd Stanley and Kendra who has been working with the Department of Justice – I've sat on a number of briefings that she has given. She's very dedicated; she has expertise and is so willing to explain to us who do not have a legal background the intricacies of the bills that she presents before us.

One of the things those officials described in the briefing – Kendra and Todd – is that drafting new legislation for the Court of Appeal from the *Judicature Act* is akin to unangling two plants which have grown in the same pot. So there was a lot of unangling of roots.

Mr. Speaker, I would like to say again that I believe this is a wonderful step forward. There's still work that has to be done in the modernizing of our judicial system. A lot has been done that's exciting, particularly in the administration of our courts and in the administration of files, but we still have a way to go. I believe that this Minister of Justice is very committed to that. I look

forward to seeing what other work we will do together in this House of Assembly in regard to our justice system.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** If the hon. the Minister of Justice and Public Safety speaks now, he will close the debate.

The hon. the Minister of Justice and Public Safety.

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

I'd like to thank my colleagues for their thoughts on this piece of legislation. I also appreciate the kind words that they expressed about the staff of JPS and I agree wholeheartedly with the comments that they make. This is a group of people that do tremendous work.

This stuff can be very difficult even for someone – I have a background in it, but the way that they can take it and explain it certainly makes it easier for me and makes it easier for those with a non-legal background as well. I appreciate that skill set.

I want to thank them for their work. This has been some time in the making. This is something that's taken a long time to get done. Even though it is a positive bill, as I said, this does take time. There has been a lot of work put into this.

On that note, I will close debate on second reading and I look forward to the Committee stage.

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

The motion is that Bill 3 be now read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

This motion is carried.

**CLERK:** A bill, Court of Appeal Act. (Bill 3).

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

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

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

On motion, a bill, "Court of Appeal Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 3)

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, that the House resolve itself into a Committee of the Whole to consider Bill 3.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

This motion is carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We are now considering Bill 3, Court Of Appeal Act.

A bill, "Court Of Appeal Act." (Bill 3)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 48 inclusive.

**CHAIR:** Clauses 2 through 48 inclusive.

Shall they carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clauses 2 through 48 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, enacting clause carried.

**CLERK:** Court Of Appeal Act.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 3 carried without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

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

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

I would move that the Committee rise and report Bill 3.

**CHAIR:** The motion is that the Committee rise and report Bill 3.

Shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

**MR. SPEAKER (Trimper):** The hon. the Deputy Speaker and Chair of the Committee of the Whole.

**MR. WARR:** Mr. Speaker, the Committee of the Whole have considered the matters to them

referred and have directed me to report Bill 3 without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 3 without amendment.

When shall the report be received? Now?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

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

**MR. SPEAKER:** Tomorrow.

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

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

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

I will call from the Order Paper, Order 4, and we will continue second reading of Bill 19, which I believe left off with the Leader of the Official Opposition.

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

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

I'll be very brief because I did speak at some length on this the last time it was called in second reading. I spoke for about 25 minutes on it. Bill 19 is An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No. 3. The bill is to make some changes under operations of the House of Assembly.

As I spoke in second reading, there would be changes to the act to impose a duty on the Commission, officers and staff of the House of Assembly service to document advice, deliberations, decisions and recommendations of the commission; establish a penalty for failure to

document advice, deliberations, decisions and recommendations; require the Audit Committee to review and report on whether the Speaker and the Commission have complied with the act in relation to consideration of recommendations; and also to change the quorum of the Commission to a majority of its members, from which one shall be the Speaker or Deputy Speaker.

Mr. Speaker, the last time I spoke – there's one other section there that's being changed and that's to correct some inconsistencies in reference to severance, pensions and so on – I did raise a concern in second reading and will do so at the point in time when we go to Committee in debate regarding the quorum. I will not take the time tonight to repeat all that I've previously said at second reading, but I know the Government House Leader and the government is aware that we plan to speak further on concerns around the quorum changes when we get to Committee.

Thank you, Mr. Speaker.

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

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

I'm only going to take a moment to speak to Bill 19, An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No. 3. I'm not going to repeat what has been said. This has been discussed now – I know the Leader of the Official Opposition spoke to it for well over a half an hour and the minister have spoken to it. So I'm not going to repeat it all. I'm just going to say for the record that the concern that the Leader of the Official Opposition has around quorum, I think it's fair to say that would be the same concern that I would have. I would suspect it would be the same concern that the Third Party would probably have as well, Mr. Speaker.

I think it's important that when you look at this, really, the issue is going to be that, in theory, now the government – regardless who the government is because it's not about this government; it could be a new government at some point in time and the same thing would apply. Basically, when they're having meetings

of the House of Assembly Management Commission, all you need now is a simple quorum which means, in theory, a meeting could be called and you could have none of the Members from any of the Opposition Parties there as part of that process.

The Commission is really set up in a way that you have government Members and you have an equal number of Opposition Members and you have the Speaker there, if there was a tie, to break the tie and so on. I think that the concern would be that meetings could be called and could go ahead, in theory, with just government Members, without input of the Opposition Members.

It's fine to say you can attend a meeting the same as government can attend a meeting. But if you look at the mere numbers, in a lot of cases, the government holds the vast majority and a lot of times the vast majority of Members in the House. Opposition might only have very few Members in any case and so the availability of those Members – I understand they don't want Opposition Members to be able to avoid meetings intentionally because there are things they want to delay and so on. I understand that. I understand the importance around meeting and having meetings.

Perhaps there are other things we can do, other things we can look at in terms of the scheduling of the meetings of the Management Commission, when it's done, to make it a more convenient time so that there will be people available from both sides of the House of Assembly.

To simply have the ability for the government Members to just have a meeting and go ahead when there are no Opposition Members present, personally I have – it doesn't impact me; I'm not on the Management Commission as an independent Member. I wouldn't be on the Management Commission. But in fairness to the process and not just this situation with this government, with these Opposition Parties, it could change at some point in time where there'd be different governments in power, different Oppositions, different makeups and so on. There could be more independents, who knows, but the fact of the matter is that I think if

you're going to have this, the quorum should include Members of all parties –

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

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

**MR. LANE:** – and rather than just simply say that government can go ahead without Opposition Members, I think we need to look at other ways of ensuring that Members from all relevant parties are there, and deal with that as opposed to just simply going ahead without them. That would be the concern I have for the process.

The other changes that are being made here around the Clerk and reporting and documenting what's happening at the meetings, I think that's actually happening anyway, it's just that it's not covered off in the legislation. I don't see any concerns with any of that.

The quorum, for me, is something I would have a concern about. But I guess we'll wait until we get to Committee and some questions can be asked. Perhaps we'll see what comes back on that or even if the government is willing to look at making some changes or whatever.

Again, I just want to put it on the record that I do have concerns about the quorum piece. The rest of it I have no issue.

Thank you, Mr. Speaker.

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

**MR. BRAZIL:** Mr. Speaker, I would just like to make a motion to adjourn debate. We will pick up this discussion tomorrow on this particular bill, Bill 19.

**MR. SPEAKER:** On Bill 19.

The hon. the Government House Leader.

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

We will continue on with Bill 19 in the near future.

At this time, I would call from the Order Paper, Order 3. This is a motion regarding Standing Orders.

I'll just clarify with you, Mr. Speaker, when I entered this one previously I read the motion in its entirety. I don't know if it's necessary that I do this again. I don't believe so.

For anybody who is watching, it's quite lengthy. It has been read into the record once, so it would be in *Hansard*; it would be found on the Order Paper, which can be found online. To those individuals who may be dying to know what the motion says, I'd say there are means to see what we have here.

What I'm going to do is I'm just going to speak to this and give some background to the Standing Orders. I'm not going to belabour it too long. I know my colleagues across the way will also have their opinion to put on this.

To those who may be watching: The Standing Orders are the rules that guide us in this House of Assembly. They're obviously quite dated and they extend from many, many years ago. I know over the years there have been attempts to modernize them, to change them. Some have been successful, many have not.

It's funny, the book itself is not a very big book when you look at the Standing Orders, but it is a sizeable amount of work. It's a sizeable piece of work when you look at it all and trying to change it. These have been around in some place – they guide the MHAs in what they do.

Upon our election in 2015, I was placed on the Standing Orders Committee. What we've done since that time – again, certainly, it's not what I would call an all-party committee that we think about, but it does have Members from all parties. There are, I think, a couple of Members besides myself from the government, there are two Members from the Official Opposition and there's a Member from the NDP who would sit on it.

What we decided at that time was we wanted to look at the Standing Orders and was there a way to change these in some way? Can we look at them with the view of changing? I'm not into changing something just for the sake of it, but it

was something that was also in my mandate letter. When we talk about modernizing the House of Assembly, when we talk about making it more accessible, when we talk about enabling Members to do a better job in representing their constituents and in doing better work here in the House of Assembly, this is what all forms part of it.

What we decided, instead of taking it and doing a wholesale change, which might take you a number of years – and I know it's been looked at in the past and nothing happened – what we said was as a committee we would sit down and identify a few, work on making that change happen.

It was a lot of work; we sat down on a number of occasions. We'd sit down, we'd identify what we wanted to look at, we had research done – and I thank the staff for everything that they've done to enable this – we've had some debate, there's debate amongst Members, debate amongst caucuses on do we like the changes, do we not like the changes?

Then we come back and at the end of the day there's a motion that comes to the House that, as Government House Leader, I move this resolution that will be debated here in the House. Government can't just change this just because they want to. Government moves it, but it's a resolution that will be debated by all Members and voted on here in the House by all Members.

In the past we've looked at things – in fact, I remember when I was in Opposition. Perhaps the biggest issue when I was in Opposition first starting off, when we got elected in October of 2011 as the Official Opposition, was that government at the time didn't open the House. There was a lot of fuss about that publicly. One of the first private Member's resolutions that I moved in the winter of 2012 was to amend the Standing Orders, and not the Standing Orders themselves, but the appendix which had the sort of schedule that was not followed to make it more official.

What I will say is that didn't go well. The government of the day voted it down very strongly. It was actually a contentious debate over trying to put in a fixed schedule. What we did is when we had the opportunity we looked at

this, we debated it, we talked about it and it's something that we put in place.

We put it in provisionally, had a look at it, see how it worked. It's giving us some consistency. Members know when the House is going to open; media know when the House is going to open. Do you know what? More importantly than that, in my opinion, staff know when the House is going to open, bureaucrats know when the House is going to open, departments know. It allows them to do a better job of planning.

It could be a very short notice in the past, whereas now we have a very good idea of when the House is going to open, similar to what happens in Ottawa where you know a significant period of time in advance when the House is going to open. That's just one example of something that we changed. We've worked as a committee for a couple of years. It doesn't get all the attention of something like a legislative committee – which is also something that we're going to work on – but it's very similar in the sense that we've worked together as legislators, as MHAs, to make the House better.

So what we have here is we've changed a couple of small things. Some of these are very minute and obscure in the sense of they may not matter to individuals outside the House. One of them is just something as it relates to the vote for a Speaker. This is just to aid in that vote. Mr. Speaker, you were a part of it not too long ago.

A lot of times we also take advice from staff. I've only been here six years, some of the staff we have had have had the benefit of being here a lot longer. So they can see how these Standing Orders apply, they can see how, in some cases, they're limiting, in some cases they're there for a reason, but always we can look at the possibility of change.

In this case we have the annual calendar which, again, we've been working on this premise. This is something we're bringing forward now to change. What we're saying here is “the House of Assembly shall meet each year” – not may, it shall – “(a) for the Winter-Spring sitting, commencing not later than the first Monday in March and concluding not later than the first Thursday in June ....” Then for the fall sitting we're having some consistency here.

It lays out a House schedule that all Members – that everybody – can look to and have a better idea. We've had situations where governments have chosen not to open the House. That still applies here. That's still something a government can choose to do, but in this case, we like what we have and it's something that, I believe, all Members of the House are going to support. I think it will be unanimous.

We talk about daily sittings. One of the things we did was brought in another sitting, back on Wednesday mornings, to allow for more time to debate legislation, to sit here and do the people's work. We needed more time. Previously, Wednesdays were only a PMR day, whereas now this allows for a better flow of legislation through the House and through the different stages. There are still parts when we talk about extended sittings.

One of the big things that get a lot of attention is a filibuster. What we've talked about here is, again, we can't limit the ability of the House to sit. We're sitting here tonight; it is 9:42 p.m. on the clock. Normally we'd be closed at 5:30, but in some cases you have to sit past that hour. What we wanted to do was to limit it. We felt that it's better for everybody. It may – we'll have to do an analysis of this – do better in attracting people here to the House.

I can tell you I've been through sittings where you never knew if you were going to sit at night. We sat at night very frequently and it's tough on everybody, especially tough on those with families in the area especially.

What we have here now is that the House – and I can still remember one of my first debates where a Member of the Opposition, my colleague, who was the minister of Municipal Affairs, stood up at 5:30 and because he had stood up at 5:30 the debate continued on. Now, what we have here as you know, Mr. Speaker, is that the House Leader is allowed to ask that the House not adjourn, but unless that motion is made, the Speaker will adjourn at 5:30.

It continues on here. We've reduced the number of Member's statements. This is just more to make it proportional. The number of Members in this House has changed from time to time. It's been at 48. It's been higher than that, it's been

lower than that and in the last two years we are now at 40 Members. It seemed not to be the right fit. If we had six Members' statements for 48 Members, right now if you're dropping it by eight Members, it would make more sense to have five. That's just something where there's a system used to come up with that number; it's not just tossing it out on a whim.

The other thing we've talked about here, too – and this is one that really does, I think, matter to people – is petitions. Petitions are something that is so important to democracy, so important to this House. Every Member in this House has either put one in the House at some point or read one or seen one. We realize their value. Petitions do have value; they can be used to create change. I have seen it happen and it's very positive.

What we've tried to do is to make them more accessible. There are ways to go here, too. One of the things we've talked about is online, but that requires some resources that may be outside our grasp right now. A lot of it, too, is written in a much older language, not as accessible to people as what we should have now.

We've actually changed the petition template that's in the appendix. We just can't allow anything to come into the House; it has to be done by a certain format. That's fine, but what we've done here is changed the background. It's laid out very clearly, I think, where we lay what exactly needs to be included in a petition to be admitted into this House.

Mr. Speaker, I don't think this is going to be extremely significant to those outside, but that's fine. Because Members who sit in this House, who have sat in this House and who will sit in this House, this matters to us. Our job is to represent those individuals that are out there. I think what we've done is modernize the rules that govern this Legislature, to modernize the rules that govern us as Members. Do you know what? People who say that we can't have committees here and can't work together, quite simply, they're just not paying attention.

This is something we've been doing for two years. We've had multiple changes and we've had very good meetings with very civil debate, actually. There have been disagreements

amongst Members. Just because we all agree on something doesn't mean we get there by snapping our fingers. We'll sit down and have very good debate from a number of viewpoints and a number of perspectives and that's what we've come up with here.

The changes we made in the last couple of years may be the first changes that we've seen to the Standing Orders in some time. I'm happy to see progress there. I thank the Members for their co-operation; all Members who sat here, as well as the staff who helped put this together.

On that note, I've said my part. Obviously, we will be supporting this. I look forward to the comments from my colleagues across the way.

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

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

It's indeed an honour to stand and talk about the Standing Orders Committee. I have to agree 100 per cent with the Government House Leader about the intent of the Standing Orders review, the benefits and the process that was used. It's been very beneficial.

I was privileged to fill in a number of times with the committee and be part of the whole debate, as part of the process, for a fellow colleague and now I'm the permanent Member on that. I have to echo what we talked about here: There is open discussion. All three parties are represented there. Staff are there giving their due diligence, their advice and doing the research to ensure the whole review is very professionally done, it takes in multiple jurisdictions and it really meets the intent of what the Standing Orders Committee was all about.

As the Government House Leader noted, this was about improving the process in the House of Assembly, making it more family friendly, making it more community friendly when it came to everybody who's involved. That includes not only us as elected officials, but everybody who worked to ensure the legislation we put through, the access the general public had through the mediums that we use here and ensuring that the information and research is done in a professional manner, that the best

decisions on the best pieces of legislation are put in play. That's all relevant to how we operate the House of Assembly.

Having set schedules makes it very professionally run, people can work around constituency-oriented stuff, staff can work around the time frames on preparing legislation. The other staff that we have here, who are responsible for the security and the operations here, would know exactly when the House is sitting and the time frames. We know exactly when we start and end and the processes that are put in play.

There are a number of pieces of legislation here or changes to the Standing Orders that particularly address how we make everything have an even flow and everything is consistent. What I particularly liked about it was this wasn't etched in stone, we came to a consensus. We will adopt certain things, put it in as a pilot. If we find, for some reason, we didn't take into account a particular nuance or a particular issue that may be relevant –

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

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

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

We wanted to ensure that we came back and we tweaked it, if necessary. Or if we felt this wasn't in the best interests of the operations of the House of Assembly, we could go back and change it again.

It's been a very open dialogue process, very professionally done. What I do like is in the dialogue with staff, they'll take the lead and go get the information and come back, share that with us. Then we'll have another open debate about what we like in one jurisdiction versus what we don't like in another one. We'll take parts of it and say: In the scenarios that we have in how we operate the House of Assembly in Newfoundland and Labrador, here's what we feel is in the best interest of being able to operate it so that the general public are confident in what we're doing in here, they understand the process and they know how it's going to unfold.

We, as MHAs, while we're here, obviously this is a living entity and we're building this as we move through it, but anybody else who's out there thinking about throwing themselves forward as a candidate would now know this is how the House of Assembly operates. I know scheduling. I know calendars. I know what it would take to work in my district. I know what time is allocated.

One of the particular things that I like – and I can't even attest to being close to understanding what some of the MHAs who represent rural and remote communities go through – about having, particularly when the House is open, that constituency week; just as you fall behind on everything else, being able to get back to your district and start catching up on issues that need to be tackled, knowing that most that live in remote and isolated areas, for travel time, lose a day.

We get out of here Thursday evening; some don't get on the road until Friday morning. Some don't get home until late Friday night and then they have Saturday to make up their constituency stuff. Don't forget, they also have a life. They have their own families, they have their own responsibilities. Then, in some cases, Sunday they're coming back again. So it's part of that whole process.

Having this constituency week to get back in your district, to catch up on some things, to fulfil your responsibilities that people elected you for – we all get elected to represent our districts in the House of Assembly. That's very important. That's where our legislation is done, it's where we set the laws and the policies that are going to guide us and it's where we debate the financial spending and operations of this province of ours. But to do that, you need to have certain equitable rules and regulations or practices that work for everybody's benefit.

That's what the Standing Orders Committee has taken on as their task. I give full kudos to the Government House Leader and the government for instituting this and making it a priority.

No doubt, I was one, when I went, that I would be sceptical that this was going to be here are what we want to implement and because we have a majority, no matter what the Opposition

or the Third Party says – we can have a debate and all that – this is going to go through as is. It hasn't been at that level. We've had some debate, as was mentioned; we've had some lively debate. We've had debate that came back to the House on some changes to the Standing Orders. But at least the opportunity to have that debate, have that argument as to why you feel this is in the best interest, or how it should be changed to better modify the needs for everybody in the House of Assembly.

We've had a good, open dialogue when we look at what the House Leader has outlined as the particular things that needed to be addressed. It clearly outlines exactly the process. As I mentioned earlier, this is an ongoing process. This will be years in the works, particularly in updating some of the outdated legislation or process of how we operate in the House of Assembly – some of it going back three and four decades since it's been reviewed, looked at, updated.

So now we're trying to make it modern; we're trying to make it fit with a new approach to government, open and transparent, where people would know where we are, what we do at any given time. They wouldn't be having to check are they in the House of Assembly, what are they doing now, what are their time frames, when can I watch them, how do they distribute information, these types of things.

It was a good exercise that, no doubt, will continue as we move forward. There will be, as the minister had noted, big debate over changes here. A lot of these now are ones that we've already, in some cases, have tried as a pilot. They're ones that we've added on to existing ones. They're ones that we've reviewed the existing legislation that we have in the operations of the House and made modifications to it.

Where we are now is in a good place, in my opinion. We're in a place here where we can debate, and I would think we can have a healthy debate, but we have a process for that. We know what changes we're making would be in the best interest of the operations here. They're in the best interest of being able to modify the House of Assembly, but particularly let the general public know what our role is here.

Again, there is an underlying process here of encouraging more people to stand for office. The more things are clear, and the more people understand what it is they're committing to and work their own personal lives and their schedules around the House of Assembly, the easier it is and the more fluent and the more productive it is for us to be able to debate legislation and outline exactly the future for Newfoundland and Labrador.

The standing committee here, as the minister was taking us through all the particular ones, gives you time frames and dates, puts a continuum line as to how things fall into play, as you know when there's an election, when the House opens, when the House closes, the length of debate, how you can go.

There was some debate on filibusters, which was a big debated issue over the last sitting or so about the process. Now it's confined to certain time frames. That's fine; that's where we are with that now. We had some debate over where that went, but there were arguments about how it's done in other jurisdictions and what would be in the best interest here of ensuring that you could still get your information out to the general public and still take your stand on a particular issue; be it a policy issue, be it a financial issue, from an Opposition point of view, and still would let the government have the time frames to be able to pass legislation and move things forward. Because we just can't stall things for the sake of stalling them, but we do have to have the democratic process to be able to play out the way it should.

We've managed to move some things down, some things up, to find that happy medium, to ensure that the representation that we're using and what we're doing here serves the purpose of the Standing Orders Committee. We talked in the debate around things that people before may not have given a lot of notice to, like petitions. The world has changed in how you can present petitions, how you can access petitions. We've talked about electronic petitions, the number of names, where people must reside. Can it be people who are part-time residents of Newfoundland and Labrador? Do we open it up to everybody as long as it's a concern of them that affects Newfoundland and Labrador citizens

or Newfoundland and Labrador programs and services?

We've had a good, open debate around what works, but we haven't done this in isolation. As I mentioned earlier, what we've done here is we've looked at not only jurisdictions in our own province, but how the commonwealth, some other places does it. While we don't have to follow other people, we're unique that we make and design our own programs and services and laws that reflect the needs of the citizens of our province and the operations of how we operate the House of Assembly here, we've been able to do that. It's been unique in a couple of cases where we've taken a piece from a jurisdiction in Canada and something that's been done in another country and evaluated that to say this is what would work best in Newfoundland and Labrador and let's try it.

What I like about this is it's open to try things. If it doesn't work, there's no cost to the populous. There is no program that's been taken away from people. There are no expectations set to the general public and then all of a sudden you're taking that back from them. It's our own internal operations to find the best way to provide the services that we are elected to provide in the House of Assembly to our constituents. Sometimes the modifications are more beneficial to certain MHAs in certain areas, and that's fine, because at the end of the day not every MHA has the same challenges that another one would have. So you need to be reflective of those when you outline your Standing Orders.

We know the things we changed the last time, sitting on Wednesday mornings, which gives us a direct time – there's no Question Period in that – for legislative debate. You're not rushing legislation. You have an opportunity to debate it. It's not distracted by petitions or anything else that may not be in the same realm. Once you start the debate, that debate continues for that period of time and then it flows into a Wednesday afternoon. So you're not losing a day of debate. You're continuing the debate from the previous day or a new bill at that particular time.

So that was one key thing that everybody agreed made sense. We get more debate time, more opportunity to talk on legislation. More

opportunity for the government to put legislation through, an opportunity for staff to know when they're putting in the line departments, the legislation, and for the House of Assembly staff to be able to reflect on exactly what are the operations and what fits under the criteria.

It also gives the Oppositions an opportunity to review it, make amendments, have debate on these types of things. So it's been a great exercise. There's no doubt, I think it's going to move to the next level where once we've started to put in play what we feel is a good working operation here, then we might take on some heavier things.

There are a number of other issues that are still outstanding over the next, no doubt, year or two that we'll get heavy into, which would mean a little bit more research. It would mean changing a little bit more of the Standing Orders but will also include, to a certain degree, I suspect, a lot of debate because some of it's going to be controversial. Some of it is some of the heavy stuff in Standing Orders of how we operate the House of Assembly. That's all healthy because a lot of this hasn't been debated, as I mentioned earlier, in decades.

The two benefits here are the general public get an understanding as we debate what it is the House of Assembly has as its operational model. We as MHAs, particularly here – I think it's probably the largest group of new or first-term MHAs – get a better understanding of exactly how the House operates and, more importantly, how it should operate to reflect their ability to actually provide a better service and be more engaged in the House of Assembly.

It also reflects the needs of all the people who support what we do here in our districts, but particularly in the House of Assembly and in government, the ability to be able to more efficiently do their jobs because they know exactly what it is that is expected of them. They know the time frames related to it, and they know the regulatory process that's going to be used.

So we're in what I feel is a good mode moving forward on this. I'm looking forward to the next step. This will be the start of implementing, as

part of the Standing Orders, the first of the legitimate legal changes that we'll put through.

A lot of other ones we put through before the last sitting were based on the principle that if they didn't work we could revoke them. We wanted to test them, and we did test them. To date, there hasn't been any real issue. No real fallout from it. No real push back. It has benefited people. I've heard the media say they like the schedule. I've heard the general public say they like knowing the schedule of when the House is open.

I know as an MHA, knowing where the schedule is works perfect. Knowing how some of the other legislative things we've changed, the time frames. We know what will happen at 5:30 on any given evening. We know what can happen at 10 o'clock at any given evening. We know what can happen at 12 o'clock on any given evening. We know on Wednesday mornings what we're doing. We know when we're going to break. We know what we're dealing with on a Wednesday morning on legislation. We know then what we're dealing with on Wednesday afternoon. We know what we're dealing with any other day of the week when we get into legislation as part of that process.

There's a whole open discussion here. What I didn't realize until I got on the Committee was how much of a process there is in the House of Assembly. When you do your orientation, it's not about the logistics of it. It's more the simple things: You're an MHA. Here's your responsibility to your constituents. Here's the nuts and bolts of the House of Assembly, but to understand the day-to-day operations here and some of the nuances that need to be addressed and could be improved on and making it a new modern House of Assembly.

We've definitely come a long way over the last 18 months or so since the Committee has really taken on moving things forward. We've had ideas coming from all three parties. We've had ideas being shared by staff. We've had ideas being put forward by former Members who said: Look, if we were in the House of Assembly years ago, this would have made it easier and it would have been more beneficial. You've learned from those types of things.

It's a process now where I think we can catch up on 20 years of not reviewing this, very quickly in the next two years and really improve how the House of Assembly operates, really improve how the perception of the general public is around what we do in the House of Assembly and, particularly, make it family friendly, citizen friendly and staff friendly. That would improve the whole dynamic of how we operate here and make it more efficient.

I do like some of the other things we had talked about here as we move forward around private Members, and this is no ill respect to anybody who's ever presented a private Member's resolution, but they're almost in the same theme. We've been doing that continuously. So we're having dialogue and discussion around how private Members' resolutions are presented and the debate around what they are.

I think that's a new fresh perspective. It's not something we're going to propose that's going to be entrenched. It will be something that may be a little bit different and may be a spinoff from what we've already been doing with another added from some other jurisdiction or another approach that's been brought to our attention, or something that we think may work.

We'll go through that exercise after we talk about it in Committee and then bring it here for the debate. After it's adopted then we'll put it into practice. If it finds this is in the best interest, that we're getting either the quality or we're getting the community more engaged on the private Members' resolutions, or there's a different process we use from a Committee point of view that presents those, then obviously we entrench that for an ongoing basis.

We've had a lot of opportunities to have that dialogue, and as we've talked about, this is another example of how you can prove that the Committee structure works. I'm a real believer in the Committee structure. I think we need more of that in government to get to that point. I think there's an opportunity here for all-party committees to look at legislation, policy, programs or operations in government to ensure we get the best bang for our dollar.

We've only sit here for a short time in the House at any given time because we all have

responsibilities back with our constituents. So you want to maximize the use of that, and the best way to do that is having Committee discussions so that at the end of the day you have an agreement on how we're going to move forward. Everybody has their input, everybody brings their experiences or their party's beliefs, or their understanding from the general public of what has been said, or what's needed, or what's missing and then collaboratively we have that discussion and we come up with a consensus.

As is indicated here, as you note the number of clauses we put through and the number of amendments under Standing Orders is significant. They're the first step in actually making a full continuum from when you come into the House of Assembly, understanding the operations, to the time frames, to the responsibilities. As we get a little bit further down the road, we're going to get into some of the heavier things around the structure and that, then, I think will be the meat of what we do.

I'm hoping, I'm confident, what that will then show is the all-party committee process can be expanded. Not only because of Standing Orders, but this will prove if we can come to a consensus and make major changes in our operations in the House of Assembly, we can do that in how we operate the government in Newfoundland and Labrador; and how we come to a consensus in advance, how we can come up with better ideas of implementing programs and services, how we can support what we're hearing from our citizens, and how we can then collaboratively come in here as a collective body and have the general public have respect for the debate we've had, have respect for the decisions that are being made and, more importantly, have support for what we've made because it reflects their own needs.

Not everything will be perfect for every citizen out there, but the process we use will be more open, more engaged and more inclusive.

So, Mr. Speaker, with that I'll take my seat and say I will be supporting these amendments.

Thank you, Mr. Speaker.

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

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

It's great to rise today in this debate related to changing the Standing Orders of the House.

For the benefit of the people who may be listening at home, the Standing Orders of the House are sort of like the rules in which we govern our affairs here in this House and govern the debates we have. The first place we look, if we want to determine if what we're doing is right, is the Standing Orders of the House. If the issue we're dealing with is not spoken to in the Standing Orders of the House, we then look to previous practice in this House of Assembly or previous practice in other Legislatures as well for guidance in to how we operate.

The Standing Orders of this House are very important documents. Not very often are they changed in a significant way, but I think these changes that have happened here are very significant. I'm very pleased I've been a Member of the Committee that brought forward these changes.

The Standing Orders set out the calendar of the House and the way we deal with various issues. It's sort of like the *Robert's Rules of Order* for the House, the Standing Orders that guide our actions in the House.

This motion that the Government House Leader has brought forward outlines some changes to those Standing Orders. The changes are really brought forward by a Committee called the Standing Orders Committee of the House. This Committee of the House has representatives from all parties here in the House. I think the changes they've brought forward have been very beneficial.

One of these changes is the Standing Orders 4 and 7, which deals with the way we elect a Speaker here in this House. This is sort of a new practice for this House. It used to be that the Speaker was chosen by the Premier and put forward a motion and it was ratified by the House. That's changed to now we have an opportunity to vote on who becomes Speaker.

One of the changes to the Standing Orders sort of clarifies some of the ambiguity around the process for electing the Speaker. That is sort of

some of the growing problems, or the problems we're refining as we implement this new process of electing Speakers, a relatively new process, Mr. Speaker.

Another major change we've brought about here is having a set schedule. It used to be the House would be called back at the will of the Government House Leader. Government could sort of change the schedule and the amount of time that the House sat on a whim, or whatever was politically beneficial to them in some circumstances. So this change gives us a fixed schedule, or a more fixed schedule which allows for more certainty from the MHAs point of view, but also from the point of view of the staff of the House in terms of when they have to have legislation ready to bring forward – departmental officials, when they have to have legislation to bring forward to the House. So it adds to the certainty around the operations of the House.

Another very significant part of those changes to the schedule of the House is the establishment of what is commonly referred to as constituency weeks. I think that's a very positive change in this House because it allows us to better serve our constituencies.

When we're in the House of Assembly we have the demands of constituency issues, people bringing things to us they would like us to deal with, people wanting to have meetings with them, especially for Members who have districts outside of the capital area. It's very difficult for me to get time while the House is open to meet with someone during regular business hours, for example.

For example, the Bay St. George South Area Development Association wanted to have a meeting with me and because we had a fixed schedule, we have this constituency week, I could set a meeting with them and be certain I was going to be able to make it to the meeting at that time. There are many other examples like that that I could use.

These constituency weeks allow for more certainty and allow us to better serve our district. Basically, how it works, we have three weeks with the House open. Members often go back to their constituencies during the weekends, Friday

and the weekends, but the travel time – the time we have in our districts are limited while the House is open. So this constituency week, as others have said, allow us to catch up and allow us to do some of the business that we have in our constituencies and to serve our constituents better, which is very important.

Another part of this is we know the schedule of the House well in advance. We know when we're going to be in the House so we can plan our own affairs in a better way.

Also, the motion allows for flexibility in terms of emergency items that might come up. For example, a month or so ago this House came back to deal with the issue related to special ballots. That wasn't something we had scheduled to do, but this bill continues to allow for that flexibility to call the House back if we have some items that need to be dealt with on an emergency basis.

Another thing in relation to schedule is the daily schedule of this House. We usually meet here Monday, Tuesday and Thursday. We come here at 1:30 p.m. One of the things we've done is added a Wednesday morning session, which allows us to get more legislation done, but it also allows us to continue with our Private Members' Day on Wednesday where we bring in private Members' motions. Private Members have an opportunity to bring forward items for debate, items they want to have debated in the House.

Other Legislatures across the country have more robust Private Members' Days. They have private Members' bills; they have private Members' motions. They have some other sort of items like that that allow private Members to bring forward items and have them debated and dealt with in the House. So that's something maybe we can look at in the future as a Committee in terms of bringing forward changes to the Legislature. The way Private Members' Day is dealt with, I think, is a positive thing.

Another way Members bring forward things to the House is through Members' statements. We have one-minute statements in the House; now we have six. This change brings it back to five. So five one-minute statements by Members from every side of the House and there's a schedule done up which rotates.

Also, the duration, they're very short, one minute. In our House, the Members' statements are of a non-political nature, non-controversial topics congratulating people who've done things, special things in the community, recognizing someone in the community, to recognize a group. So there are always these sorts of very positive statements and recognition of what the people are doing in the community.

In other jurisdictions – for example in the House of Commons, the members' statements are very political. Sometimes these are the ways that members get in their political digs. So it's very different in this House. I think, personally, that restricting it to non-controversial items, non-political items, is a very positive aspect of what we do here in this House. So it's a very positive thing.

This motion also brings about changes to the Standing Orders in relation to petitions. Petitions are very important things. They're one of the few ways that citizens can bring forward items to this House of Assembly that they feel are important. They've been around for centuries. One of the main points of a parliamentary system is that people have a right to petition their government on issues that they think are important. Petitions, this sort of sets a more, I guess, standardized form, a simpler form, a more direct form for our petitions. So it's a very positive change to the Standing Orders.

Again, just in conclusion, I think it's very positive changes that we're bringing about. I look forward to continuing to work on the committee and bring forward other changes to the way the House operates, and other positive changes.

For example, others have mentioned the committee structure, the all-party committees and the fact that we can – the time in the House is very valuable and it's expensive to keep this House in operation in the evenings. If we can take some of this work and some of the debate away to a smaller committee, all-party committees, where people have a chance to look at some of the defects of a bill before they come to this House, I think it's a very positive thing. Rather than us bringing legislation to this House and seeing it for the first time on the day that we debate it, or the week that we debate it, I think

there are many positive changes we can have in terms of the way committees can help the work of the House.

I'm looking forward to some of these other changes being looked at by the committee. I'm very pleased to see these changes brought forward to the House.

Thank you, Mr. Speaker.

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

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

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

I'm happy to stand and speak to this motion tonight, the motion to do with changes to our Standing Orders. I'm a Member of the Standing Orders Committee, along with my colleagues who have spoken. I could stand and say ditto and sit down, but I'll say a few more things than that because we did work through all of this on the committee together. I think it is important work that we're doing on the Standing Orders Committee. Some things are a bit more difficult than others in discussing them. But with most of the points in the motion that we're discussing tonight, we came to agreement fairly quickly because one of the principles that was guiding us was to make our work, and the Legislature itself, more family friendly, but a work-life friendly place to be.

So the various things that my colleagues have spoken about, things like having a calendar so we have an idea of what our year is going to look like, the concept of having some restrictions on how late we sit, the change to having a Wednesday morning for Legislature so that we cut down on the number of nights that we might have to sit to discuss legislation, all of these things were there to make sure that we'd have work-life balance.

One of the changes which was quite significant, I think, is that for every three sitting weeks, we have a constituency week. The main purpose for that was especially for the MHAs who do not come from the greater St. John's area, so that they'll have a week where, after three weeks in

the House, they're back home in their constituency, dealing with constituency issues. Because for some of them, when the House is open, between the time of travelling home on Friday and coming back on Sunday, they don't get a lot of time in their constituencies.

Even for myself, being here in St. John's, when you're sitting in the House and dealing with all of the issues that you have to deal with, you can't give as much time as you'd like to your constituency issues. So having that week after three weeks in the House in order to do that, I have found very, very beneficial, and I've heard other MHAs say the same thing.

I agree with my colleague for Conception Bay East – Bell Island, and I think also with the Government House Leader, that while we are making changes tonight and passing this motion, which I know we are going to do, at the same time none of it is written in stone. There are some things that we probably will look at down the road. For example, maybe we'll look at the whole thing of the fall sitting. Is closing at the end of the first week in December, is that good; should it be a bit later? Should we open up a bit earlier in the fall, the same way in the spring?

So I think that what we're allowing ourselves now is the flexibility to realize it's in our hands and we should let our experience dictate whether or not this stays for as long as what was there before stays, or in a year's time we may say let's consider some changes here.

Being in the form that it is, the Standing Orders are in our hands, and we can make motions and change it. I think what's really important is that we do that in a congenial kind of way, in a collegial way. I do say that the discussions have been collegial; I want to echo that as well, what has been said by my colleagues.

The one point I'm going to make is about the petition. I think it's going to be really good to have a petition in more modern language. The thing I always laugh at – and this is serious, but not having to deal with the old English spelling of sheweth, that has always caused problems for MHAs the first time when they see it. And people who are doing petitions, they see this formula that they have to use when they come and ask what is the formula that they must use if

they're going to do a petition to have presented at the House of Assembly. So coming to some modern language for our petitions, I think, is also going to be very helpful, just user friendly, really. I think that's what we're doing here. We're modernizing our House of Assembly, the motion and all of the points in this motion that have been pointed out, I think at least three times, that all of them are about modernizing.

We have other work that we want to do, as has been indicated by my colleagues also. I think we all realize on the Standing Orders Committee that we are going to be working right through for the next two years throughout this session of the Legislature. We have much work to do and we will continue doing that work and bringing motions to the House as the work proceeds. I think in our caucuses we talk about the issues so that when we go back into the Standing Orders Committee, we know what the caucus Members are thinking.

I think the independent Member would agree with me when I say his opinion has been listened to and sought as well. If he wants to say that's not the case, he can say that when he stands. But I think it's true that we have wanted – he has sent letters to the Standing Orders Committee so we have tried to make sure that his experience is also reflected.

I'm glad that finally we're getting this piece to the House. Some of it we've been doing and testing it, some of it we haven't. For example, we have made a change to the number of Members who do a Member's statement on a daily basis in the House. That's based on the difference in the number that we have in the House.

We used to have 48 seats in the House prior to the 2015 election and so having six Members a day was necessary. Now that we only have 40, having six Members a day basically meant that you were doing a Member's statement almost every week. The change to five Members is in keeping with the ratio more or less. As I said, some of the changes are bringing us up to a more modern time and some of them are just necessitated by changes here in the House such as that.

That's all I want to say, Mr. Speaker. It's good to finally get this much stuff agreed to by motion, but knowing that even after passing a motion, we still have flexibility.

Thank you very much.

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

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

I'm pleased to stand in the House, once again tonight, to speak to this motion. Of course, as has been said, we're discussing changes to the Standing Orders of the House of Assembly.

Of course, it's the Standing Orders which govern how we operate here in the House of Assembly so that everybody understands what the rules are. Obviously, it's something that we would all hopefully agree to and something that we're required to agree to and to stand with.

Like anything, all legislation and so on, over time there's a need to do some review and to make some changes which reflect the reality of the situation at the time. We all know that things always change. Sometimes technology changes and processes change. It's important we have legislation that is fluid and legislation that changes with the times. Certainly, that can apply to any legislation in the House of Assembly and it can apply to the House of Assembly Standing Orders as it has today.

There are a number of things here that we've seen that are – there are a number of things which have changed, in practical terms, and there are some other things that are being suggested that we would change. Some of the things we've actually been doing, it's just not changed in the Orders. There are other things we're not actually doing that we're going to adopt and start doing.

The first one relates to the Speaker of the House of Assembly. Basically, it lays out a process for the election of the Speaker of the House of Assembly. We have a process now for an elected Speaker. I think everybody agrees that an elected Speaker is a good thing, versus appointing a Speaker.

I have no objection to this particular change. The only thing I would just throw out there, though, is if we truly wanted to make the Office of the Speaker truly independent – and I know it has nothing to do with these Orders. If we want to think outside the box, why not make it truly independent, why not elect the Speaker? Why not allow the people of Newfoundland and Labrador to elect a Speaker?

Have a provincial election. If someone wants to be the Speaker of the House of Assembly, they run, they're independent, they don't represent any party. They run province wide. When people are voting in all the different electoral districts there would be a special spot on the ballot for Speaker. Anyone in the province could run to be the Speaker and be elected by the people. If you want to make it truly democratic, then that's something that maybe, at some point in time, we might consider looking at doing.

The next item here refers to the annual calendar that's been put in place. Standing Orders 8 to 11 were deleted and they've put in changes to put a calendar in place. This is a very good idea. I think, as has been said, it's particularly good for – well, it's good for all Members, certainly. It's good for the public to know when the House of Assembly is going to be open, when it's going to be closed. It's obviously beneficial for the media; it's beneficial for the Members.

If we're trying to make the House of Assembly more family friendly, I think that's something we certainly could do – well, it's something that we've done. I think it's a positive thing to put an actual calendar in place so that everybody knows well in advance when the House is going to be open, when the House is going to be closed and so on.

Mr. Speaker, part of this, of course, is the constituency week, as has been referenced. Again, I think that's a really good idea. It's not something that would be as critical for someone who is a Member here in the Greater St. John's area. I certainly find it beneficial. The Member for St. John's East – Quidi Vidi indicated that she finds it beneficial to have that constituency week where you can really focus on issues in your district.

There are some people who say: Well, that's what you have a constituency assistant for. There's no doubt, we all do have constituency assistants that answer the calls, field a lot of the calls and do a lot of the research on issues on our behalf. That's very important, but in addition to that, a lot of people want to meet with their Member. I've had people who have said: I appreciate speaking with your constituency assistant, she's been very helpful, but I want to speak with my Member. There are people who just insist on that and fine.

There are groups and organizations within your community. It's not just necessarily individual constituent issues, we all deal with those, but we also have many groups, whether they be community groups, service groups, associations that want to meet with the Member to discuss issues, to lobby them on concerns they have.

It's not necessarily just groups in your community like your local sports groups, service clubs and so on, but you also have people representing different associations, whether it be the diabetes association, whether it be MS, whether it be people in the construction trades, whether it be Mothers Against Drunk Driving, as an example. There are numerous lobby groups or groups out there that have issues they want to see pursued in the House of Assembly. They want face time with Members from all sides to be able to discuss their issues, their concerns, to get your ear so that you understand where they're coming from, to do presentations and so on.

We get that as well. It's not just constituency issues per se, but you get from provincial organizations, regional organizations, chambers of commerce – all those types of organizations – business organizations, that all want to meet with you on various issues of importance to them in terms of public policy, to give you their point of view. Perhaps there's legislation that's going to be coming forward in the House of Assembly at some point in time they're aware of and they want to meet with you to explain their issues, their concerns and their input on that legislation. So that when the legislation comes before the House, you can debate that legislation in an informed manner and understand everybody's point of view.

Having that constituency week, for all of us, is important to be able to schedule in those meetings, whether it be with your individual constituents, whether it be with your local service groups, whether it be with your regional provincial organizations. It's important to do that. Having that week is important.

Obviously, if you're representing a rural area, it's even more critical. One of the advantages, certainly, that you have here in the greater St. John's area is that while your time frames are pretty tight – because the House of Assembly is open on Mondays, Tuesdays and Thursdays, as we know, from 1:30 to 5:30 and, of course, on Wednesdays you have your morning sitting and your afternoon sitting – you can squeeze in an hour here or there, even though a lot of times you're doing briefing on bills during those times as well. There is some opportunity at least to be able to meet with some of these groups and constituents in between if you're in this area, if your constituency is in the greater St. John's area.

If you are a rural MHA, that's just not possible; it's just not on. The reality of it is that if the House of Assembly is open for a month or two – like in the spring, 2½ to three months, whatever it is – then under the old system, if you will, it was extremely difficult for your constituents or any other groups or organizations to get face time with you as an MHA. It was very difficult to do that because you were always here in St. John's because the House of Assembly is open.

At least now for the rural MHAs, when they have that constituency week, they know that one week out of every four they're going to be in their district, they're going to be available and then they can schedule meetings during that time. I'm sure that it's extremely helpful for rural MHAs in particular. I think that was a very good move and I'm certainly supportive of it.

We go down through this a bit further and we get into some of the times in the House. Of course, in terms of the times, one of the changes we made in the timing was the idea of utilizing Wednesdays, which is Private Members' Day, utilizing a morning session, so going from 10 a.m. to 12:30 p.m. That's an extra 2½ hours that now is basically devoted to just debating legislation.

During that period, there's no Question Period, there are no petitions, there's none of that – Members' statements or anything – it's just debating legislation. It's a good opportunity for government to try to get through some of the legislation, more time for debate and it helps speed up the process.

Members are here anyway. That's the important thing to remember: Members are here anyway. They're all in town anyway, just as well to utilize that time. I think that was another positive move that was made to do that.

Also, this idea of more certainty in terms of when the House would close; the House now can't close unless the government gives notice that it's going to do an evening sitting. Even then, there are time restrictions. You're not going to be here at 2 and 3 in the morning. Besides the fact that I think it could be argued any debate that happens at that hour of the morning is probably not great debate anyway, because people are tired and maybe not thinking straight.

I think it's important to –

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

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

**MR. LANE:** Thank you for the protection there, Mr. Speaker.

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

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

**MR. LANE:** Thank you again, Mr. Speaker, for the protection.

Mr. Speaker, as I was saying, I think it's important we acknowledge that when we do these things, like that, in those hours of the night, that it's certainly not going to be very productive. I think to do this, to make this change, is a positive change as well.

As we go down further here, we talk about notices for private Members' motions. On the private Members' motion piece, even though it's not here, I do want to reference private Members' motions. I think that's another change

I would like to see that's not here, but I think would be a positive change.

Private Members' motions are supposed to be just that. It's supposed to be an opportunity for each Member who is not a Member of Cabinet on either side, to present a motion of importance to them to their district. Currently, under the system we have, Mr. Speaker, it goes back and forth: government, Official Opposition; government, Third Party and so on. At the end of that particular sitting of the House, when the House breaks and we start again, we go back to that same process again.

Mr. Speaker, if we were to do it fairly and the intent of it, in terms of private Members, then I believe that through an assembly, which is really the four-year period, there's ample opportunity for every Member who's not a Member of Cabinet to have a private Member's motion. They might not have it this year. By the time it gets around to you, it might be year two, year three, whatever, but at least you have an opportunity and a fair opportunity to get a private Member's motion.

Under the current scenario, a Member such as myself, I will not get any private Members' motions at all. As someone who is duly elected, as a private Member, I should have that opportunity like everybody else. That has not been addressed here.

**AN HON. MEMBER:** You left.

**MR. LANE:** I'd say to the Member for Labrador West, I didn't leave, but anyway.

**AN HON. MEMBER:** Yes, you did.

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

**MR. LANE:** I say to the Member for Marystown: I didn't leave.

Mr. Speaker, I just didn't vote to tax citizens into oblivion.

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

**MR. LANE:** Mr. Speaker, the other issue that I see here is section 25. We're talking about –

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

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

The Chair recognizes the hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you for your protection once again, Mr. Speaker. I appreciate it.

Mr. Speaker, one of the other changes here; we're going to take the Members' statements – currently, we do six Members' statements per day. Because the number of Members in the –

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

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

I ask for the co-operation of everybody here in the House.

I've recognized the hon. the Member for Mount Pearl – Southlands and that's who I wish to hear.

Order, please!

**MR. LANE:** Thank you once again for your protection, Mr. Speaker.

Mr. Speaker, what we're doing here, of course, we're going to go from six Members' statements per day down to five, in recognition of the fact that the number of MHAs have gone from 48 down to 40. I do understand the rationale behind that, although I'm sure there are some Members here who – if you had the opportunity to do a Member's statement every week or two a week, I'm sure there are lots of people in our district they could do it on. That being said, I understand the rationale. So I have no problem with what they're doing there.

Mr. Speaker, then we move down to the section on petitions. I think it's good that we're going to modernize petitions. We're going to modernize the way petitions are being presented in the House to make it more modern, more user-friendly and to set out quite clearly the layout and the form the petition must take. That's particularly helpful, I think, to newer Members.

Certainly, when I was first elected and saw the petitions, I was a little bit confused over the way

they were done. I guess going back to the old Westminster system, but we are bringing it into modern day to some degree. I think that's a positive thing as well.

Mr. Speaker, I would say on the piece for the petitions, though – and I think someone did mention it; I did write the Standing Orders Committee on this one as well – I think the time has come for us to consider electronic petitions. Granted, I think the committee is looking at it. There's no doubt that it would require, I would imagine, some additional resources and IT work to be done, but it is being done federally. You can go in and present a petition online as long as you have a Member of Parliament. In this case, we'd just need a Member of the House of Assembly to sponsor the petition.

I think it's just bringing it in line with the technology that's available today in modern times. The idea is to make the House of Assembly more accessible to members of the general public. If we want to do that, we should be embracing technology to make it as easy, as simplistic as possible for people to participate.

Currently, with petitions the way they are now on paper, you have to have someone who has to go around if they have issues, distribute them to different community centres, stores, whatever, in their community, gather up signatures, collect them all up and mail them in. Where it would be much more simplistic if we could have an electronic format where people could do it online. I think it would be welcomed by the general public. Particularly the younger generation, we want to get them engaged and involved. I think it's somewhere we do need to go in the future, Mr. Speaker.

On that, Mr. Speaker, the other thing I want to mention – and it's not here, but I do want to mention this as well because it is related to improvements that we should be looking at – is the idea of the closed-captioning. That's something that, again, I had written the committee on.

I know recently, I believe, we had a letter or something from a lady here in the province. Within the last month or so I think she may have written the commission or contacted other Members about having closed-captioning. I

believe the Member for St. John's East – Quidi Vidi, if I'm not mistaken, had responded to her as well and indicated she was certainly supportive of that initiative. I hope that's something we can look at and all Members would be willing to adopt.

The other thing – and it was mentioned here already, it's not in this but it is related – is the whole idea of legislative committees, all-party committees, to review legislation before it comes forward to the House of Assembly. I think that would make the process here run much smoother. There would be much more input and opportunities for change and better legislation if we were to do that.

I see I'm out of time, so I will be taking my chair now, Mr. Speaker.

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

**MR. LANE:** Thank you.

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

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

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

I would like to make a correction of something I said earlier today when I was being talked over by a Member from the other side. I did point out that it was the Member for Bonavista. I would like to correct that, Mr. Speaker. In fact, it wasn't the Member for Bonavista.

I'd also like to just speak very briefly to the motion we are looking at here this evening. Some of the measures we are looking at here this evening are about making our House of Assembly more family friendly. I'm just wondering if anybody sees the irony in the fact that it's 10:47 and we are debating about making our House of Assembly more family friendly.

Thank you very much.

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

**MR. K. PARSONS:** I thought the speaker was going to go a little bit longer seeing it's only 10:47 tonight.

Mr. Speaker, it gives me great privilege to get up here, as I always say, to represent the beautiful District of Cape St. Francis. That's a part of what we are here for, to represent our districts. I always get up and say it and people make fun of me on the other side. Do you know what? It's true. It's why we're here, to represent our constituents.

I've been here now for a few years. I went through three elections. I like some of the changes that are being introduced here tonight and I like some of the changes that have been brought in in the last little while.

I'm no angel in this House of Assembly, but I know that Speakers, and you in particular, Mr. Speaker, I want to congratulate you for trying to keep decorum in the place and make sure that people respect what we do here. It's very important to understand – I'm just going to go back to the days of when my father was here in the House of Assembly.

I, as a young man, and I know there are other representatives here who had family members, mothers and other family who were involved in the Legislature and how proud we were to be a part of them, to know they were here speaking in the House of Assembly. I know how proud I was of my father, him being a representative. At that time it was called St. John's East Extern. I know the Finance Minister, I'm sure you had the same pride when your mom got elected and everything else.

This place holds a lot of respect, a whole lot of respect. It's so important that we take it that way and understand that sometimes we chirp in the House of Assembly and sometimes we shout stuff across the House of Assembly, but we always have to remember where we are and how fortunate we are to be able to be here to sit and represent districts like Cape St. Francis, the beautiful District of Cape St. Francis. I'm sure every Member in this House of Assembly considers their district as beautiful as I do.

I really wanted to get up tonight because I know the changes that are being made here, and I

agree with them. I always look at a way to try to engage people into politics. The last election in the province, I was very proud because my district had the highest turnout of voters. I really was proud of that because that meant we engaged 70 per cent.

I have never not voted in my life, and I look at 70 per cent thinking it's high. I really think it's low. When we look at what's happening in our province, we just had a by-election in Mount Pearl. Every party here in the House of Assembly worked so hard to be able to get what they could out. I'm sure every door in Mount Pearl North was probably knocked on three times. I'm sure they received probably 10 pieces of literature; yet, we only got 44 per cent of the people out to vote.

I really believe pieces of legislation and motions like we're doing here today, that we really have to figure out a way to get more people engaged. I want to see young people engaged. I want to see middle-class people engaged. I want to see people who need our help every day engaged. I know the one group I really don't need to worry about, because as you knock on doors they were engaged, are our seniors. So if we had people that could really be engaged, like our seniors.

What we're doing here, it's good because we need to attract good candidates; we need to attract people to the Legislature. So when we set up a calendar – and I agree with the House Leader how important a calendar is. It's not only important for us as people to know when we're going to be back in the House – and I'm sure every Member of the House of Assembly has heard this: When are you going back to work? When are you going to go back to work?

Most of the general public look at the House of Assembly as the only time we do any work. I try to explain to them there are a lot of times we don't get the work done that we need to do because we're in the House of Assembly, when people call us. So everybody, they'll always say to you: Oh, that's good, b'y, the House is open on Monday; you can finally go back to work.

We need to educate people. We need to let people know that we work – I know this weekend alone – it might not be considered work, might not be considered work at all – but I

had four tree lightings, I had three Santa Claus parades and I had two breakfasts with Santa Claus. I'm expected in my district – as their representative I'm expected to show up to that stuff, and I do. I'm sure most of the people here that were out in their districts this weekend did the same thing, because they're expected to show up. Now, people might not look at it as work, but I had a lot of lights to put up this weekend and I couldn't get it done on Saturday, I got it done on Sunday morning because I had a Santa Claus parade, I had tree lighting and I had breakfast. But that's just part of it.

We need to work in this House of Assembly so we can engage the general public in knowing what we're doing, engage people to be able to come and say I want to be a Member of the House of Assembly; I want to go in and do that job. That's important. So setting a calendar so that people will know, okay, this is when the House starts, this is when it's finished, that not only helps us as legislators, but it helps our staff. I'm sure, Mr. Speaker, your staff must be very pleased with knowing there is a calendar now, because the House is open – preparation for the House of Assembly, for those out there who don't know that are watching this tonight, there's a lot of preparation that goes into a House of Assembly.

I'm pretty relaxed now in how I talk, but I can always remember when I first came into the House of Assembly almost 10 years ago, that doing a speech like I'm doing tonight, I'd have to have everything wrote down, everything in front of me would have to be wrote down. I'd be after practising it about three or four times. I'd be up the night before looking at it and everything else. It takes a lot of preparation.

There are a lot of people that work behind the scenes in every one of the offices. For everybody that's here tonight, there's a constituency assistant, I bet you, that does just as much work or more work than any of us. And there's a lot of work that goes into it. Those are the things people don't realize: how much work goes into being able to be here to represent – the privilege to be able to represent them in the district.

So doing things like setting up a calendar is a good thing. I also look at things like – I know

the Member across the way, he just mentioned – and I wrote it down – about electing the Speaker. Now, Mr. Speaker, I don't want to see you lose your job. I think you're doing a great job, but that's pretty interesting because then you have a non-partial person that's up there.

I told you before I think you're doing a fantastic job. I have no qualms at all with the job that you're doing. I think you're doing a fantastic job. But it's an interesting concept that you brought up because people probably say, well then, that guy is really non-partisan, but that's an interesting thing.

The other thing that we talked about here tonight and it's very important – I noticed that city council in St. John's has changed so much this year. They talked about how there are a lot of young families involved in the council down there and some of their members have some young children. They sit, I guess, in committee meetings in the nighttime, they have to be in early Saturday mornings, and maybe sometimes it's hard to get a babysitter. It was the interesting, the concept they brought up to be able to have someone in there. That's great for even the staff members, I suppose, down there because, again, it goes back to our people.

We have people in this building tonight, just not only the people who are here tonight, there is staff in Hansard, there's staff in the Broadcast, there's House of Assembly staff and everything else here at 11 o'clock in the night doing what we're doing.

I don't mind night sittings. I really think that this a good way to do it, but the only one thing I really was disappointed in – and I guess most Members are going to disagree with me, and I don't blame them. The one thing I found out in the last number of years that I've been here, I really like the filibuster. I know it was hard and it was difficult. I can remember going home getting my three hours sleep, beating it back again, having to do 10 minutes and 10 minutes, but it was the one time that the morning news, CBC, VOXM, the first item in their news – and that's how we engage people, was about the filibuster that was on the night before.

As bad as it sounds, that was good because that was a way that we engaged the general public.

That's what we have to do. I know that we're not going to do it anymore, and I know that the House Leader basically says you can still filibuster, but there's a pause now. There's a stop.

When you talk to the general public when you're in a filibuster, they really appreciate what you're doing. I was on both sides of the House. I was there when we were government and the Opposition here, they did a great filibuster and we did one ourselves.

But it's a way to engage the general public and that's what all these Standing Orders and everything that we should be looking to do – we should be looking at some way, some mechanism so that we can get – I don't know how many people are watching this tonight. I don't say there are a whole lot of people up watching this tonight, but I'd like to see more people watch it in the daytime. I'd like to see more people engaged, and changing the process sometimes will do that.

The sittings on Wednesday morning, I think that's a great idea also because we get a couple of hours. Sometimes there's legislation that really needs to be debated and you need to talk about it. Two hours on Wednesday morning is not a bad thing. Maybe that will eliminate 11 or 12 o'clock that you're here in the nighttime.

I only wanted to say a few words. The other one I want to talk about, I know one of the Members mentioned also reducing now from six Members' statements down to five. The one thing that as a person that was here in the House of Assembly – never had the opportunity to sit in Cabinet, but had the opportunity to be a backbencher, we call them – to always get up and be able to talk about your district or talk about somebody; I know we had one here today.

When we recognize people in this province that are over 100 years old – and I think the Member for Virginia Waters today did it. Do you know what? That makes me proud to be here, too. That person, I hope he was watching today. That showed that he's legislated – we are his workers. We work for the people. We were up today and we applauded him on his 103rd birthday. What a great feeling that was to be able to do that.

That's what we're here for. We're not here all the time. I know sometimes we'll argue back and forth, and we'll roar and bawl at each other and everything else, but in general terms the general public has to know that we all have to work together.

If I want things done in my district, I have to work with the ministers. I have to be able to go over and talk to a minister. I can't be up here roaring and bawling at him and then expect to walk across the floor five minutes later and ask him for a new fire truck or ask him for a road to be done down in my district. Or the Department of Education, if I have a problem with something in education, or talk to the Health Minister, when somebody has issues with me, we have to show each other respect. That's where the respect comes to in this House of Assembly.

I started off talking about how my father felt about the House of Assembly. That's what I thought about it back then, too, and I still think about it today, the respect that we have to have in this place. Once we respect each other, the general public will get engaged and they'll be more in here –

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

**MR. K. PARSONS:** I've got one of the ministers there now giving me a hard time. I don't need a fire truck, so I'm not going to say anything to him.

It's all about respect in here and –

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

**MR. K. PARSONS:** I'm always looking for a fire truck, I know.

This is all about the people's House. This is what this is called: the people's House. I applaud the House Leaders; I applaud what they're trying to do here. I congratulate everybody that's on that committee because I think you're doing a good job. Anything that we can do to make it easier for people to get engaged.

Now, the Member for Mount Pearl – Southlands mentioned petitions. Again, it's another form in this. I had a group in my district and they had a

huge issue with Indian Meal Line. I went to the minister, I spoke to the minister and we tried to look for solutions. They said: How about if we get a petition? I said: You know what, that will give you a voice in the House of Assembly.

I congratulated the people who went out and took that petition. They went and got 300 names. I got a call from them tonight because I presented it again today for the third time. He said: We're so pleased that you're up in the House of Assembly representing us and putting our petition forward. That's what we have to do. That's how we engage.

I know you mentioned electronic petitions. I've had petitions given to me that I really don't want to present here because I don't agree with them sometimes. Do you know what? The general public out there should have that voice. There should be some way that we can say to the public: Put in your petition. It will probably go through the House and go through your office to be able to see if it's in order. Then people can say: Okay, that's another way that I can have my voice heard.

I think that's a great idea. I really do. I know there will be petitions that will probably come forward that will not be in order or not something we should be debating here in the House of Assembly, but the opportunity to let people be able to do it is a great thing. I think that's where we should be. I think if they send it in electronically or they write the Speaker and they have a list of names – that people are interested enough to present this – then we should be able to get in this House and debate some of the things on petitions.

Over the years that I've been in the House, I have to say I have the utmost respect for ministers in the House of Assembly. I really do. I understand what they do. I always look at them to run the departments that they have to run, like the Minister of Health or the Minister of Transportation. There are a lot of people underneath them.

When you look at the House of Assembly, sometimes – I'd like to see some changes in Question Period where probably the Speaker can say: That's not the question you were asked;

answer the one that you were asked. I know it happens in all parliaments all over the world.

No matter what you do, if you watch the House of Commons, you'll see that a question gets asked and you'll never see the answer. But, sometimes, when ministers stand up and they just don't give anything near what they're asked – maybe there's some way we can have the Speaker say you have to ask or at least mention what the question was about.

I tell you, that's the one thing I hear from the general public a lot. I'm not criticizing government now; I'm criticizing us when we were here, too. I know we never did it either, but I think there are some changes that we could probably make. The general public out there, when they do watch Question Period, all shake their heads and say: The question you asked they never answered, or that had nothing to do with what's happening, so that's a change.

Mr. Speaker, I don't know if there are other places in the world you could look at that could have something in those lines that questions come in; maybe something like petitions. It could be something like people could write in and ask their questions sometimes. We could have a period sometimes that our constituents, the general public – as long as the question was in order and the question was (inaudible). It's another way of engaging the general public. I really believe that.

What we're doing here, again like I said, when I looked in Mount Pearl and saw that only 44 per cent of the people got up on a beautiful day to come out and vote – we need to do things, we need to change things. Things need to be changed. I applaud this committee for what they're doing, but in order to get people engaged – and I really want to see young people engaged. I'm all the time trying to figure out how to do it.

I know that today social media is a huge, huge forum. I know that when the last election came I really wanted to get young people engaged. I have a son and a daughter. At the time, my daughter was 29 and my son was 26. I was talking to them. I said: Now, how do I get all your friends? How do I get people down this way? How do I get them engaged?

They started a Facebook page. I didn't have a clue what they were doing because I wasn't too familiar about the Facebook part of it. But the next thing I knew, somebody called me one day and said: You know you have 2,400 members on your Facebook page that says re-elect Kevin Parsons? I said: How did I do that? I didn't know, but it was all through the young people that I had in my campaign engaging; they got young people out. All of a sudden, one friend tells another friend – I don't know how it works.

Maybe we can do stuff in here that can really engage the young people because they're our future. They're the future of the province; they're the people that we want to see here in the Legislature. I look across the way and there are some people over on the other side there and my young companion right here on the side of me, this young lady here. We need to engage young people. We want young people to be able to come in here and feel like they are. That's what we are here for. So these changes that are being introduced here tonight, I hope – I really hope – that they bring people to our Legislature, that it brings people out to want to come out and vote.

I go back to people like Jack Byrne. When I was in the House of Assembly when Jack was around, I tell you, I met Jack Byrne and all of a sudden I thought he was the finest man I ever met because he was here for the right reasons. He was a good man. I've learned so much about him, even since his passing, because there were a lot of times I went to people's houses and they told me stuff that Jack did for them. I was just proud to be his friend.

That's the respect we have to earn in here. We have to all earn it together, and you start by respecting each other. That's what happens in here. If you don't have respect for each other in here, you can't expect people to have respect for us outside. That's what has to change in here.

We all have to work together. We have to work for the betterment of Newfoundland and Labrador. We really have to do it because people depend on us. This is our province. This is where we live. This is where we chose to live. The people we represent, like the beautiful people in Cape St. Francis, we have to make them proud that we do what we have to do.

Making some changes like we made, I'm glad we made those changes, but do you know what, Mr. Speaker? There are other changes that need to be made. We need to figure out how to engage the general public. We need to figure out how to get more people interested in politics. The more people we get engaged in this province, the better this province will be and the better results we'll have for people. That's what we're here for.

All we're here for is to make sure that the people of this province get the results they need. We live in the greatest province in Canada. We live in the greatest country in the world, and I happen to live in the most beautiful district in the country.

Thank you.

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

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

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

My colleague from Cape St. Francis, I can tell you he's a hard act to follow in many ways. He says a lot of things that are relevant and important because what we're discussing here is we're discussing a motion to change Standing Orders.

Standing Orders have been in the House for a while. I have a copy under my desk, as many Members do, and they are essentially the orders and rules of how the House operates and conducts the order of business and very steeped in parliamentary tradition on how Houses operate.

Sometimes people say things: well, you do things a little bit differently or inefficiently, if I can say that with respect, Mr. Speaker, and sometimes we do. We have steeped traditions, or traditions that are steeped in history that provide for decorum and order and a process that was designed many, many, many years ago to be effective, to be important to the process and to create legislation. That's what the Legislature is for.

I've talked about it in the House in the past at times where there are three branches of government. There's the Executive Branch, which is made by the party that has the most Members in the House that form the government. The Premier and the ministers run the Executive Branch of government.

There's the Legislature, which is where we're here in as legislators. We all have one vote. No matter which side of the House we're in, or if we sit as a government party, or as the Official Opposition where we are, if you sit as a Member of the Third Party or as an independent, each person duly elected in the province sits as one vote in the House of Assembly at any given time.

Mr. Speaker, we pass bills. That's what we're doing here today; we're changing the Orders we have. The government's responsibility, the Executive Branch, brings bills to the House of Assembly. The Legislature debates them and either passes them or doesn't. It normally passes them, sometimes with amendments and so on. Then, the Executive Branch of government, meaning the Cabinet and government itself, operate and run government under the legislation that is passed here in the House.

Then, of course, there is the judicial branch and one of the key factors in the judicial branch being the courts. The courts will hear grievances from people. If people want to decide a legal question, or a question about if they've been treated fairly, or they have a grievance against somebody else, then it's the courts that do that. The courts are separate.

One of the facets of our particular system is that while each system has some overriding features to them, to others they all act independently. The Premier can't tell the Speaker what to do. The Premier can't tell a Member of the House what to do or the Leader of the Opposition what to do. The Executive Branch can't tell the House what to do. The House can't tell the government what to do, other than the fact that we pass bills which become the policy or become the legislation and guides how government executes that legislation and those bills, those laws. Then, the courts determine the application of those laws. They're all together, yet there is a separation in each one of them.

The House is run under a set of rules as well. There are a number of rules, but some of those rules are considered to be the Standing Orders of the House of Assembly. Mr. Speaker, the copy I have here in front of me from my desk indicates they were actually adopted on May 18, 1951, with amendments to and including March 16, 2005.

When we look at the Standing Orders of the House – which this motion before the House today amends some of these Standing Orders – they are steeped in tradition even beyond 1951; this particular version came from 1951. I see here one that was amended in 1999 and 2005. Amendments are listed here, but 1951 was the current Standing Orders that we follow.

There are a number of things that have been talked about here by Members of this House that are going to make changes. Section 4(6) and (7), are being repealed with a change made. Under section 4 of the Standing Orders is a section that relates to the election of a Speaker.

It's very early in the Standing Orders, like I said, it's under section 4. It deals with the secret ballot in the election of a Speaker. In the House here we don't do secret ballots, not routinely, but we do a secret ballot for the election of a Speaker. So there are some changes there on the election of a Speaker. There is an allowance as to how that happens.

I heard from the Member for Mount Pearl – Southlands, he commented that maybe there should be a separate election for a Speaker or a public election. I'm not sure I agree with that approach.

As we go to a general election as we did in 2015, people of the province get to elect their representative to the House of Assembly, or as referred to Member of the House of Assembly. The party that receives the most votes forms the government – that receives the most seats, not the most votes, but who has the most Members elected forms the government.

Then, a Speaker is elected from the Members of the House. It doesn't have to be a Member of the governing party. It could be a Member of the Opposition Party or the Third Party. That's happened in legislatures where there's been a

very close House and government said if we have one of our own people as Speaker, it could put the balance of power to the Opposition. So they would elect having the most – the Speaker gets to vote in that process as well because he’s not the Speaker at the time, or she’s not the Speaker at the time. Then the Opposition (inaudible) wait for the Opposition, so they’ll have an Opposition person nominated to become the Speaker to try and keep the power in the House. So that can happen as well.

This process that’s before this motion here, Motion 3, brought forward by the hon. Minister of Justice and Public Safety, is to amend a couple of sections here about the balloting process and how the candidates’ names are presented. It’s not a significant change in the Standing Orders.

Also, there is a change to Standing Orders 8 to 11, and this has been talked about by colleagues ahead of me as well. This is on the annual calendar. I agree with this change, Mr. Speaker. I think it’s a good change because of a number of reasons that have been pointed out by Members earlier, that it does provide a better and I believe an improved structure and expectation.

As other Members have talked about, there are legislatures who do that. Parliament does that, and not only do they have a schedule in place, but because there are enough Members in Parliament, I know caucuses sometimes will as well take Members and say here’s your week for your consistency week, or here’s a period of time where if you need to travel in the country to do the work you’re doing as an MP and so on. The House can continue to sit while certain Members are pulled out or able to leave to do the business of being an MP outside of the Legislature.

It can be really tough. If you live anywhere outside of Ottawa and you’re in Ottawa – no different here in St. John’s. We have many Members here, my colleague for Fortune Bay – Cape La Hune, as an example. It’s pretty much a day’s work for her to get home, especially this time of year. If you don’t want to be on the highway after dark, then she has to leave here in the morning to drive home, and then would have to leave in the morning from there to get back in

another day. It’s not an easy thing to do and therefore it takes her out of her district.

For me, my district is in the capital region. I’m a 15-minute drive to the boundary – probably a little less than that – of my district, probably around 25 to 30 minutes to the furthest end, probably less than 30 minutes to the furthest away of my district. I drive through my district every day to come to the Confederation Building or come to the House when the House is open. Not everybody can do that. Not everyone in the House can do that.

You, Mr. Speaker, certainly can’t because you have to get aboard an aircraft to get home on the same day and have to get an aircraft to come back. I look at my colleague and probably it still takes two days to get home to the North Coast of Labrador. It can take him two days depending on what flight he gets. If he doesn’t leave here until the afternoon, he can’t get home until the next day if the flights are still the same way they were before. It’s very inconvenient for Members to get back.

For me, if the House is not sitting in the evening – if the House sits in the daytime and I have an event in my district in the evening, quite often I can get out of the House and get to an event in my district on the same day. It’s not everybody who can do that where they’re left to, quite often, the weekends to try and get home on the weekend, spend some time in their districts and get back for Monday. In the case of my colleague for Fortune Bay – Cape La Hune, for her to go home on a weekend and be back here for the House at 1:30, Monday, she actually would have to come back on Sunday. It’s certainly inconvenient.

Part of the changes that are being made here between sections 8 to 11 would be to provide for a parliamentary calendar. Mr. Speaker, the parliamentary calendar, as suggested and scheduled, allows for that time to spend in your district. It provides for a three-week sitting period, a constituency week being held at every third week.

Under section (3), it points out that “during the sittings held under Standing Order 8(1), there shall be (a) one constituency week for every three sitting weeks unless varied by the calendar

provided by the Clerk under Standing Order 8(5); and (b) a break commencing after the end of the sitting day on Maundy Thursday” – which is also known as Holy Thursday – “until the third Monday following the date.” So that provides for a break during the Easter period, for a two-week break after the Easter period no matter when Easter is held because it does change on the calendar, but to start on Holy Thursday.

“In a calendar year in which there is a general election, the Government may indicate to the Speaker that the commencement of a sitting will be postponed or varied or that there will not be a sitting and the Speaker shall inform Members.” So that can happen as well on an election year, especially if there’s a change in government in the fall of the year and could impact the calendar in that regard as well.

It goes on: “On or before January 31 of each calendar year, the Clerk, following consultations with the Government House Leader shall distribute to all Members a calendar indicating the intended sitting days for the next calendar year.” So we knew in the spring when the sitting was going to be and we knew coming in this fall when the House was going to begin and when the House would end, being Thursday coming, based on the parliamentary calendar that was in place.

It actually lays out when those sittings would be, when they would start. For example, for the fall sitting right now, it would commence no later than the first Monday in November and conclude not later than the first Thursday in December. And for the winter/spring sitting it would commence not later than the first Monday in March and conclude not later than the first Thursday in June.

So, Mr. Speaker, we’ve talked about family friendly here and I know my colleague for St. John’s Centre rose and made comment on it, noting the hour of the night and that we’re here talking about family friendly. At 11:20 on a Monday night while we’re here in the House debating bills and discussing a bill such as a change in Standing Orders, I have to agree it’s not really family friendly; it really isn’t, depending on your circumstances.

My colleague for Cape St. Francis referenced the demographic of what was just elected to municipal council in St. John’s, and it’s probably a good example because if you want to elect young people with young families, it’s got to be inviting to them. It’s hard to entice them to consider following a career in politics and running for office when, especially if you have a young family, at 11:20 on a Monday night there’s an expectation that when the House is sitting you could be in here debating matters such as this.

But that right now is the choice of the government if they wanted to stay. The minister is allowed to set down a motion, as he did. He set down a motion on our last day we sat, saying that the House would not adjourn at 5:30. Under our new Standing Orders that we’ve been following in practice, then we sit until 12 o’clock. While it’s 11:20, that’s why we have another 40 minutes. Up to that point in time, the minister or the Government House Leader could decide to adjourn the House as he wishes.

Generally, I give credit to the minister. The Government House Leader will, quite often, consult with the Opposition House Leader, the Leader of the Third Party and will talk about bills that they plan on calling and try to give a little bit of notice on what bills are going to be called and when and, also, to have a discussion about when the House would sit and when the House would adjourn. Normally, under section 9, the House would adjourn on Monday at 5:30. Monday, Tuesday, Thursday at 5:30 the House will adjourn. On Wednesday it would adjourn at 5 o’clock.

Under section 11: “The Government House Leader may move that the House not adjourn at 5:30 p.m. on Monday, Tuesday and Thursday afternoons but notice of this motion must be given at a previous day’s sitting and once put by the Chair is not debatable.” In that case, Mr. Speaker, when the House gives notice and the House does not adjourn at 5:30, which is what happened today, we find ourselves here at 11:20 at night and can sit until midnight, I believe, is the time we can sit until tonight.

As my colleague talked about – filibusters. There was a time, before that rule was put in place, we could stand and talk into the night.

That would happen basically under Committee. In second reading, generally, Members of the House get 20 minutes to speak. The mover of a bill gets an hour; the first responder from the Opposition would get an hour; I, as the Leader of the Opposition, would get an hour; and Members in the House would get 20 minutes each to speak. But once you've spoken for your allotted period of time, then your time has expired and you can't speak to it again.

When we get to Committee, in the Committee stage, Mr. Speaker, as you well know, Members can have consecutive speakers. Any Member could rise and speak over and over again as long as there's a speaker in between, as long as there's someone who rises in between that speaker. So if I'm speaking for 10 minutes and I sit down, if no one from the government side – it happened earlier tonight, no one from the government side wanted to get up to speak to it; my colleague, the Government House Leader, got up and spoke for a couple of minutes. He sat down and then I was able to get up again.

In the old days as a filibuster, we could actually do that into the night, into the morning, into the next day, the day after that and the day after that. Those things have happened in the past. Under these new Standing Orders, that's no longer going to happen. At 12 o'clock we know the House will adjourn for the night, and on Thursday, this Thursday, as per the calendar, the House will adjourn then until the winter/spring session, until that takes place.

So, Mr. Speaker, that's a significant change. The other aspect of that change is there's also a contingent of staff that's required to run the House of Assembly. We have officials here, the Table Officers in the centre of the House. We have Pages. We know you have staff in your office and the Clerk's office that are quite often here into the night. As well, there are people who run the Broadcast and Hansard and security and so on; technical staff and security that are also required to be here as the House sits. So as we sit here now at 11:25 at night, those staff are required to be here as well to support the operations of the House.

At one time when we had filibusters in the House, it could continue for days and days and days as people spoke for 10 minutes at a time

and kept the House open, staff were required to be here around the clock. That's simply not family friendly, but not only is it not family friendly, it's not a healthy thing to do, Mr. Speaker. It's not healthy for any Members in here. I agree, you can do that for a day or two, but from my own experience, after having sat through a few filibusters here in the House, it tends to get testy and non-productive and nasty. I know you've had to speak a few times tonight to bring order to the House, but if you'd been here for two or three days, then things start to erode.

As my colleague for Cape St. Francis talked about, the respect for each other is critical in order for the House to produce properly. The tendency is, after time goes on, for the respect to leave the Chamber and for the decorum to erode. That's not beneficial for anybody. So having this current process in place to keep us here until 12 o'clock when absolutely necessary is not a bad thing in the House at 12; however, keeping us here late at night sometimes is not in the best interest anyway.

Mr. Speaker, another section that's being amended and dealt with here by this motion is to delete section 24(3) of the current Standing Orders and to replace that with a new 24(3), and 24(3) refers to Wednesdays and what happens on Wednesdays.

We do a normal course of business where the government brings bills to the House, debate it and vote on it here in the House. That happens on Mondays, Tuesdays and Thursdays, but on Wednesdays it's an exception here in the House. We still do debate, but it's a little bit different.

There's been a change made to allow the House to sit in the morning. It used to just sit from 2 to 5 in the afternoon, but it has been changed now to allow the House to sit from 10 a.m. to 12:30 on Wednesdays, whereby regular debate can continue, motions of which notice has been given to the government can be debated in the House.

Then there's a break from 12:30 to 2 o'clock. At 2 o'clock, then, we follow what has been the tradition in this House known as Private Members' Day, where Members who've given notice of private Members' motions and then

they can debate those motions under a somewhat separate set of rules for the House. Many rules are the same, but the process is a little bit different.

The alternating parties in the House can give notice on a Monday, there's a schedule known for that as well and coordinated through the Clerk's office, through your office, Mr. Speaker, where Members can bring private Members' resolutions. They're debated and then voted on in one day, one afternoon in a three-hour period here in the House. So that's the exception. The change on Standing Order 24(3) is that we now meet on Wednesday mornings for two-and-a-half hours to do a – I'll call it a regular debate, or a debate as we're doing here tonight.

Under number 4, Standing Order 25 is repealed and substituted by a new Standing Order; and 25 is about Statements by Members. It used to be limited to six minutes for Statements by Members. A Member, other than a minister, may be recognized or make a statement. The statements are generally about something in your district or something that's relevant to you or your district, or someone who is important to you, and usually of a non-controversial type of matter held to statements about anniversaries, historic events, a particular accomplishment, the death of a notable person, matters of local, provincial, national or international significance of a non-contentious nature.

“Statements by Members shall not be used to comment on aspects of provincial government policy or to reflect on a decision ...” – that's not the intent of it. And they'll “not pose a question but rather express the opinion of the Member.”

There's a change to section 25(1) to say that, instead of having six minutes, “On each sitting day, up to five Members, other than Ministers of the Crown, may be recognized to make a Members' Statement.”

Right now, ministers can't make a Members' statement; they get to do Ministerial Statements, bring in bills and so on. This will allow Members who get less often to speak or rise in the House or to address matters regarding anniversaries, historic events, accomplishments, deaths and so on, it gives them a time to raise those matters publicly here in the House of

Assembly. Instead of having it limited to six minutes, it's now going to have five Members, other than Ministers of the Crown, may be recognized on a given day.

“Each statement shall be no more than one minute in duration.” Right now there's been kind of a practice on the number of words allowed, but we're going to change this to allow Members to have no more than one minute in duration. If you want to talk fast, you get more words and if you want to talk slow, you get less words. The clock ticks off one minute at the same time, no matter how fast or slow you provide your message.

Standing Order 91 is also going to be repealed. That has to do with petitions. Our colleague, the Member for Mount Pearl – Southlands, referred to this one earlier. I always found it quite interesting in petitions when I first came to the House. When I talked, Mr. Speaker, about some of those historic processes, methods and traditions that happen in the House, when you look at the wording of a petition today, it's kind of interesting but kind of leaves you scratching your head. The way it's written is in very old traditional format. We're changing that now to modernize the process somewhat and, also, to reflect requirements on openness and transparency, but also on people's privacy.

When this is passed, the form of petition will change. It indicates here “(1) A petition may be either printed or written and must be substantially the same form as the Form of Petition contained in the Appendix. (2) The prayer of a petition must appear on each page of the petition. (3) A petition must be written in English or accompanied by a translation ....”

Also: “6. Standing Orders 93 and 96 are repealed; and 7. The petition template in the Appendix is repealed and the following is substituted ....” So now we're going to change the wording a little bit for the petition and a little bit around the rules of the petition as well. There's now a wording for the petition which, I think, is a little bit clearer.

It also points out: “This petition may be tabled in the House of Assembly. If tabled, the petition will be a document of the House of Assembly and the name and address of every person who

signs it will be available to the public.” I think it’s an important addition knowing that we live in a day and age where we have to be cognizant, conscious and aware of people’s privacy and their right to privacy, but also the right to know that, if you’re signing a petition, their names could become a matter of a public record.

I did see one case of this in the past where I saw a person’s name on a petition. It was actually a petition that was published in a public document and it led to some discussion of how that happened and why the person whose name was there wasn’t aware it was made public and so on, but anyway it was. Now it’s going to be quite clearly laid out to people that if you sign a petition, it will be public.

Mr. Speaker, petitions are an important tool in the House of Assembly especially for Members of the Opposition because as a Member of the Opposition, people quite often – as I’ve learned over the last two years and all of us on this side have come to understand better – will contact us and say: I have an issue or a concern and I want to bring some attention to it.

Earlier today in the House, we passed a bill on the *Highway Traffic Act* and the minister had a number of people sit in the gallery here with us while the minister delivered her commentary and presented the bill for consideration by the House. Many of us, including myself, acknowledge the work they do to heighten awareness around the matters important to them. It was about highway safety. Tragically, some of the people who were here today were here because they lost a loved one to a traffic fatality and wanted to see changes made to help strengthen legislation and make steps to continue to raise the issue as an important one for Newfoundland and Labrador.

I use MADD as an example today who do great work in constantly sending the message and reminder of don’t drink and drive, don’t drink and drive, don’t drink and drive, and even use messages: If you see someone who is drinking and driving, stop them. If you can’t stop them or you see someone who you believe is driving while impaired, call the police. Those are very important messages. We can’t forget them. They have to continue to be pushed out and put in people’s minds and encouraged and so on in

people’s minds and constantly have to be pushed along.

Petitions do that as well. Sometimes people want to see change. As I again talked about earlier today, the House of Assembly is here because it creates change. There are many times, such as the *Highway Traffic Act* today, where a bill is amended. One of the ministers opposite – I think it was the Minister of Justice; I stand to be corrected – made a comment about the *Highway Traffic Act* and said it’s probably one of the most – and I said it as well – frequently changed bills or pieces of legislation that comes to the House for amendment. It’s a big piece of legislation. It impacts virtually everybody in the province on a daily basis and it’s constantly being changed, amended, improved, updated and modernized and so on.

Sometimes people have matters such as that that they want to bring to the attention of government and for whatever reason don’t feel it has gotten the attention that it needs. Petitions are a good way to do that. A petition can be presented – quite often we’ll hear from people that say: Look, can you help me with a petition? I would like to do a petition on this; I want to make sure it meets the format and so on. We help them, assist them with that. We’ll take it to the part of the province or in different areas of the province and secure signatures, bring it back to us and we present them on behalf of the people of the province here in the House of Assembly.

We do it every day, essentially every day, except if the clock ticks out on Wednesdays at 3 o’clock. The House sits at 2, and at 3 o’clock we start debate on private Members’, and sometimes there are matters that occur that don’t allow for much petition time on Wednesdays. But generally speaking, there are a number of petitions that are tabled here, and we’ve used them to bring matters to the attention of government. It gives any Member of the House – I think three minutes is that the maximum amount of time to speak on a petition. It gives you three minutes to stand uninterrupted and to read the petition and discuss the contents of the petition and make commentary on it.

It’s a good way where you continue, much like advocates do in our province for many areas of

concern or matters that are important to people, it's a good way in order for parliamentarians every day in the House to get up and bring matters forward in a respectful way here in the House that are important to the people of the province.

It's not to be confused with Members of the House advocating; it's bringing the message forward on behalf of citizens. I go back to one of my earliest comments. We're here elected and people say you're my representative in the House. They expect us to represent them in the House of Assembly, and they want that matter brought to the House of Assembly, do it by petition, then we stand in our place and bring it forward, which is done pretty much on a daily basis.

So to modernize and update the petition process is a good thing to do. The Member for Mount Pearl – Southlands referenced online petitions, which we know there is a significant growth in online petitions. I heard a couple of people say, yes, it is a good time to look at it and it should be done. Technology changes very quickly.

I think the petitions brought in the House should have to have some type of a standardized format, which we have laid out here, and there has to be some way to be reasonably sure that a person's name and signature means something. That's usually done – when you look at petitions, quite often, you get an idea if it looks to be consistent with an area. For example, sometimes people put a petition in a store, in a community somewhere in the province. When the petition comes in, generally speaking, the names on that petition are going to be people from that region, that town or that neighbourhood area. You'd know, okay, I can see where this petition came from, or if you receive in the mail or a constituent brings it to us, we can see where it came from. So it gives us a little bit of assurance that it is where it is and the names on it were brought forward by the people listed there.

So, Mr. Speaker, that's some of the changes, and I haven't outlined them all, but I've taken some time to go through many of them. The form is about having the House of Assembly where we can be productive – yes, we can have banter, and we're going to have that; it's going to happen. It happens in every legislature. It's part of what

takes place here and a lot of it is about trying to apply a little bit of pressure and trying to apply some pressure to people. If it's something being said you don't like or someone over opposite doesn't like and they don't agree with, they heckle you and distract you and do all of those things that happen in a legislature. It happens in every one.

I saw an incident in Parliament last week where an MP was heckling and didn't stop heckling and then left the Chamber. We've had similar kinds of incidents happen here from time to time. Not very often, thankfully, but from time to time tempers flare up a little bit and those kinds of things happen.

That's why we have Orders and you call the House to order, and we have Standing Orders, which are the standing rules and policies and process that we –

**MR. A. PARSONS:** Point of order, Mr. Speaker, under section 48(2).

**MR. SPEAKER:** Point of order, the hon. the Government House Leader.

**MR. A. PARSONS:** Again, we're quite willing to have this debate on the resolution. In fact, we've been up for 33 minutes, and I think the Member has, as all of us have, taken the opportunity to go through this resolution in very fine detail and talk about the Standing Orders. But 48(2) talks about repetition and relevance, and what I would suggest is we are going to a rehashing of the point of Standing Orders, which I believe the Member may have referred to earlier on in his speech, and certainly other Members have.

So at this point I would just caution that once we get into too much repetition, then we are in breach of the Standing Orders.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you.

The hon. the Leader of the Official Opposition.

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

I appreciate the opportunity to sit down for a moment.

Mr. Speaker, I've taken my time to go through the variety of sections in this motion here tonight, and I have to say it's most unfortunate the minister feels that way. I'm certainly not intending to be too repetitive, but sometimes a speaking point and tool used by many Members in the House would be to –

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

If I may, just according to the procedures in the House, I do need to rule on the point of order.

I do agree with the Government House Leader's statement, and I would ask that the Leader of the Official Opposition continue to make remarks relevant to the motion before us.

Thank you.

The hon. the Leader of the Official Opposition.

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

I'll try to be more specific to the bill. I've gone through most of it. I wasn't intending to go through the rest of it that I haven't covered, but maybe that's what I should do, instead of trying to make my points in the way that I've done.

Yes, I sometimes use repetition. Sometimes that happens in the House where Members –

**MR. K. PARSONS:** Late at night.

**MR. P. DAVIS:** What's that?

**MR. K. PARSONS:** Late at night.

**MR. P. DAVIS:** Oh, it's late at night. Yeah, I know we're a little bit tired, but sometimes Members opposite, government Members and ministers actually will continue to repeat themselves to make a point. That's all I was doing, Mr. Speaker, was trying to make those points. If I repeated what other Members said, I will try not to do that as well.

I'll have a look at the motion now, Mr. Speaker, and see what sections I may have missed out when I spoke earlier. I wouldn't want to miss

out on any of them. I'll use my time up and I'll use my time to speak to them.

Mr. Speaker, I referred earlier to the fall sitting and the spring sitting. I didn't refer to: "The House shall not meet on the days which are paid Government Holidays." Each year the government sets out what are paid government holidays on the government's calendar.

Mr. Speaker, what this recognizes is that: "The House shall not meet on the days which are paid Government Holidays." I wasn't going to raise this and I apologize for raising it, but I want to keep in line with what the Government House Leader has asked me to do, not to be repetitive. So I'll take every detail I can.

Section 8(2) says: "The House shall not meet on the days which are paid Government Holidays." Of course, if there's a paid government holiday, Mr. Speaker, that would mean the staff would have to be brought in. There would be considerable expense to staff for overtime.

Government holidays are usually observed for good reason. For the House to actually specifically say that they will not meet on days when there are paid government holidays, I think it's in keeping with the family-friendly commentary and intent of these changes that were being made, not only for Members of the House, but also for the staff.

**MR. A. PARSONS:** Mr. Speaker, point of order.

**MR. SPEAKER:** The Government House Leader on a point of order.

**MR. A. PARSONS:** Section 48(2), again, the Member is quite clearly struggling to stay relevant here and is repeating the same thing and said the same line twice there. I love being in the House just as much as the other Members do, but I like to keep my commentary relevant. We have a Standing Order to do this.

I would say, Mr. Speaker, the Member opposite is repeating himself and struggling to speak to this. He's exercised his time. We're quite willing to listen if he has something new to say, but when you say the same thing multiple times,

you're in contravention of the Order, Mr. Speaker.

Thank you.

**MR. P. DAVIS:** Point of order, Mr. Speaker.

**MR. SPEAKER:** The hon. the Leader of the Official Opposition on a point of order.

**MR. P. DAVIS:** Mr. Speaker, I would agree that I just repeated the line on 8(2) "The House shall not meet on the days which are paid Government Holidays."

Mr. Speaker, I have to tell you, in all honestly, at 11:45 at night, with all the noise that coming from over there, it's a little bit hard to focus. I apologize for repeating it.

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

One point I do agree on, and I'm surprised that the point hasn't come up much earlier because the area of repetition and relevance I think is something that we do need to discuss. I look forward to having that discussion probably in February, prior to us reconvening.

Given the hour of the day, I will let the Leader of the Official Opposition conclude his remarks because I'm sure we're going to be concluding this session very soon.

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

I appreciate your protection here tonight. I didn't refer earlier to section (5). I spoke to it briefly, but I didn't read the section. Section (5) says "On or before January 31 of each calendar year, the Clerk, following consultations with the Government House Leader shall distribute to all Members a calendar indicating ...."

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

**MR. P. DAVIS:** Sorry, Mr. Speaker, the noise level is starting to be distracting again.

I want to move on now, just give me a moment; I'd like to speak to section –

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

If I may, we've done a lot of great work in the last several hours, and I will decide that this House will now adjourn until tomorrow at 1:30 o'clock –

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

**MR. SPEAKER:** I can't do that. I'm sorry. I have to do it at 12, sorry.

The hon. the Government House Leader.

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

I don't know – I just have to make sure: Is the Leader of the Official Opposition done or am I being recognized to close debate on this resolution? I have to have that determination of whether he is still going to speak, if you're going to allow that.

Pursuant to Standing Order 48(2) –

**MR. SPEAKER:** I would ask the Government House Leader to adjourn debate for the day.

I apologize for my earlier direction, given that the Leader of the Official Opposition was still involved in his remarks. I would ask him to take the floor again and conclude, and stay relevant and avoid repetition, please.

Thank you.

**MR. P. DAVIS:** Mr. Speaker, I move that we adjourn debate.

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

**MR. A. PARSONS:** Mr. Speaker, I'm not sure the Member opposite can adjourn debate on the resolution. I'd like to continue. I would actually, at this point, like to call the motion and speak to it, which is my prerogative. I have an opportunity to speak to it.

**MR. SPEAKER:** He can conclude his remarks?

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

**MR. A. PARSONS:** On the debate?

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

**MR. A. PARSONS:** Okay, so we're voting against the adjournment.

**MR. SPEAKER:** All those in favour of the motion to adjourn debate, please say 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** The debate continues.

The motion is defeated.

The hon. the Government House Leader, if he speaks now he will conclude the debate.

**MR. A. PARSONS:** Thank you –

**CLERK:** (Inaudible.)

**MR. SPEAKER:** I apologize; we are going through some new procedures here.

If the Leader of the Official Opposition has concluded his remarks – have you concluded your remarks?

**MR. P. DAVIS:** (Inaudible) conclude my remarks. Given the hour of the evening, Mr. Speaker, in respect for this House, I'll conclude my remarks.

**MR. SPEAKER:** Thank you very much.

The hon. the Government House Leader, if he speaks now, he will conclude the debate.

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

Without sounding too facetious, that's the best thing the Leader of the Official Opposition has said all day.

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

**MR. A. PARSONS:** Now, what I am going to do, I have 10 minutes to speak to this notice, but do you know what? I don't know if I need the 10 minutes. What I'm going to do is just thank the Members opposite for their commentary.

What I will say to Members opposite, I certainly consider myself a more tolerant and patient House Leader than some we've seen in the past when I was sat on that side because this place would have – probably the decorum may have gone downhill.

I do appreciate the commentary from the other side, what the Members had to say. Again, you have to pick through it. Some of it was not relevant, it was quite repetitive. I think the irony – and that's the word the Member for St. John's Centre used was the irony, especially the Leader of the Official Opposition stood up and complained about being here at 11:20 and continued to talk and not know what he was saying because he had lost focus.

**MR. P. DAVIS:** A point of order, Mr. Speaker.

**MR. SPEAKER:** A point of order has been called.

The Leader of the Official Opposition.

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

I rise on a point of order under section 49. The Government House Leader is being disrespectful to Members of the House. He's using offensive words, Mr. Speaker.

The Government House Leader has sat and adjourned debate. If the Member wants to continue with debate, I fully respect his right to do so, but if he's going to get up under section 49 and breach section 49, I'd ask that he not do that, Mr. Speaker.

**MR. A. PARSONS:** (Inaudible) just so we can continue on, and I apologize to the Member for offending him this evening. It's certainly not my intention.

**MR. SPEAKER:** Thank you.

The hon. the Government House Leader.

**MR. A. PARSONS:** I'll continue on. I'm happy to debate here and we talk about improving the Standing Orders, but one of the things it does require is co-operation amongst Members.

I'd like to thank some of the Members for their co-operation, particularly the former Member for Mount Pearl North who sat on this committee. He spoke about the difficulty he had with these Standing Orders, because he would sit in a room with us and agree and then he would go back to his caucus, have discussion and obviously there was some conflict there. There was a difference in opinion, obviously.

I don't know what that led to, but I'm very happy to stand here and to continue to work on something that they failed to do during their over a decade in government. This is not something they could do. So we're happy to stand here and make this happen. In fact, I know, even though sometimes I got lost in the meandering of the points, what I would say is I think they're going to support this notice to have this resolution regarding the Standing Orders.

I do have to address one comment by two other Members. The Member for St. John's Centre stood up and spoke very briefly about being here at 11:20 at night. What I would say is that I think we're improving. We are getting better. Again, sometimes you just have to look around you to see where the fault lies.

The last thing I would say to the Member for Mount Pearl – Southlands who stood up and talked about being taxed into oblivion, what I would say to him is – again, I come back to the Member for St. John's Centre who used the word irony. It's very ironic that a Member could talk about taxing when he stood over here and voted for Muskrat Falls and taxed every single person and their child and their grandchild. If he has anything to say about this, what I would suggest, if he's against Muskrat Falls he should stand up in this House and put it on the record, but I have a feeling he won't.

On that note, what I would suggest is I'm going to sit here. I appreciate the work from the Members who sit on the Standing Orders Committee and I look forward to supporting this.

Thank you.

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

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

The motion is that the following Standing Orders, as they appear on the Order Paper today, are amended to come into force on the date of their approval.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

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

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

On that note, given the hour of the day, I would move, seconded by the Minister of Transportation and Works, that the House do now adjourn.

**MR. SPEAKER:** This House now stands adjourned until 1:30 o'clock in the afternoon tomorrow.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.