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HANSARD

*Speaker: Honourable Scott Reid, MHA*

Thursday

December 5, 2019  
(Night Sitting)

The House resumed at 6:30 p.m.

**MR. SPEAKER (Reid):** Admit strangers.

Are the House Leaders ready? Is the Government House Leader ready?

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

**MR. SPEAKER:** Some people are coming? Okay.

Is the Opposition House Leader ready?

**MR. BRAZIL:** Yes.

**MR. SPEAKER:** Is the House Leader for the Third Party ready?

**MR. J. DINN:** Yes.

**MR. SPEAKER:** The Government House Leaders ready?

**MS. COADY:** Yes, thank you.

**MR. SPEAKER:** The sub-amendment is in the proper form and it's within the scope of the original amendment, so I find the sub-amendment in order.

The hon. the Minister of Fisheries and Land Resources.

**MR. BRAZIL:** Point of order.

**MR. SPEAKER:** Point of order, the Opposition House Leader.

**MR. BRAZIL:** The minister didn't adjourn debate, so as parliamentary process he's not entitled to speak again on the motion that he made.

**MR. SPEAKER:** My understanding is that the Member is speaking to the sub-amendment that he made.

The hon. the Minister of Fisheries and Land Resources.

**MR. BYRNE:** Thank you very much, Mr. Speaker.

Again, that's a very good segue into an example of some of the rules and the procedures that we follow in this House to ensure that there is decorum, that there is a tempered flow of debate. These are some of the rules that have been established since very ancient times.

I think that's one of the reasons – I'll use that as a simple segue into the discussion that we now engage in which is a conversation amongst Members about the consequences of our decisions and precedents that we set. I think it is fair, it is arguable, it is worthy of debate and debate means that my point of view does not necessarily hold the test and probes of counter debate or challenge, but I would like to ensure that the House has an informed opinion about where it is that we now take this road.

Lovely to hear the Christmas music, Mr. Speaker, bellowing us to happier and thoughtful times, but now in the floor of the House at this hour of the night, we reflect on the fact that we have to take something very serious. That goes even beyond the scope of the immediate of this situation.

As I explained earlier, or as I debated earlier or argued earlier, we have an evolved set of Westminsterian-style rules and procedures that were conventions that arguably are conventional wisdoms. They were borne over a course of time, reflecting on past practices, past experiences of Westminsterian Parliaments, not to inhibit debate, not to limit debate, not to limit the freedom of Members, but to enhance the freedom of Members and the honour of the House.

The penalty and restitution required resulting from a finding of either a breach of privilege or contempt has always been – the most serious punishment has been that the Member be named and called. The element of being named and called is a serious one, and I could say even, for the Leader of the Official Opposition, his chief of staff – I've known his chief of staff for many, many years and have a great working relationship with him, I believe. I remember that the hon. Bill Matthews did say something which was unparliamentary and was determined by the Speaker that it was unparliamentary.

For the last 18 months of their political career, on the floor of the House of Commons, were unable to say a word. They were allowed to vote, but Mr. Matthews was unable to speak. He participated in no debates. He participated in nothing related to the activities of the House itself. He was allowed to participate in committees. That in itself, Mr. Speaker, is a very, very serious penalty.

For a parliamentarian not to be able to speak is a serious penalty. For a parliamentarian to be withdrawn from the House for any period of time, reflecting on the fact that it does pose a clear reprimand for the Member, but the flip side of it: It also means that their constituents will not have a voice for a period of time, and that's the balance that we face.

With that said, Mr. Speaker, our Westminsterian-style democracy, our Westminsterian-style Chamber and the rules that we have developed, while ancient, do have certain legitimacies. Can they change? Absolutely, and as I spoke on the original amendment, it is clear that change is good, change is what refreshes and makes the Chamber relevant. One of the many things we have done, in terms of our workplace harassment protocols, is our movement toward greater recognition of democratic reform and the renewal of our democratic reform Committees and initiatives, as well as, as I said earlier, engagement of Indigenous. While still just a seed of an idea, it's an important one that seems to be flourishing amongst both sides of the House. These are types of reforms that we can contemplate as being progressive and good, but with that said, let's reflect on the fact about what Westminster-style democracies do.

The freedom of speech of hon. Members is the most important privilege that we hold. That privilege is enhanced by other privileges such as freedom from civil tort while performing duties or serving of civil papers in tort while serving in the parliamentary precinct and freedom of civil action against slander. We can say things to each other here in this Chamber that we would never ever be able to say outside of that door right there, that bar. Why? Because the freedom of Members to speak in an unfettered way in debate is something which is absolutely sacrosanct in a Westminster Parliament, even

though it is contrary to the norms of what we have all around us.

With that said, should we investigate? Should we consider removing those privileges as something that is archaic and not in keeping with the 21st century? That is a valid point. It is worthy of consideration by our democratic reform Committees. I would argue that these conventions are born in wisdom and they should be upheld or at least, strong, strong, strong consideration given before they are arbitrarily amended. They are born out of necessity and value.

With that said, Mr. Speaker, one of the most important considerations that we have before us is a reflection of the rights of all Members. In keeping with the reflection of rights of all Members, the will of the majority cannot be imposed arbitrarily and without thought, without an element of fairness on the minority. Speaking in terms of this Chamber, a majority government cannot impose a certain penalty or a decision against the Opposition that would be in contrary to a fair outcome, because that can happen.

We are debating this in the overall balance of a minority right now – and that's fair – where arguably both sides are of equal power and balance. We think about this as being a norm or a constant, that this is a good procedure because that balance will always be in place. Mr. Speaker, it will not. The likelihood of a majority government of some variety in the future is pretty high. In our Standing Orders, in terms of the ability of governments to amend motions or private Members' motions, the ability of governments to interact with the process and procedures available to the Opposition, there are very, very strict codes to limit how the government can impose – the majority can impose its will on the minority.

Mr. Speaker, what we have here is a situation where a very serious, a significant – I don't think anyone can argue that. There is a significant personal penalty being expected or extracted against a private Member, a Minister of the Crown that would arguably be arbitrary simply in that it does not come from a process, it was not thought through from a code or a reasoned consideration of what the standard of

this House might be. It was born out of we have a situation before us tonight, so let's do this.

Mr. Speaker, the consequence of that can be very, very serious. Whenever decisions are taken which are quick – for example, the expropriation of the Abitibi properties. When we move quickly on an action there can be the law of unintended consequences that flow that may not have been foreseen. It's why things have to be put in place to consider these in advance.

I, for one, would not want the situation where if I were sitting in Opposition, that the will of the majority could be imposed upon me. I would argue against it. I would suggest to you that we have lost sight of what it is that our Legislature is supposed to be about. I would not want in the context of this particular situation that we have decided that this is the way it will be. Bear in mind, Mr. Speaker – and I said this earlier, let's be clear minded with each other. This is not a ruling of the day. This is not a determination of this particular incident. This is the establishment of a new code, of a precedential code, that will be here for many, many, many Legislatures to come.

With that said, Mr. Speaker, I think to raise this in a context of even in this current legislative session, there might be a time that comes where an individual Member, whether it be on the government or in the Opposition, may have taken the decision – the use of a government program, anything at all – where there was a flaw or a fault, and then suddenly that becomes relevant to the floor of the House and there could be restitutions that are paid. There could be a situation with the LeBlanc report, for example, which we know is coming. It could be very easily argued that there were not a significant number of Members that were a part of the government of the day, that key decisions related to the Muskrat Falls deal were made, therefore, there is no consequence, there is no penalty. There's an absolution of responsibility here because the Members opposite were not part of that particular process.

With the freshness of the LeBlanc report – and, hypothetically, I'm just thinking out loud in a sense that it probably will not necessarily be all that flattering. It's a possibility. I have no idea of what the content of the report will be, but there's

a possibility it may not be all that flattering. Should the House then decide that because this is egregious, this is a \$12-billion problem that the taxpayers now have and somebody must pay and the administration that did this must pay. There was a problem that needed a resolution, so at that point in time there's a motion on the floor of the House of Assembly that says that maybe what the answer is, is that if there are individuals that don't receive this sort of restitution or punishment, maybe it should be imposed upon the party.

I'm not comfortable with this, but if we follow the tone and the tenure of what's happening on the floor here today, that would be very legitimate. That would be a natural flow of the debate and the process, the new procedures of our new Parliament where resources could be suspended, or something could happen that would cause a penalty to be imposed because there's a deserving of a penalty.

That, Mr. Speaker, is something we should be very, very cautious of, but tonight we're going to pronounce – or sometime in the future, I think – on this. Is it fair? Notwithstanding the fact that no Westminster Parliament that I'm aware of has done what has been suggested here in the sub-amendment by imposing a personal penalty, a financial penalty on a Member. That is the will of the House that will decide this.

So please, without exception, don't suggest this is something that I am contrarian to. This will be decided by the will of the House. My purpose and point here tonight is simply to argue that as we do tonight, we do for the future. It will be a standard that will be imposed on all Members, and it could very well result in the case of the will of the majority being imposed upon the minority.

Mr. Speaker, while there may be some criticism of that, there may be some debate of that – whether or not that's legitimate, whether it's an overstatement, whether it's an overreach – I would suggest, maybe, it might be valuable to get thoughtful minds to engage in this discussion with us, because there are 500 years of historical reference in this regard and while we have created this situation here before us right now, there is always a reason.

Conventional wisdom is often borne of convention and/or wisdom. That's the key concept that I would just simply hold with you. It's why this sub-amendment, the amendment to the amendment is, I believe, worthwhile because there could be a situation –

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

**MR. BYRNE:** Mr. Speaker, I would argue that – I appreciate the fact that as we hear Christmas music in the background, there's some levity from the other side. But, always, one of the key aspects of this institution is that we hear each other out. I would ask hon. Members opposite to allow me to be heard out. If they don't wish to hear what I have to say, then at least let others hear what I have to say by being fair-minded in their comments and the noise level amongst others.

With that said, Mr. Speaker, I'll keep going with courage.

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

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

The Member has a right to be heard in the House.

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

When we think this through, this is a debate about decorum, and we can reach high platitudes; we can reach high standards. We started this debate with one of the most egregious affronts to our House, which is the contempt of presenting a document, a privileged document, to select Members outside of this House before other Members can receive it.

I would concur, Mr. Speaker, your ruling on the same, that there was a prima facie case of one of the breaches of the standards of the House was warranted and should be investigated. I appreciate that, Mr. Speaker. Then, following that, we also had a point of order where there was a Member who placed an affront to the integrity of another Member, and you also had to rule on that and then rule in the affirmative that there was a breach.

So while we argue very strenuously that this House must maintain its decorum and its dignity, and the only way we can do that is through very, very strict rules and procedures that go outside of the norm, that take it into a 21st century context, I just simply say: don't stop change because it's change. Think through change so that you know that the result, the place where you end up, is where you wanted to go.

That is the most important message that I offer, is that I would never want to see, based on December 5, 2019, that an ill-thought-through decision was taken which results in a future majority government or any government, or any Parliament, any legislature, doing something, having power to do something and having unfettered power – unfettered power – to impose their will on the minority or on an individual independent Member or on a party without standing, or a party that basically is trying to participate but now finds itself in a situation where they are totally subject to the will of the majority. That is not a good place to be.

So, Mr. Speaker, I'll conclude with those thoughts. I don't think I can reinforce that any longer or with any greater value. All I can say, Mr. Speaker, with some 23-odd years of parliamentary experience, for better or for worse, my experience has taught me that I have seen actions taken against individual Members and against groups of Members by majorities that I would never, ever, ever, ever want to see again. That's one of the reasons why, Mr. Speaker, I have moved my sub-amendment to the sub-amendment.

Thank you very much, Mr. Speaker.

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

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

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

As I start this, I recall the speech the Member for Torngat Mountains gave yesterday, and I'm thinking of the word shame, because there are days – and I've said it to my leader – when I've turned to her and said: What have I gotten

myself into? Because I came in to this House with the best of intentions.

I've been asking myself – as this debate takes place, because this is basically the second time we've been debating an issue of conduct in this House – of how did we get here. In some ways, I guess, we're having this extensive debate because we're in a minority government and we're having a government that hasn't yet adjusted to the fact that it's in a minority government and hasn't yet learned the whole notion of what collaboration and co-operation truly means.

If I'm reading this report – and I'm going to come back to this – correctly, it started with a hiring in 2018. There was a complaint made; there was an investigation launched by the Citizens' Representative. There was a report, which was then viewed by the Commissioner for Legislative Standards. There were findings made – and I think more than once it was about gross mismanagement – a penalty suggested, and it lands here in this House for us to decide the proper course of action.

I do believe it's safe to say it was an ill-thought-through decision that got us to this point, but it occurred in 2018. I look at the real-world penalties for such behaviour versus the House of Assembly penalties for such behaviour, and they bear no resemblance to each other. I can tell you whatever penalty we assign here tonight – next week, whenever – will not come close to what would happen to an individual if they were found guilty of such a complaint.

It came to the House of Assembly. There was an opportunity from the get-go of coming up with a reasonable, measured approach. It wasn't, so here we are in the amendment stage. We're not looking for a pound of flesh here; we're looking for something that metes out the appropriate punishment for the deed.

The fact is from the beginning, I would say the vast majority of people in the province, and certainly on the Opposition here and probably within the caucus, have trouble accepting and believing the narrative that has been put forward about the events surrounding the hiring.

I'll start with a question, Mr. Speaker, that I asked this morning about whether it was the clerk of the Executive Council that made the decision, and that was very clear. Yes, that's what's been said. It was the clerk of the Executive Council.

Now, the only structure I can think of that would be close, this person would be the top civil servant in the province. When I look at the NLTA's structure, I had an executive director. They were in charge of the administrative side. I was in charge of governance. But I can tell you this: Never did my executive director act without having a conversation with me or without bringing me in the loop. And if it didn't happen, I was ultimately going to be responsible for it. I was going to wear it anyway. I always said I would never throw staff under the bus. I would answer for it in public, but that was the top job I was being paid for.

So I have a hard time accepting the fact that the clerk of the Executive Council acted – woke up one morning, we must do this – and moved on. I have an issue with that. It defies credibility for me. I'm having trouble with it; I struggle with it.

The hiring a year ago, this whole debate, has basically undermined confidence in the process, and I'm talking about the hiring process. I'm talking about even here in this House of Assembly. I can understand why the Member for Torngat brings up the word shame. I refuse to be shamed as well, yet here we are, talking about this.

Much has been said about precedent, about Westminster parliament, about this could be a sword or a shield, be careful where we're going in the decision we make. I used to get this thrown at us all the time in my previous life. It was usually said like this: Be careful what you wish for. I will tell you this: That's decision-making based on fear. I said yesterday, if anything else, as politicians, we should be servants of the frontier.

We look at it; we don't know what the future will hold, but I would like to think that if we set this and we establish a precedent – because in the end let's go back to this. This is not about – and I'm going to come back to this point here – but this is not about anyone getting up and

automatically assigning a penalty, because remember, this went through a process. This took over a year. This took an investigation. This took a report. I do not believe this sets the precedent that anyone on a whim can decide, any Member of this House will be able to, as a result of our decision here tonight, Mr. Speaker, that somehow the floodgates of punitive and petty politics will enter into it.

People were outraged by the action at the beginning. People were outraged by what was in the report. People were outraged by the fact that the government came back and set the bar so low as to require a penalty, oblivious to the fact that this is so out of touch with the real world. I would like to believe that if we set a precedent here, we're going to set a precedent that, in future, we're going to be on our best behaviour.

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

**MR. J. DINN:** That when we make decisions, we make the best ones; that we're going to be as transparent as we possibly can; and that we're going, above all, to make sure that we earn and keep the public trust, period. So I'm not worried about and I'm not going to be shamed into that what we're putting forward here today is somehow going to bring down the whole parliamentary system. If anything, I think it's going to make it better. We're all fallible, but I can tell you that if, in the end, I make a mistake, it won't be because I deliberately set out to do it.

There was a cost, and here's the thing: we're making this decision. This House of Assembly is the one that will debate this. We're still in control of this process. We'll decide. Whatever the precedent was, there's a – and here's the thing. The fear is that we're going to set a precedent which is somehow going to create irreparable damage and create unbearable consequences down the road. Well, I would assume that whatever House of Assembly exists at that time, they'll make their decisions, they'll take everything into account and they'll decide if they want to follow tradition or strike out again into some new direction.

But there was a cost to this. There's a cost to this House. There's a cost to a lot of us personally as to what this means, to why we got into this, to the people who voted for us, to the people who

are probably facing their power being cut off, to people who are wondering if they're going to be able to afford their next Lucentis injections, all this. But there's also a cost to all the people who applied and participated in the hiring process in good faith.

To me, that's what's important, that they entered in to that process and applied for in good faith. It's also a cost to the person who was awarded this contract and accepted it in good faith. The board of directors of The Rooms acted in good faith. What was clear from this report is that certain individuals did not act in good faith.

Now, I'll tell you this: If government had come, had presented on the first day of this debate with something other than the apology, which is in keeping with the traditions, I think we would have found this side of the House much more amenable to a discussion. If they had come forward with a consequence that, again, was commensurate with the finding of gross mismanagement at the beginning, it could have been resolved several days ago, but it took this. Why now?

I think, in many ways, what we have to make sure is that we're sending a clear message to the people who elected us, to the citizens of this province, to the people, who through their own taxes – whether they're paying income tax or they're buying a product or anything else, sales tax – that they are getting the best value for their money, that they are getting the best representation, the representation that they deserve.

I think, right now, we cannot accept a simple slap on the wrist. If this sends a clear message to future generations of Members of the House of Assembly or to future ministers, and future ministers and future Members are a little bit more circumspect – that they will think twice about what they're doing, that they will act in the best interest of the people, that they will be transparent, that they will be on their best behaviour – if that's the precedent, then let's bring it on. I'm all for it.

Thank you.

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

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

**MR. O'DRISCOLL:** Thank you, Mr. Speaker.

I rise in this House today to speak on this motion. While I'm pleased to have the opportunity to do it, it doesn't bring me any pleasure to do it, I guarantee you that. That's not what we're elected here to do. It's disappointing more than anything.

I agree with my fellow Member for Torngat Mountains and her opinion on it. We should be ashamed, to come down here and put everybody in this position to have to make this ultimate decision for somebody that couldn't make the decision on the other side and make it happen. Anyway, we didn't do that.

As you all know, all of us were elected on May 7 – in May, I should say, seven months ago. People put you here. We seem to forget when we're in here that the people put us here. How we don't understand that is beyond me. How we just don't understand how the people put us in here – and you go look at a website or go look at a VOXM Question of the Day and 86 per cent are telling somebody what they should do. I guess we don't listen to 86 per cent. I wish I had to win by 86 per cent. There wouldn't be a lot of worry.

It's a big concern that if 86 per cent of the people are telling you, then maybe we should be listening. We're over here and we're trying to rationalize. I'm sitting here, our side is saying this, and oh yeah, I agree with that. Then the other side starts to speak and I say, yeah, they have a good point over there as well. I'm listening to all the points.

What you really have to sit back and listen to are the people that put you here. There's a reason they put you here. It's to represent your district and to represent your people and you have to keep that in mind. That's where we're lacking in here. We start bantering, we start talking.

We're here to do a job for the people and everybody has said it. I could sit here and I can quote the book. People have a different perspective over here; he came at it from a different angle over here. I don't think there are

any angles left for me to come at. It's about perception and perception. If you did it right, it will be right.

I had an opportunity I'm going to say 20 years ago, that I coached a hockey team. I knew when the end of the year was coming I had 19 kids and I had to leave two home. That's not something I wanted to do. We wrote to – I'm going to say it's that long ago it was probably NAHA, it's HNL now – HNL and we wanted to take those extra two players. I didn't want to leave anybody home, so this happened and we got permission to do it.

When you go to a tournament in hockey there are six teams. You play each team once. Two teams make the playoffs. It doesn't come down to four – two teams make the playoffs. I knew in January if we were good enough and we made the championship game, there are two kids have to sit out. If I'm going to sit out two kids, now that's on me.

Before all that happened I said I'm going to get right to this. I called a meeting with the parents. I knew there were 12 kids going to sit out in six games, so I had them paired in groups that, for me – and it's about perception and this is where I'm going with it. I had two kids; I knew that if we made it to the championship game they weren't going to play. I knew if I'm coaching and my daughter is on the team, if I sit her out the first game and we make it, well, guess what, she is going to play in the championship game.

There's perception and before I did it I put six names, six pieces of paper in my pocket, two names on each one and drew out the name. When I drew out the names, luckily my daughter wasn't one of them and we did make the championship game. We get to the championship game and I'm sitting here and one of the parents came that wasn't at the meeting so, again, it's not getting all the information. He never knew we did this. He came and he said: I thought we always played our best players when we got to the championship game? I said: yes, you're right, we always do and everybody does. When they get down to the last of it, when you get to the championship game, to a point the last five or 10 minutes you'll do it.

We got to that point and he said to me: We'll play our best players? I said: Yeah, you're right, we do and this kid – it was his kid – was after improving enough from January to March that they should have been in the lineup, but I had made my decision then and I said, okay. I went back in the room, kids were getting ready to play and I said to the coaches I'm going to sit my daughter out now again.

I went back out of the room, came back in and spoke to the kids. Three coaches said no, Sir, you are not doing that. You made this decision in January and you're going to stick by it and that's what we did. It was all about perception. It's the same example here; it's perception on how it looks in the public and how it was done. It is not about the person. It's about how it was done. That's what we're trying to get at.

Everybody has used every example in the world. It's what we're trying to get at and it's the perception that's out there and we need it to go away. I'm considered a politician now. I am a person. I don't want to be a politician if it's going to be like this. I have to be truthful.

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

**MR. O'DRISCOLL:** I knew when I got here there was a lot to learn and it surprised me how much there is to learn. I respect a lot of people on the other side. I made 14 new friends over here, plus the people who are helping me – well, maybe 13. He already had a bang at me about 20 years ago, so we'll get past that.

I have a lot of respect for the people over there. To watch people sit over there and look over here attentively and pay attention to what we're saying, I would think – the other guys and some people who are here a long while, I could see it getting boring for you. The seven new people over here and the new people over there, they're paying attention because they want to learn and they want to learn how to do it right.

We are missing that at times. We're not missing it because we're trying to learn what's right and what's wrong, but sometimes when we're listening to this stuff, it's wrong in our sense of the word as new people and it's very hard to watch. We're very non-productive, and it's

embarrassing. It is totally embarrassing and it just goes beyond belief that we will go that way.

Listen, we're going to have a debate. I'll go over and ask – I haven't asked it yet but at some point I will – the minister for some help or some funding. If he's going to say no, then I have to deal with that. That's fine. That's the way it works. There's not always going to be a yes answer. We have to go back to our constituents, and sometimes we have a good story and that's because of you guys on that side. It might be because of us the next time, who knows, but it's what we do and it's how you should be behaving.

The reality of this is we find ourselves here dealing with this the last few days, and it went on two weeks ago. We keep going back and apologies, say you're sorry. We have some Members here who have to jump up a few times and say you're sorry. Again, I applaud the Finance Minister, because this gentleman told me over here, from Cape St. Francis, I thought that was so respectful. It was perfect. That's the way it happens in life. We have to get back to life and what we're doing here in this House. This is how it should work.

I could sit here and cut up the minister over there. The gentleman here from Exploits yesterday made a petition, he gave his petition, and we had a minister on the other side – and I sort of pity the minister on the other side. I have to be truthful. I wouldn't want to go through this. Sometimes I say, do you know what? I'm not going to put myself through it anymore. I wouldn't put myself through it, because I felt bad for him, but he has to accept what's happened, in my mind, and move on.

This gentleman here put out a petition yesterday. After asking 40 questions, he never once got up, and when he jumped up, he jumped all over him. To me, another minister was supposed to answer, and he jumped up at that time. Why didn't he jump up when he was asked before? That's what we're asking. We're not asking anything else.

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

**MR. O'DRISCOLL:** I can see why he jumped up. I'd be frustrated if I was over there.

Absolutely be frustrated. I would be embarrassed and frustrated and I would have answered along the way, way before that, but that didn't happen. Then I got my back up. I'm glad it was yesterday because now I'm cooled down a bit about it, because I just thought it was proper for him to ask that and the minister answer, but, no, that didn't happen. So we're going down that road again. You don't have to just throw stuff at people. It's just not the way it works. It's real life.

We need to be able to focus and stick on the topics that we're debating, and sometimes we have done a good job. To come in, for new people here, I'm sitting over here and say first reading, second reading, never been through it before, so it's a bit intimidating. Again, we're learning, and after we have gone through it a couple of times – and Minister of Service NL has said, well, you better get used to it because we're going to have more next session. Oh God, we're going to go through that again. She pointed at me again, which is still going to happen.

I was taught by my parents that you have to be respectful and there's a consequence to pay when you didn't. So you bring that here and that's the way it is. That's the way it should be. No more to it than that and that's the way I'm brought up. I know a lot of fellows here, all these guys are probably saying I'll never be respectful for all the comments I make at them, but you're going to be respectful. That's the way it is.

I expect that if somebody did something wrong, that you would apologize, and we know what the consequence is. It's not nice what it is, but it is what it is. It should be handled and I think the Premier should have jumped in and done – there are a couple of other ministers that have done some stuff that – one backed out on his own, which he thought was improper. I congratulate him for it. I thought it was the right move at the time. There was no other way and he did it before anyone asked. I think this is the way this should have been done, but now we're in here, we're here on a Thursday night until 7:30, probably later, who knows. It's 7:30 now so it's going to be later than that, but just to answer and answer properly, that's all we ask.

We sit here and we talk, we quote this here: gross mismanagement. We don't need to go through it anymore. I don't need to repeat it anymore, that's been said here. There's not a sentence in there that hasn't been used and there are not numbers that haven't been used by the Member for Mount Pearl North. He's talking numbers. Everybody has their own perspective on it, but it just comes down to being able to do what's right and do what's proper.

Thank you very much, Mr. Speaker.

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

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

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

I'm going to stand and speak, just for a few minutes, on this. As I said earlier, Mr. Speaker, the thing with me, a lot of this is the process. I read the report and I made a few notes about it earlier again. You notice that even the clerk of the council was never ever interviewed. She was given a written submission.

Now, from my understanding, I haven't read the media reports, the Premier did say now he knows about it. If I'm wrong on that I ask for someone to stand and correct me on that, that he said he knew about it.

So, Mr. Speaker, we heard for three or four days about the Premier of the province, and I'm assuming, I was told, that the Premier did say to the media that now he knew about it. I was just told that by several people, so if I'm wrong I just ask for someone – but I know he knew about it because I spoke to him last September about it, in September 2018 and I spoke to the chief of staff about it.

The chief of staff called me because the person that was going in the position wanted to know what I thought because they worked when I was back with the Liberal government. I'm not saying what they did was right or wrong, I'm not defending any of this, but you don't take a person from a ministerial level and take someone in an executive position and just move them without people knowing it. It just doesn't happen, it just doesn't happen.

Mr. Speaker, I was reading through some of the reports in here. “The Supplementary Report did not change the recommendations and findings of June 11, 2019 and reiterated a call for review by the Commissioner for Legislative Standards.”

Now, with the review from the Commissioner for Legislative Standards, he didn’t do any of the interviews, from my understanding. He didn’t do any of the interviews. So when you do a review from Legislative Standards you just walk in and you – what’s in front of you.

So, once again, I go on the process of it all. I understand what the minister is going through, and I understand what a lot of people here are – on one side there are people that are saying: here’s what should happen on the other side. Mr. Speaker, I just want to put this on the record. What myself and Dale Kirby went through, and for me, personally, and I’ll speak for myself, but I know I’m speaking for Dale also, what we went through for such foolishness is unbelievable.

The easiest thing for me to do here today is stand up here and support the motion to take away a year’s salary. That’s the easiest thing for me to do. I’d be a hero. But it’s not the right thing to do. It’s not. It’s hard for me, as a person who always stood on morals, to say that I’m going to support something just to get someone back and stick them in the eye. I can’t do it. I personally can’t do it, because the minute I do that, every other time that I speak it’s just for political reasons. That’s the reason why I can’t support it, I have to be honest.

Some people out in public may say: B’y, you should do this, you should do that. I will support the sub-amendment, but on principle, because I’ve been in this Legislature many, many years, I’ve yet to see that extreme measure ever taken. I personally feel that if we’re going to start stretching that bounds now, if we’re going to stretch the bounds now, because, oh, it’s going to look nice and we heard some people saying: well, that’s what our constituents want, but our constituents want us to be fair to people in the province.

I can assure the people in the province that if we’re in this House today and if we make this ruling here now, what’s stopping from going

further the next time? On morals and principle, I can’t do it. I personally can’t do it. What I went through, would I like to do it? Yes, I would love to get up and say this is what happened here. Let’s give it to them all. But you can’t do it. It’s not right. It’s just not right.

With the sub-amendment, with the eight days, I think it is, or two weeks, I mean, that is punishment enough also. The other reason I have to say: The minute we take away – and I’m not saying this should happen or not; I say to the minister this is nothing personal – that year and say, okay, a year’s salary, take it away, we’re taking away the responsibility of the Premier of the province for saying you should go or not go. That’s what we’re doing in this House.

We’re taking away that responsibility of that man in that seat right there, because if he felt myself and Dale Kirby did something so strange that before there was ever an allegation made, we’re out of Cabinet, but if he accepts this report – if the Premier of the province accepts this report – he has the obligation to do what he did to other ministers. Let’s see.

Besides I wouldn’t be able to do it on principle, but if that was done in this House, the Premier is going to say, oh well, look what they did. When the Premier of the province wants to stand up and say he’s treating everybody the same, it’s not true. Factually incorrect what he’s doing. Premier is going to say, well, I can’t – he stood up and apologized and (inaudible) – I’m not asking for the minister to be relieved of his duties. I’m definitely not doing that. I’m just showing the contrast of what happened last April and what’s going on today. If we say take his salary away, the Premier will say: Oh, you did it; I didn’t have to make a decision on it. That’s exactly what’s going to happen. I know the man.

I’m still shocked, Mr. Speaker, that when I go through this report, the Premier of the province was never interviewed. The chief of staff was never interviewed. The clerk was never under an oath when they put in the submission, from my understanding, and I just read the report. The person who was moved in the position was never interviewed to say, when were you contacted? How long did you have to put in your notice to where you were? Never in this report. Never in it.

Anybody who has been around government – and I know most people have and there are a few people here have been around – you do not take an executive position, at a ministerial level, and say: Oh, I want to put you in a position now. I'm going to take you and do that. It just doesn't happen. We all know it just doesn't happen, but what's happening again? The same thing that I'm just going – history. That's how the Premier washes his hands clear of everything. Gets the nice oil on, everything is free away from me; nice, little slippery oil on his hands; not me, it's definitely not me; move on, everybody. I've been through it with the man. This is what's happening here tonight.

I'm not saying that what happened was right. I'm not saying what happened was wrong. I'm not saying that but if you follow the report, it is, if you follow the report. But again, my thing on this report is that to find out the true facts of it, you have to go and dig in to the people who were involved. We're going to accept the report. The minute the Premier accepts this report is the minute he admits, okay, there was wrongdoing.

I gave him an option today – and I'll tell public right now, I'll support an option. The Premier of the province stood here on the first night and he said the process is flawed; I agree. When you don't interview two or three key people in this here, the process is flawed.

If the Premier of the province wants to get down to the truth of this here, get someone over there to pass a motion in this House tonight not to accept this, send it out to someone and do an investigation to get to the true facts of it, exactly what happened, I'll be first one to stand and support it. Let's see how much courage he has. Let's see how much courage. If he says this is flawed – because he stood in the same House with myself and Dale Kirby and said the process is flawed, he voted anyway.

There's something else I have to tell the Members opposite; I'm not going to name anyone. They were talking about a standard practice that whatever the Commissioner recommends is what we usually go with. Just not true – not true. How many people remember when we were here in November? NDP made a motion: the sensitivity training. Guess who walked out of that caucus told everybody that

we have to support him because it would look bad on me? The Premier of the province. The same person who stood here the other night and said we usually accept the recommendation because he's the expert. Premier, you didn't do that when you had the opportunity.

Once again, this is the kind of statements that the Premier makes that looks good in the public, oh, we have to accept this here; but if it is any reflection on the Premier of the province, oh no, we have to do the sensitivity training. Can't look bad on me. First time he accepted an NDP motion that I have been around, because no reflection on him.

So, Mr. Speaker, when we go through this here and we look at the amendments and the sub-amendments, I'm not saying that everybody in this House don't believe what they're doing is right. Everybody has their own beliefs and have their own values on this House. There are a lot of times that we may look at each other, we may say, I don't agree with you. We should do this; we have to send a strong message. I always believed that the best message to send is to the people of the province at election time.

If the people in the province feel that we're doing something wrong as legislators – whoever – good, bad or indifferent, they'll take care of it at election time. But we have to stay in the realm of what we feel is right. In this whole process – and I can read it right on through, some of the highlights that I made in here. If we go on through, the process wasn't followed properly, because I really, truly, honestly feel after my conversations last September that this here – and I know for a fact that this here was started, right or wrong, to have someone in that position. That position, then, once they were going to fill that in that position, there was someone who had to move on and they had to find somewhere for someone to move on. I'm convinced.

We'll never know that. We'll never know that until the Premier of this province stands up. I'm going to see how much courage he has tonight, now, and see who would support it and say, let's go out and get an independent review, I want to be interviewed, because I want to tell my story. But standing up here a few days for two or three days in a row saying, oh well, this is the way the process works, then finally – from my

understanding now, and I haven't seen the media report that he admits he knew about it. I know he knew about it.

To the minister, I give you courage for sitting down and not standing up and saying, yes. You might not have been directed to do it, but I'm sure that there was a will there to ask you to do it. I don't think you were directed. And when you say you haven't been directed, I agree with you. I'm not questioning you one bit, but I know how the process works. I've been there.

I tell you why, Mr. Speaker, and of course people start bringing up, well, it's all about you again. Yes, it is. I'm in this report again. I'm up as the person, here's why we're doing this to this guy, because of this here. Oh, is that right now? A 13-week position – I just know a couple of EAs for former Members here. One minister got 13 requisitions, but I'm not allowed to give a résumé.

**AN HON. MEMBER:** Two.

**MR. JOYCE:** Two. Yet I'm being held up as the poster boy for stuff you're not allowed to do, for bullying and harassment. Never got an interview. Premier would never go as a witness and was never asked and should've stood up.

The only person here who stood up was the Minister of Justice in the Management Commission. Stood up and said the Commissioner for Legislative Standards came in and they said one person refused to participate. Someone asked: Who was it? They said: Eddie Joyce. So he wouldn't? No, he wouldn't participate. Now we know that's false.

Guess what? That was on October 24, I'm still trying to get the Management Commission to write a letter to the House and say we have proof that what he told us is false. Can't get it. That's over a year now. So what's going to happen is end up in court.

Can you imagine? Can you imagine an Officer of this House – and I'll say to the minister, I'm using this because this is how we have to get all the facts. How this started last September, or whenever it was – I don't know if it was in August or September – how it happened; how the appointment was made. The Premier put out

a press release, I think October 2 or 3, that this new person was joining. He didn't join that day.

This is my issue with it. I'm going to the Management Commission, and I can't even get the Management Commission who knows – and the Minister of Justice, I have to give him credit, walked outside of this House of Assembly and said: What the Commissioner for Legislative Standards said, we now know is not true. That was last year.

I still cannot get the Management Commission to get some investigator to go out and say statements were made – here's the statements that were made in the Management Commission, can't do it. Then you wonder why I look at the minister and say: Listen, I understand what you're going through because until all the facts come out, then it may be good or bad, because I've been through this. I've been through the mentality: okay, b'ys, let's tar and feather him.

Listen, you can make your own decision of what happened, I say to the minister, but I can tell you I'm pretty confident there are facts that happened before this that is going to show, but the minister (inaudible) just pluck this out of the air, we're going to take this one up. We're going to bring in someone else who is working somewhere else, take him, we're going to put him up in that position. We're going to take this person – I know that didn't happen. It just didn't happen.

When I look at the Premier and I hear the stuff that he stands up and says, I have to question it, I really do. Because if you were with me speaking to the Premier from April up until November, if you knew the statements he made to me, he made to others about stuff, like text messages someone released, and I can tell you he has the text messages. There are two people he tried to show the text messages to, already signed statements on them. So I can tell you that right now. I'll say here, there are other things that I know the Premier said and did that were false. I can tell you that right now.

That's why I have to question the Premier when I hear statements that he makes in the House. Because I can tell you personally, that when it fits his nature, when it fits his persona to wipe his hands and put oil on his hands, that nothing

is going to stick to him; I know, I've been through it with him.

I can tell you, what that man was saying to me on the phone on many occasions, from April up to November, I will say to the minister, trust me on this, there is a lot more to it. You know it; I know it. God bless you for saying that you gave direction. I'm not saying you didn't give direction, but I can assure you there were people called: We might have a position open. Do you want to come up? Now, trust me on that. I'm pretty confident because they called me on it, because I worked with the guy before. I know all about it.

Mr. Speaker, that's what I have to say here tonight about that. I can go through the report and see some of the report that I can see why the minister – and I'm sure the minister can speak to why some of the issues in the report are flawed in the beginning of it. For me, personally, morally, and the way I am, because I always want to be consistent in the House.

I know back years ago when there was a Member – who's in the Legislature now – was in to the issue, I was the one who settled it. I was the one. The reason why I did is because he said, we can't go treating people like that. We can't do it. This is just too foolish to even talk about, at the time.

I can remember walking over, shaking his hand and saying, here's what we're going to do. He shook my hand and he said – and I remember getting a bit of flak for that from some of our own crew. Getting some flak, but it was the right thing to do.

When I look at the minister here tonight, and I know what he's been going through – God bless you, and say hi to your mother for me. I know what they're going through, the family and all that, I can tell you.

After you take away all the peels of the onion, after everybody goes out in the media and just takes it and sees one part thrown out, but we haven't got the full story. Once you get the full story of this here, I can assure you, that minister – I'm not condoning or condemning it because it's in the report. If we accept this report, we are accepting a wrong-doing. Once we accept a

wrong-doing, then we have to follow up with whatever of the House. But I personally cannot stand up on principle and try to make a martyr – or not a martyr – out of myself because I'm going to stand up and do all this here.

I can tell you, the people that elected me, on many occasions I stood up for tough issues. This is another one right here. The issue I have to take right here is on principle. Is that if I vote to take away a year's salary from that minister, we're just doing this out of vindictiveness and meanness. We're not trying to say, okay, or just enough to make sure this doesn't happen. Let's put it in play so it doesn't happen.

I cannot support the amendment. I will be supporting the sub-amendment. Not that I don't have a reason to do it, not that I don't have a reason to say, yeah, I want to get back at the Premier, I want to get back at the minister – because the minister did vote against me. He did vote for that, too, the amendment that was made, he did.

Mr. Speaker, I have 46 seconds here; I wouldn't be able to tell you how many people across after texting me or sending me notes saying, b'y, we didn't know all that about you. That's what I'm saying. How many people are after texting me and saying: We didn't know that about the report. We just took it as gospel, went off and did it and didn't even realize it. That's why we have to get to the bottom of this here before we make such rash decisions.

I'll say to the Premier in my last 20 seconds, if you feel that this is a flawed report, stand up tonight and say, I'm going to go out and seek someone independent to come in, do a complete review which means that he will be interviewed, Greg Mercer will be interviewed and the other two people involved will be interviewed, and I will support it here tonight.

Thank you, Mr. Speaker.

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

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

I feel it's appropriate perhaps to stand up and speak. I'll be honest, for perhaps the first time in

my career in here I was of two minds about speaking because there's a part of me that just wants to not say anything and let this thing end so we can get home, because that's what's on my mind.

Then I thought about it and said I'm not going to let anybody else of any party, of any side dictate what my position is, my opinion is and how I feel about this. That's why I'm standing up, because I wanted to put it out there because sometimes – and everybody knows this as politicians you're tarred with that brush. This is how your party feels; that's how you feel. We all get that, but I wanted to talk.

Two things I will say are that a lot of what I am going to say I actually thought about and had in my mind even before my colleague put the sub-amendment forward. In fact, it was done before my colleagues across the way put forward their motion.

I can also say that I've spoken to the minister about my feelings, about my opinion because I would rather be straight up. It's like the Member before me just said – and I think actually the Member for Ferryland made some mention to this too – about the popular move and the right move. Sometimes it's tough, but you know what? Sometimes it's better to hit it straight on. So I've had this conversation. I haven't had it with anybody else.

It's easy in this House and in this climate and in this environment, in this world we live in now – and increasingly so – to do what you think is the popular move because you're going to take less grief. Well, I can't say any better than the Member said it: Just because it's popular doesn't always mean it's the right move.

I can say as someone who sat here through a budget a few years ago that was uniformly regarded by everybody in this province as horrible, and it wasn't fun. I tell all my colleagues on the other side, some who have been in government, some who haven't – everybody wants to, that's how it goes – but I'll say, when you're governing and in a decision-making capacity, a lot of what you do is not fun, is not popular. The Members in the Opposition, they gave it to us, and that's the job. I did the

same thing. But you know what? You do it because you think it's right. That's why.

I'm sure people make decisions because they know it's not right, but they think it's popular and it's going to avoid trouble and make them not face the rough comments you get at the grocery store, on Twitter or on *Open Line*. But sometimes it's better to sleep at night knowing that you've done what you think is right.

The fact is there are times when we've all, every one of us in this House, done what we think is right, to learn in retrospect and in hindsight that it was wrong. I look at my colleagues across the way. We constantly remind them about Muskrat Falls, and you know what? There's what you say in public and there's what you say there. The same thing with our budget. I don't mind saying there's a lot of stuff I wish we could've done different if you'd thought about it, but there it is. We're not perfect. We're surely not perfect.

The other thing I will say is I'm going to apologize, because like many of your speeches, the speech you have in your mind before you do it is so well thought out and laid out and perfect, and then there's the speech that you give that is jumbled and nothing like that. There have been so many thoughts going through my head. Some of them are angry thoughts. It's hard, sometimes, to sit here and listen to this stuff and not get mad and think you're going to speak because you're angered by it. There are times I'm speaking and I was thinking in resignation of I can't believe we're doing this.

One thing that's frustrated me – and again, I will say I'm supporting the sub-amendment. I'm supporting the sub-amendment and I bet you there are colleagues on the other side who, if I saw them out in the hallway, I told them my position before I even discussed it with my caucus, because that's how I felt. That might not be popular with my colleague, who – when we had the original motion, it was an apology.

We had that conversation, and I said I think that the apology – which, again, is something that's universally been done. I look at my friend across the way, the Member for Conception Bay East - Bell Island, who – again, we've been at this a long time. This is a gentleman who – you talk about they had to make an apology; then literally

walked outside and said, I didn't do anything wrong; and then had to walk in and say, yes, I'm sorry. So sometimes when I see that and then I see where we've come from then. I'm not questioning that. That's just where we are now.

The training, the apologies, the suspension, I can support every bit of that, but I don't support the fine or the loss of – I don't support that. Now, I can tell you, I'll probably get some calls; I'll probably get some emails. They're going to say, can't believe – the fact is, the reality, we talk about what's popular. I bet you if you did a poll with every one of our constituents tonight, they all think we get paid too much, all of them do, but just because they think that doesn't mean it's right.

That's why I say to my colleague, I get the fact that you're getting angry calls, you're getting angry emails. Everybody gets that. We cannot give in to that thought no matter how easy or popular – maybe you truly feel that way. In my case, I truly do not feel that the motion put forward, the last section, I can't agree with that. I'm not saying that because we've done something in the past that we can continue to do the same thing.

I've heard Members talk about – so one of the things that did frustrate me, if there's one thing, I fully am aware of my faults, my deficiencies and the fact that there but for the grace of God. Sometimes in this House in the heat of debate, we see people chastising and condemning when the reality is that they have families or loved ones who have done the exact same thing. That irritates me. I don't agree with that.

If anything, I'll tell you, I'm speaking here tonight. I haven't said anything all week. I've answered the one question from the Leader of the Opposition. I haven't spoken to this because I'm sitting here taking it all in. That's why I wanted to get up because I don't want anybody, when this is all said and done, criticizing me saying, you toed the government line or you did this or you did that. I tell you what, I'm doing what I think is right because at the end of the day, when we're all out of this, you have a record and you have a legacy and we all live with the one that we created for ourselves.

That's why I'm saying my position on this, the position I communicated to my colleague was that I don't think an apology is going to work here. I'm not going to get in to the whole situation; I certainly am not going to be bringing up the names because I tell you what, it is tough. It is tough being the other individuals involved in this.

I know my colleague is going through a tough time, I know that colleague has gone through a tough time and I know that colleague went through a tough time. I'm looking at the people outside of this House that are involved in this and I tell you, it's hard. Anybody here who's been in public life or had some association with public life before they got here realizes that this stuff wears on you. I feel bad for these people.

Again, this is where my thoughts are getting a bit jumbled, but I guess sometimes you get a bit of perspective. I've been lucky enough, perhaps, in some ways. I haven't been here for a few weeks; I haven't been through all the debates. Everybody has sat here. This has been a bit of a tumultuous time in this House. You sit back and it's amazing when you're not in this bubble. When you're outside of this bubble watching it you get a different perspective and a different take on it.

I tell you the hardest thing you can do as a Member is watch Question Period and not be here. The hardest thing you can do because you want to be there, you want to contribute but, at the same time, sometimes you realize you're able to take that step back. You're able to take that step back and look at it and consider everything.

That's why I'm saying I don't have any legal precedents or the process or anything else, I'm just talking about what I feel is right. This is what I think is right. I may have colleagues on the other side who may agree with me. I don't know if they can do something. I may have colleagues here, I don't know. I'm just saying what I think is right.

To echo the Member who spoke before me, to echo my colleague who put the amendment in, the fact is that we have a report, we have an admission and there is a penalty that has to come out of this. There's absolutely no doubt because

we need to do that. I do think the public demands that. This is not about giving in to public demand; this is about doing what you think is right based on all the factors that we have and where we find ourselves.

I would say to my colleagues on the other side, I get why you're doing what you're doing. I get it and I know that what I'm saying now is not going to change your mind. I'm not trying to change your mind. Everybody here is going to make up their own mind. What I'm saying is that I'm providing my explanation as someone – we all come here and we have a sense of integrity. If anything, there's one thing that perhaps bothers us all when somebody questions your integrity. I certainly don't take well to it. I've dealt with a lot of that recently. I don't appreciate it. Nobody here does.

What I'll say is that my words will speak for themselves tonight. I'm putting it out there. People can agree, disagree. I don't care. I'm just giving my perspective on what I think needs to be done. I will say that I'm going to be quiet. Now, I could go on for another 10 minutes but the fact is, the reality is, that it's a bigger world than this. I have family here. We talk about family-friendly sometimes and it's hit us.

I will say this: When we talk about democratic reform – I put this in as an aside, but relevant to this debate tonight. I've been here for eight years and I've heard when we were on that side, when we're on this side, when everybody is here talking about democratic reform, family-friendly Legislatures and making the House a better working spot, perhaps the biggest thing that I'm disappointed in – again, it's different when you're in here and your family is not here, they're away. When your family is actually in the vicinity – and I know Members on the other side get this, too.

We've actually had a Member of our caucus who has gone through a tragedy in the last 24 hours. He's coming back here tonight to vote because we can't find it amongst ourselves to do the right thing. I'm just saying.

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

**MR. A. PARSONS:** No, no. Listen, the other thing is not being House Leader I'm not part of

any discussions. I'm just saying, every one of us – I have a colleague that's going to come back here tonight and vote so I'm hoping, as we move forward with democratic reform and moving forward in the first minority situation we've ever had, that we can find a way that we're going to come in and do our jobs as Opposition and as government, but we all keep in mind that when we leave here, we're all family people.

On that note, the purpose of my speech tonight was not to get political, not to take shots. I'm like everybody else; I'm pretty frustrated with the whole situation. It's pretty frustrating because we're all here dealing with this and it reflects on us. Never let it be said that you don't take the opportunity to speak from your heart, put it on the record and judge you from the words.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Exploits.

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

It's no joy for me to be up here tonight either. I've listened to all my colleagues all through the day. I've sat here from 1 o'clock today right until now; I've sat here all week listening to the same things being rehashed and we all feel the same way.

We didn't have to get to this point. I truly believe that we didn't have to get to this point. Being a new Member, I saw apologies for lesser things; I've seen other actions being taken for lesser things. To this one, the thing here is gross mismanagement. It's something the Premier should've dealt with even before it got to this stage. Even as a new Member I can see that, Mr. Speaker, and I certainly don't want to be here discussing this.

The issue, again, is people are out there looking at us now as new Members coming in: B'ys, you're just as bad as the other crowd that is in there. There's nothing happening, no changes. You're doing the same thing. You're wasting time; you're not getting things done.

There are lots of things out in my district that need to be done, Mr. Speaker. There's tons of it. I'm not in here dealing with it. I've asked questions; I've put up petitions. We've done some things but I know other Members have the same issues. It's just not being done. So here we are discussing this, and unfortunately we had to get to this point.

But, Mr. Speaker, in gross mismanagement there was a position filled, \$50,000 extra, basically, that it took to fill that position. I'd love to give that to a constituent of mine out in my area to put some employment out there. Or to buy some things that they actually need like some hospital things, some medical care, some other things that they need. I'm sure they could use the money.

Mr. Speaker, the embarrassment that it's caused to the Members involved, the minister, the people involved, the employees involved, it's a disgrace to be standing up here and talking about it. And the stigma that it's placing on all government officials, we shouldn't have to do this. It should've been, people want better governance, and better governance comes from your leaders. The leader right now is not stepping up and doing what he should've done in the first place. This is why he's left us to make this decision.

So anyway, Mr. Speaker, I'm not going to beat this to death all night, because we've been doing it all day, but in gross mismanagement I'll just use the minister's own words when I stood on a petition here yesterday. I'm grateful for the Member for Ferryland – he's a great fellow to have on your team, by the way.

Anyway, on that petition, I spoke on the petition of the Northern Peninsula and the minister jumped to his feet after 40 questions. Probably more questions than that. The minister jumped to his feet. In that petition he used the words – because I looked at it all day, and these are the words that I picked out of it, because I said: What did I do to make him get up? When he got up, he said: You need to make sure you do your due diligence in getting things right.

Now that's the minister's words yesterday: due diligence of getting things right. And in the report: "Dean Brinton and the Executive

Committee of the Board perceived Minister Mitchelmore's direction to hire Ms. Foote as a direct order. Dean Brinton signed Ms. Foote's contract and both he and the Minister had signed a Request for Staffing Action Form. That Form was not in compliance with explicit Human Resource Secretariat instructions ...."

It goes on then: "Was Ms. Foote the best qualified person for the position? During his interview, Minister Mitchelmore did not provide detailed evidence as to how the decision to place Ms. Foote in the Executive Director position was made. No one has provided us with a job description for the Executive Director position or a resume of Ms. Foote's qualifications. We have not been presented with any evidence that other candidates were considered." Yet, when you're doing this, you need to make sure you do your due diligence in getting things right. I don't think that was due diligence.

For that, Mr. Speaker, that's all I want to say. I think an apology just don't cut it, I really don't. The amendment we put forth is a good amendment. The people of the province wants to see better justice done, better governance done and we just can't sit here, stand here, and say an apology is good enough.

Thank you, Mr. Speaker, and I'll take my seat on that note.

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

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

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

I won't say it's a pleasure, but I am going to make a few comments on the matter we're dealing with here this evening. As I said when I spoke to the main motion on Tuesday, I believe it was, I take no pleasure in this. I know that nobody here takes any pleasure in this – at least I would hope not. I would hope that nobody takes any pleasure in this.

I have to be honest, I'm conflicted. I am conflicted. A big part of me feels badly about the amendment. I think it's more of a personal thing about how much punishment is too much. But it's not about me. That's the thing we have

to remember as well. It's not about me, it's about the people I represent. That's part of it as well.

We don't come in here to make personal decisions. We come in here to be the voice of 15,000 or so people. Not our own opinion, it's what you feel are the wishes of the people you represent. I can tell you that I'm not going to pretend now that I have thousands of calls and thousands of emails, because I haven't, nobody has. That would be a total exaggeration. But I have gotten a number of them. Unless there's a couple up on my computer that I haven't had a chance to look at yet, I did not find one person who certainly felt that an apology was suffice.

To be honest with you, every message I received was around the fact that the minister should resign and some strong language that, as my Member, as someone who I elected and supported, I expect you to do whatever you can to see that that happens.

That is obviously a very important factor. I can understand why people feel that way because for far too long we've seen situations – and I'm not going to go reliving history, but it is true that for administration after administration after administration if you go through, you will see similar things that have happened. Never came to light. It was never like a report done by the Citizens' Representative and the Commissioner for Legislative Standards perhaps that actually pinpointed I've done interviews; I have evidence; here it is in black and white.

What this report did is that it confirmed what everybody already knew, or what they thought they knew. They were right, and we all know they were right. Now, does that mean it should continue? Absolutely not. People are not satisfied to see that continue. People are no longer satisfied with the slap on the wrist and an apology; they're really not.

I know the people that I represent, or at least the ones who have contacted me, are absolutely not satisfied to let this go. They believe, at least those who contacted me, that either, (a), the minister should resign or, (b), the Premier should remove the minister. That's what I've heard. I can only say what I have heard from people who I represent.

I do feel badly about it, though, and it comes back to why I'm somewhat conflicted. I feel badly about it, not just because the minister is a colleague, and I have no personal axe to grind with the minister whatsoever, but I feel badly because I don't believe the minister should be the target of this, not the sole target. I really wish the minister – it would go a long way for me if the minister would stand up and let the House know the truth. Let the House know what actually went down. What the Member here for Bay of Islands has alluded to and what we already know. We all know what went on here.

This wasn't the minister's doing. He carried out the order or the task or the suggestion. He wasn't ordered or directed, he was suggested to do it, right? Wink, wink, nudge, nudge. That looks like a great spot there to put – I won't name the individual – perfect fit. That would be great if we could do that, minister, right?

That's not directing, necessarily. It's just pushing you in that direction. Maybe it wasn't the Premier himself, maybe it was his chief of staff or one of his other staff members who did it, so that way the Premier can say, well, I didn't direct him to do it and the minister can say, the Premier never directed me to do it. No, my chief of staff or some other member of my staff suggested that I do it.

That's the games we're playing. We see it all the time when you see interviews and stuff. I always watch for the wording, because I've been around now. We all have, or a lot of us have, and I pick up on the wording that's used all the time. When you pick up on that wording you can tell, you can find – I like to call them weasel words. That's what I like to call them. They're weasel words, right, and you see it. Something that you can throw in there so it gives the illusion of one thing, but really it's something else, but it's giving the illusion. And you can always go back and say, I didn't say that, I didn't say that, because the word I used didn't explicitly say I meant that. That's what we see all the time, and that's what's happened here.

The problem I have, and I guess where I differ with my colleague from Bay of Islands on it, in all due respect, is that my colleague, basically, is saying: I know what went on, I know it wasn't you. I know the direction came from above and

you only did what you were expected to do and you're taking it for the team and so on. So, therefore, because he knows that and he believes he's not truly the guilty one, so to speak, he's an accomplice, but he's not truly the guilty one, then he believes there should be some leniency because he understands, because he knows what was done to him, in his view of what happened to him.

The difference, of course, how I see it is that if that is the truth – and I believe it is the truth – then why does the minister continue to fall on the sword? That's the part I don't get. If the minister wants to clear his name in all this, yeah, he might've still done it, obviously – well, he did do it. The investigation says he did do it, but if he truly wanted to clear his name in all of this, to a great degree, he should stand before the House and tell us what actually happened, tell us who suggested that he do what he did. As the Member said, let's get to the truth of the matter. That's why I am somewhat conflicted.

In the end, the difference is that my colleague here is willing to say: I know you didn't do it, so I can't give you all this punishment because it wasn't just you. I'm looking at it and I'm saying: I agree with that, but it's your decision to fall on the sword, not mine. You are the person who is making the decision to say: I am going to fall on the sword, I am willing to do it.

Now, whether it be out of loyalty to the Premier, whether it be because he doesn't want to give up the minister's salary or fear of getting kicked out of the Cabinet or kicked out of caucus the way I was just kicked to the curb like a bag of garbage. Maybe he doesn't want that to happen to him. Perhaps that's what it is. I don't know. If he wants to make it right, he should stand and tell us exactly what happened and who was involved.

As much as I have to hold him to account for his actions, I absolutely agree with what's been said by some other Members: He was not acting alone. The ultimate responsibility should lie in the individual who is seated on the eighth floor. That's where the ultimate responsibility should lie, on the eighth floor. He should do the right thing and he should be accountable and perhaps he should resign.

I have to tell you, if I was a Member over there now, who's sitting there and pretending – or certainly up until this point, at least now we're getting to a point that, with your amendment, you're acknowledging that something more than an apology should happen. Members over there, you know what happened was wrong. Everybody in this House of Assembly knows what happened was wrong. The public knows what happened was wrong. Everybody knows. You guys know and you're all going to take the bullet. The minister is going to take the biggest bullet, but there's going to be other shrapnel going around and you're in that zone. You're in that zone and you're all going to take it to some degree and for what?

I say particularly to the newer Members, I'm not going to signal anybody out, but I'm going to say particularly to the newer Members, one Member in particular, I felt so bad the day before yesterday. I felt so bad because I said: Oh my goodness, I can't believe that this Member is standing up here, a new Member, clean slate and is going to stand here and try to defend the indefensible. That's how I felt. I wasn't alone. That's how I felt.

I do understand it, though, because when I was a new Member I did the very same thing. I did the very same thing and all it got me was a tarnished reputation, which I've had to work for a long time to try to rebuild, but that's all it got me; trying to defend the indefensible.

I say to all Members over there, for goodness sake, don't stand up any more and try to defend it – don't.

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

**MR. LANE:** I mean that sincerely, I really do. I really do because all you're doing is you're digging another hole for yourself.

I don't know if you realize the public is not happy with this, right? I hope everyone realizes how angry the general public are about this. They are absolutely furious. Anyone who stands up and supports this, they're not going to be happy.

Now, it's up to yourself, if you want to say: I'm going to stand with the Premier, I'm going to

stand with the minister. That's your choice. But I'm going to say this to you: Do you think when push comes to shove he's going to stand with you?

Ask the Member for Bay of Islands: When push comes to shove is he going to stand with you?

**MR. JOYCE:** He never even sat with me.

**MR. LANE:** Never even sat with him, he said.

So you have to bear that in mind. You might think everything is wonderful and get the pat on the back, great job, whatever, but I can assure you that the people who really matter – I've often said there's not one person in this House of Assembly who can vote for me, not me, except for the Speaker. He lives in my district and I know he voted for me. He even gave up his own vote to vote for me. He had my sign on his lawn and everything. It was wonderful.

**AN HON. MEMBER:** Oh, oh!

**MR. LANE:** But, no, in seriousness, it's reflecting negatively on everybody in this House. It's reflecting probably more negatively on Members on that side of the House, and it shouldn't. We still have time tonight, before we get to a vote or whatever, an opportunity for your colleague, the minister, to stand up and tell us what happened. Put it out there, tell us what happened; or even more so, for the Premier to stand up and tell us what really happened. Own up to it. That's what needs to happen, and then let the chips fall where they may.

I really don't think either of those things are going to happen, and it's very unfortunate that it's not going to happen. Unfortunately, because it's not going to happen, in keeping with what I believe to be the wishes of my constituents, as difficult as it is for me on a personal level – because, again, I have no axe to grind with the minister. None. I served with him now for – he got elected the same time I did. I have no issue with him. We've always gotten along fine.

Unfortunately, for him I suppose – somewhat unfortunately for me as well because I'm not going to feel great about it, but I'm going to have to do what I believe my constituents want me to do, and that is to not support this sub-

amendment, and hope that we can get back to the amendment which recognizes the fact that this was such an egregious act.

We cannot compare it to somebody in the heat of a debate saying something untoward out of frustration and so on. You cannot compare it. Some people called it a mistake; it wasn't a mistake. It was a deliberate act. That's what it was.

Again, I really believe that deliberate act did not originate from TCII. That deliberate act originated from the eighth floor of the Confederation Building. That's where it happened. That's where it started. That was the genesis of all this.

Yes, it's fine to say if the individual in question, if she didn't have that surname that everybody would be familiar with, it might've happened, gone unnoticed. That's quite possible. That's quite possible, but it doesn't matter. It doesn't matter.

If it was a different name but someone in a similar circumstance who was a political person, who had been heavily involved with a political party, worked on campaigns in the Official Opposition office and the Premier's office, regardless of the last name – if the name was Lane, it wouldn't make a difference – it's still wrong. There's no way of justifying it, Mr. Speaker. There is no way. We can twist it all we want, call it a lateral transfer or you can call it what you like, but the evidence is quite clear. The evidence is quite clear.

We took somebody out of a position, and now, even though we couldn't get an answer to the question in Question Period, I'm pretty confident there's a lawsuit on the go. I'm pretty confident. What's that going to cost? Not to mention the additional \$40,000 to \$50,000 that got tacked on to the salary of that position that got created. It was wrong, it stinks. Everybody knows it. Just because it happened in the past doesn't make it right.

When we talk about precedents, as I said on Tuesday, we talk about precedents. We need to create new precedents, because the problem we have – and I would say the problem the Commissioner for Legislative Standards had in

doling out the appropriate punishment, if you will, is when you look at precedent, our precedent is to do nothing.

If your precedent is to do nothing, that means, okay, we're going to do nothing. The next time we'll say, what was the precedent the last time? Well, we did nothing because we did nothing because we did nothing. So we're going to do nothing again. I mean, that's the reality.

At some point in time a new precedent has to be set that is commensurate with what happened. I think what happened goes way beyond what is acceptable and a strong message has to be sent. Ultimately, we work for the people. The people I have spoken to, as I said – and I'll finish as I started. The people I have spoken to have been quite clear to what they've told me. They've been quite clear.

So I'm going to have to do what I feel is right, just like the other Members are going to do what they feel is right. It's not politics for me; I'm not part of any party. So it's not about knocking down the Liberals because I want to be the premier next or I want to be the Cabinet minister next, nothing in it for me, not a thing. I'm just doing what I think is right.

Thank you, Mr. Speaker.

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

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

**MR. HAGGIE:** Thank you very much, Mr. Speaker.

A bit like my colleague from Justice and Public Safety, I have written extensive notes here but as you get up and you kind of start thinking and reflecting on some of the comments that have been made over the last little while, I had a very focused set of notes here around the specifics of the sub-amendment.

One of the things that struck me when my colleague got up and spoke, as it were, of his feelings and from the heart, was some of the ways the discussion has gone over the last couple of days. It struck me particularly again today after Question Period, where ironically we

had proposed concurrence from the government side with the original motion on the findings of the Commissioner for Legislative Standards and on the recommendations in the report; yet, somehow, because we then went on to explain – and in my case, my remarks originally to the original motion were around the benefits of lateral transfers and the fact that we had significant benefit from that in my own department.

I had seen it from the RHA perspective as well when we've had that; yet, today, somehow because we had done that and defended the work of the Commissioner for Legislative Standards in its entirety, somehow the integrity of the individuals who espoused that was somehow being questioned.

There were a series of questions in Question Period from various Members of the Opposition aimed at specific ministers suggesting that somehow because we agreed with the Commissioner for Legislative Standards, we were thereby lacking in integrity by association.

I think it's a little bit of a stretch, quite frankly, and I wanted to put that on record because we've all come from different spheres. We've all had professional associations with individuals whom we may not have liked. We may have actually actively disliked. We may not have respected their points of view. We may not have respected their moral stance but because of the professions we espouse, be it advocate or physician or nurse, we dealt with that and we moved on and provided the service that we need to.

We are here to debate; we legislate. That's what we do that nobody else can do.

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

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

I'm having trouble hearing the minister.

**MR. HAGGIE:** From the point of view of that, I'm going to now flip back and talk about some of the original things I had intended to talk about. I am very new to the House of Assembly Management Commission. Because of that, I did a little bit of homework to try and prepare myself because that's the way I'm wired.

I actually went back and looked at the work of Justice Green. In questions that I posed to members of the Table staff who do have the expertise, essentially, the process that has been described and set out by Justice Green – and as a judge, procedural fairness was the cornerstone of his day-to-day activities, from what I understand of the judicial system from the outside. He wrote a very detailed set of recommendations and wrapped them up in a draft act which, as I understand from history, was essentially taken to the floor of the House, voted on and passed.

What he did was basically he described a process which was totally depoliticized, right up to the point where he, as a justice, lost control of it. That is based in the concept of Westminster democracies' parliamentary privilege. There is no body or authority in the land that can control itself the way the House of Assembly can. He knew that when he wrote that, so what he did was he gave to the Commissioner for Legislative Standards the ability to make recommendations. They could only be recommendations because Justice Green knew better than anyone that no one could tell the House of Assembly how to govern itself or what to do. That is the point at which he lost control over it.

The challenge now comes, as my colleague here has alluded to, around the issue of what happens when the government, in actual fact, is in a minority, because then what happens is the will of the majority can actually politicize an activity, a process, that was never designed to be politicized. Green lost control of it when it comes to the House and he knew that. His intent was that the Commissioner for Legislative Standards, I'm sure, would have been both the finder of fact and the judge, bringing his own project, his own work life to bear on that and that the House would either concur or not.

He also knew that the inherent weakness in that was that the House could then tinker to its heart's content. The examples that I've seen brought to the House thus far the tinkering has been based in the concept – as my colleague from Justice and Public Safety has called on before, which we have espoused in legislation in other directions, which is one – of restorative justice. We focus on adding things but the things that have been added have been educational. They have been, okay, there was a problem. The

punishment here is being named in the House or leaving the House for a few days or whatever it is, but how do we stop it happening again? We educate you.

All of us here – and I'm assuming that the Members opposite will have already – went through a four-day session, training scheme organized through the Speaker's office and the House of Assembly at the Gardiner Centre. I have to say, contrary to some of my colleagues who were there, both sides of the House, I actually enjoyed being back in the classroom. It was an area that I actually enjoyed as a student. I actually enjoyed the process.

I think it was helped by the fact we had an excellent guide facilitator in Dr. Ford. I give her credit for what must have been quite a trying job from time to time, judging from the attitude, I think, of some of my colleagues. I'm not telling tales out of school, or even in school, because I think there were people there who were less accustomed to the classroom and less interested in being educated.

To return to the theme of the discussion around the sub-amendment, what has happened here is the amendment to the government motion – which is to concur with the report, the findings and the recommendations, as I think Justice Green had intended would happen. Though that amendment was modifying it considerably, it fed off the 140 – or is it now 280 – characters of Twitter.

There have been, I'm sure, a significant groundswell of opinion that feels that a simple apology is not enough and I can understand that. The question then is at what point does the politics truly shine through? I think when you read down through the hierarchy of recommendations in the amendment, for me, it is that last paragraph. It is a step too far. It is the politicization again of what Justice Green, I believe, sought in his best endeavours. He was a skillful crafter of legislation but he had a limit, and he reached it when got to the doors of this House.

It is my contention, as my colleagues over there have spoken about, that essentially to impose financial restitution – which was envisaged and was actually itemized in the processes available

to the Commissioner for Legislative Standards – in this case is a step too far. The Commissioner himself had a choice of a suite of recommendations to make and they have a hierarchy. The first was a reprimand, an apology to the House. Then, there was a suspension from the House. Then there was the issue of a financial penalty and then after that was the issue of vacation of seat.

The Commissioner for Legislative Standards, Mr. Speaker, drew the line when he made these recommendations. We have seen fit to cross that line and I think that itself is a precedent. I don't think anyone would argue with education across any of the Westminster Parliaments, but once we've passed that line, it is the reasonable-person test. It is the test of equity and fairness. Justice is blind but justice has scales. It is balanced. It is not vindictive. It recognizes now, in the current era, the concept of restorative justice.

The idea of sitting down with the Commissioner for Legislative Standards I think is an excellent one. You can argue about the process and I think to be perfectly honest, this House should revisit this piece of legislation, but that's not a decision for today, that's something for the future. Mr. Speaker, I feel extremely strongly that we should not go anywhere near restitution or financial issues like that. I would urge the Members of this House to support the sub-amendment.

With that, Mr. Speaker, I'll take my seat.

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

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

**MS. COFFIN:** Mr. Speaker, the frustration in the room is palpable. We are in a place where we want some justice, we want action on this and we're frustrated. We seem to be caught in a swirl where we can't break out of it.

I understand some of the resistance to retribution. I understand the severity of a crime where there has been, say, fraud or there has been gross negligence, or if there has been perhaps a stealing from the public trust. We are not there, but I think when we look at the

amendment (e), what we are seeing is another attempt at encouraging the Premier to do the right thing and remove the minister from Cabinet. We've certainly seen many, many other incidents of Members who have been removed from Cabinet and removed from caucus for what we, I think, universally deem as lesser infractions.

So I think what we're seeing here is an attempt to capture what we're hearing from the public, what we've seen in past actions and we see in repeated instances that the Premier makes reference to past bad actions, sometimes as a justification for current bad actions. Certainly we saw that in the Minister of Fisheries and Land Resources, and we all know that is utterly inappropriate. Previous bad actions do not justify future bad actions.

I think what we are trying to do is capture what was previously proposed in one of our earlier amendments where we suggested that the minister be removed from Cabinet and try and reflect the will of the people that we represent, as well as all of the people sitting here in the room. I think that's what we're trying to capture when we've proposed subsection (8) of the amendment.

I can appreciate some of the arguments that have been proposed here, but I think that what needs to happen is some definitive action, likely on the part of the Premier, about how we will continue forward in managing the public trust. We need to make sure that we do mete out the proper punishment for this.

Personally, I will echo the sentiments of my colleagues. I am not afraid of harsh punishment. In fact, I think, if harsh punishment – one should not be afraid of harsh punishment if we are well behaved. If we have any intent of misbehaviour then yes, we should be very afraid of harsh punishment. But if there was no intent or there's no indication, then harsh punishment should not be a concern.

I've certainly not seen anyone been imposed financial penalties for slight misdeeds or minor infractions. Sometimes, of course, yes, we may make a mistake; we may have to apologize; we have to move; we might have to take a demotion, but for minor misdeeds – and most of

us, maybe, we will have brushes with those throughout our lives – I don't think that harsh punishment be concerning for well-behaved, well-intentioned people. Harsh punishment is there for people who deliberately misbehave and break the rules. Certainly, I'm not afraid of incarceration if I don't do anything deserving of incarceration.

I think that's perhaps where our heads are as we debate this sub-amendment to the amendment to the original motion, so as we go through this next phase of our debate, I think that frustration needs to be captured. I do think that we need to moderate what we are expecting of the minister in this perspective.

I would like to take a brief moment, though, to touch on something that I heard from the Member for Humber - Bay of Islands. He certainly mentioned that perhaps there's more going on here and maybe the Commissioner for Legislative Standards and the Citizens' Rep perhaps did not go far enough in their reports. That prompted me to re-read the allegations once again, and in re-reading the allegations, I think that both commissioners did the appropriate thing, because those allegations were very, very specific.

I think if the Member for Humber - Bay of Islands would like a further investigation – if he would like to see something like that happen, I think he needs to clearly delineate what those allegations are and submit them to the appropriate authority, which I do believe is the Office of the Citizens' Rep. So if he thinks that more is going on here than we already have discovered, then that might be the reasonable next step.

At this point, I think we are very clear on what is contained in the report, the findings of the report. The Premier himself has agreed with the findings of it. Right now we just need to find out how we are going to resolve this issue because this has been debated long and hard enough. I think we have represented our views reasonably and accurately and I think, at this point, we are well passed the time to end this.

Certainly, as we break for Christmas, maybe the Premier will reconsider his Cabinet composition; maybe he will reconsider his caucus

composition. I think he has heard loud and clear how Members here in the House of Assembly, as well as the people of the province, feel he should proceed in that manner.

That is all I have to say about that right now, Mr. Speaker.

Thank you very much.

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

**MR. SPEAKER:** Seeing no further speakers, I ask is the House ready for the question.

We're going to ring the bells to get them –

Okay, I believe Members are here.

The main motion is on the Order Paper. The amendment has been tabled and available to Members. The sub-amendment is: I move, seconded by – that the amendment to the resolution respecting the Member for St. Barbe - L'Anse aux Meadows be amended by deleting paragraph 2(e), so that's the motion that we're voting on.

I'm going to do a voice vote first.

All those in favour of the motion, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** The ayes have it.

**AN HON. MEMBER:** Division.

**MR. SPEAKER:** Division has been called.

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

**MR. SPEAKER:** Yeah, three Members.

Division has been called.

### Division

**MR. SPEAKER:** Are the Whips ready?

Government Whip ready?

Third Party ready and the two independents ready.

All those in favour, please rise.

**MS. COADY:** Of the sub-amendment?

**MR. SPEAKER:** Of the sub-amendment, yes.

**CLERK (Barnes):** Mr. Ball, Ms. Coady, Mr. Crocker, Mr. Haggie, Mr. Byrne, Mr. Andrew Parsons, Mr. Osborne, Ms. Dempster, Mr. Bennett, Mr. Davis, Ms. Haley, Ms. Gambin-Walsh, Mr. Mitchelmore, Mr. Warr, Mr. Bragg, Ms. Pam Parsons, Ms. Stoodley, Mr. Loveless, Mr. Trimper, Mr. Joyce.

**MR. SPEAKER:** All those against, please rise.

**CLERK:** Mr. Crosbie, Mr. Brazil, Mr. Petten, Mr. Kevin Parsons, Mr. Wakeham, Mr. Lester, Mr. Dwyer, Ms. Evans, Ms. Conway Ottenheimer, Mr. Paul Dinn, Mr. Pardy, Mr. Parrott, Mr. O'Driscoll, Mr. Tibbs, Mr. Forsey, Ms. Coffin, Mr. James Dinn, Mr. Brown, Mr. Lane.

Mr. Speaker, the ayes, 20; the nays, 19.

**MR. SPEAKER:** The ayes have it.

The sub-amendment has passed.

On motion, sub-amendment carried.

**MR. SPEAKER:** So we go back to the debate on the amendment now.

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

**MR. SPEAKER:** Yes.

We go back now to the debate on the amended amendment.

So the person is the hon. the Member for Humber - Bay of Islands.

**MR. JOYCE:** I'm going to stand and just speak for two minutes. I'm not even going to speak about the issue.

These are the times that when you're in this House and you think about the trying times that we all go through making a decision. I can tell you, Mr. Speaker – and I just want to say to the people of Humber - Bay of Islands – there's no better feeling than representing people.

I hear the questions today about different ministers – I'm not saying it's right or wrong, but it's just my feeling – about their ethics when they were in their former professions. It's just striking to me. I know the Minister of Health – and I can't get into details – but I know what he did three weeks ago. What he did, no one here would question his ethics.

This is where sometimes we have to rise above it. Sure, we're going to have a banter and I have my own personal feelings and all that, but when you question the ethics of – I know the Member for Baie Verte - Green Bay, his ethics as a RNC officer should never be questioned because I know his reputation in the RNC.

What we have to do sometimes is when we have issues and we want to start asking about people's own ethics in their own field, put yourself in my shoes where like what he did, the Minister of Health, you never question it.

So I have to stand and just speak about that, and I know the people in Humber - Bay of Islands and some of the issues that we dealt with that were helped.

I'm just going to close, Mr. Speaker, we always have trying times in this House of Assembly, we always do, but I can tell you when I go back to Humber - Bay of Islands, when you work for the people in the area and you work for people in the district, that's the main thing. This here, we'll handle this here. We'll always find ways to improve. We'll always find ways, and now with the measures that are put in place for the minister, because once accepting this report, then he does admit, there were some discrepancies there and we'll take care of that.

But we have to remember that when we leave here, we have to go out and represent the people and, again, we should all try to work together once this is done. This is like sometimes in a family, sometimes we have disagreements, but when there's an issue against each other then we

have to step in and help each other out. So we all have to work together when all this is done.

I said words here this week, I mean them, but I tell you, when we're outside here today with some of the government Members and other issues, we all have to work together because, remember, we are here for the people. We debated this here for the last two or three days, but I can tell you there are a few people here that were questioned today on their ethics and I had to just get up and say –

**AN HON. MEMBER:** It wasn't a question.

**MR. JOYCE:** I don't know if it was a question. To me it was.

**AN HON. MEMBER:** Well, you have to listen.

**MR. JOYCE:** I'm being criticized again for the way I feel, I'm sorry. I'm sorry if I'm being criticized for the way I feel, but let me tell you something, I've been in this Legislature for 20-something years. I'm going to speak the way I feel, like it or lump it. The only way –

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

**MR. JOYCE:** Pardon me?

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

**MR. JOYCE:** Now, I'm going to be told to sit down and let them go home. Okay.

B'ys, holy touchy, touchy.

Mr. Speaker, this is all I have to say, if people want to tell me that I can't stand and speak, the only ones that are going to tell me that are the people from the Humber - Bay of Islands. Until they tell me that, I'm going to speak my mind in this Legislature.

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

**MR. SPEAKER:** Seeing no further speakers to the amended –

**MS. COADY:** (Inaudible) ring the bell.

**MR. SPEAKER:** Okay, we'll call the vote and I'll ring the bells to call in Members.

The Whips are ready?

I think all Members are present so I think we can do the voice vote.

We're voting on the amended amendment now. The Members have had an opportunity to look at the amendment and they've had an opportunity to look at the amendment to the amendment, the sub-amendment, so we're going to vote on that now.

Sorry, Members aren't clear?

The hon. the Government House Leader.

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

For an abundance of clarity, could we make sure that Members understand what they're voting on? It is the amended motion without (e), correct?

**MR. SPEAKER:** Yes.

We have the main motion, which was the original motion moved by the Government House Leader. Then we had an amendment moved by the Opposition House Leader, I think, an amendment, but then we had a sub-amendment to the amendment made by the Member for Corner Brook.

The sub-amendment has passed, which amended the amendment that was moved by the Government House Leader, and now we're in the process, we're going to vote on the amended amendment. Okay?

So we're clear what we're voting on?

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

**MR. SPEAKER:** How Members vote on it is up to them.

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

**MR. SPEAKER:** What we will do is we'll take a brief recess. When we come back, we will read the motion as amended and then we will go.

Okay, we'll just take a few minutes to get that.

Recess

**MR. SPEAKER:** Okay, I believe all Members are back.

It's my understanding that the amended amendment has been circulated to Members in a written form. So Members have a copy for clarity in terms of what you're voting on. Members have the amended amendment, so we will proceed with a voice vote on this.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**AN HON. MEMBER:** Division.

**MR. SPEAKER:** Division.

Division

**MR. SPEAKER:** Okay, we're ready.

All those in favour, please rise.

**CLERK:** Mr. Ball, Ms. Coady, Mr. Crocker, Mr. Haggie, Mr. Byrne, Mr. Andrew Parsons, Mr. Osborne, Ms. Dempster, Mr. Bennett, Mr. Davis, Ms. Haley, Ms. Gambin-Walsh, Mr. Mitchelmore, Mr. Warr, Mr. Bragg, Ms. Pam Parsons, Ms. Stoodley, Mr. Loveless, Mr. Trimper, Mr. Joyce.

**MR. SPEAKER:** All those against the motion, please stand.

**CLERK:** Mr. Crosbie, Mr. Brazil, Mr. Petten, Mr. Kevin Parsons, Mr. Wakeham, Mr. Lester, Mr. Dwyer, Ms. Evans, Ms. Conway Ottenheimer, Mr. Paul Dinn, Mr. Pardy, Mr. Parrott, Mr. O'Driscoll, Mr. Tibbs, Mr. Forsey, Ms. Coffin, Mr. James Dinn, Mr. Brown and Mr. Lane.

Mr. Speaker, the ayes 20, the nays 19.

**MR. SPEAKER:** The ayes have it.

The amendment is carried.

On motion, amendment carried.

**MR. SPEAKER:** We're back to the main motion, as amended.

Seeing no speakers rise, are the –

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

**MR. SPEAKER:** We're back to the main motion now, as amended.

We're going to vote now on the main motion, as amended.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**AN HON. MEMBER:** Division.

**MR. SPEAKER:** Division has been called.

Division

**MR. SPEAKER:** All those in favour, please rise.

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

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

**CLERK:** Mr. Ball, Ms. Coady, Mr. Crocker, Mr. Haggie, Mr. Byrne, Mr. Andrew Parsons, Mr. Osborne, Ms. Dempster, Mr. Bennett, Mr. Davis, Ms. Haley, Ms. Gambin-Walsh, Mr. Warr, Mr. Bragg, Ms. Pam Parsons, Ms. Stoodley, Mr. Loveless, Mr. Trimper, Mr. Joyce, Mr. Forsey, Mr. Brown.

**MR. SPEAKER:** Okay.

All those against, please rise.

**CLERK:** Mr. Crosbie, Mr. Brazil, Mr. Petten, Mr. Kevin Parsons, Mr. Wakeham, Mr. Lester, Mr. Dwyer, Ms. Evans, Ms. Conway Ottenheimer, Mr. Paul Dinn, Mr. Pardy, Mr. Parrott, Mr. O'Driscoll, Mr. Tibbs, Ms. Coffin, Mr. James Dinn, Mr. Lane, Mr. Mitchelmore.

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

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

**CLERK:** Mr. Speaker, the ayes 21 and the nays 18.

**MR. SPEAKER:** The ayes have it.

The motion, as amended, carried.

I'm asking the Member – part of the motion was that the Member apologize to the House.

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

As the Member for St. Barbe - L'Anse aux Meadows, I unequivocally apologize to the House of Assembly and to the people of Newfoundland and Labrador.

Thank you.

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

**MR. SPEAKER:** It's traditional that we have a few comments. I'm assuming that we're going to adjourn tonight for Christmas, so I'm going to allow the opportunity for Members to make some seasonal comments.

The hon. the Leader of the Official Opposition.

**MR. CROSBIE:** I would thank the Speaker and the Government House Leader for giving us the opportunity to have a few remarks before we close the House for Christmas break.

Mr. Speaker, I'd like to wish all Members of the House a wonderful Christmas. As we return to our districts with schedules full of Christmas parades and functions, I wish everyone a safe and enjoyable Christmas.

I'd also like to thank the Clerk and the Table Officers who guide us through our proceedings. They know the rules of the House better than any of us. We all benefit from their wisdom, so thank you.

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

**MR. CROSBIE:** To the Sergeant-at-Arms and Pages I'd like to extend my appreciation. They are often here before us and leave after us. They take care to make sure everything runs smoothly.

Mr. Speaker, I'd also like to thank those individuals we may not see everyday, the folks who work behind the scenes and make sure that our deliberations are open to the public. To the folks in Broadcast and Hansard, thank you. I know it's often hard to keep up with who is speaking or what we are saying, so thank you.

Upstairs and outside this Chamber are the Commissionaires. They do a great job of ensuring that when members of the public come and take in our deliberations that they are directed in a professional way through the processes and procedures here. I extend my appreciation to them. I've done my best to give them my estimate of when we'd rise through the evening, but sometimes I've been more accurate than other times.

I'd also like to recognize the staff of the Legislative Library, Corporate and Members' Services, Speaker's office and Clerk's office. Mr. Speaker, to all those who helped this House of Assembly run smoothly and function, I'd like to extend my appreciation and wish them a very Merry Christmas and a Happy Holiday season.

I recognize as well all the public service workers in the province. I know that some of our public service workers have incredibly challenging files. I thank them for their dedication and perseverance and I wish them a Merry Christmas.

I'd be remiss if I didn't take a moment to thank those who work in our office, our own staff in the Official Opposition office. Our staff come to work every day and often work late into the night to help us prepare for the House. I thank our staff for their guidance, knowledge and efforts.

Mr. Speaker, our caucus isn't the only one with political staff. All of us in the House have a complement of staff who we rely on each and every day. To all political staff, I wish you a safe holiday season. Hopefully everyone gets an

opportunity to take a well-deserved break and spend time with family and friends.

To my colleagues, my fellow MHAs, I extend my best wishes to you as well. I wish you and your families the very best for the holidays. I know that politics often takes a toll on families. I know that MHAs sacrifice being at the dinner table to attend events and may miss birthdays, anniversaries or other family functions to be here in St. John's and pizza is no substitute. I hope that during this Christmas season we can all spend some quality time making memories with our families.

Mr. Speaker, to conclude, I thank everyone for their hard work over the past year. I know we do not always agree on the issues at hand, but it is my Christmas wish that everyone have a pleasant and happy holiday season and that when we return in 2020, we can work together and make positive change for the people of the province.

Thank you.

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

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

**MS. COFFIN:** Mr. Speaker, this is one of the times that I do not have a prepared speech, but the hon. Member who spoke before me does. So forgive this, and that leads me to where I'd like to start with my remarks.

At the beginning of this year, which seems like a lifetime and a half ago now, I had the very good fortune to have a conversation with someone. I didn't had a New Year's resolution at that time, but something had happened and the individual said, can you forgive me for that? She said, maybe that will be your New Year's resolution and I said, that's a nice idea.

As the year has progressed, I have found myself needing forgiveness; I have found myself giving forgiveness. After all that has unfolded in this past year, I think we can all perhaps resonate with this same sentiment. That was a bit of a foretelling and a bit of an oracle. I knew when she mentioned it that it had a special meaning,

so it's very nice to be able to relate that story and share the importance of that.

I'd like all Members, as we break for Christmas, to maybe take that sentiment and contemplate it. You don't have to embrace it, but perhaps remember it when you find yourselves in a situation where you need to give or take forgiveness and see how you feel. Certainly, this is a resolution that I will bring with me, not only for this year or for the remainder of this year, but perhaps for the rest of my life, because it is a very good way to behave.

Upon reflection of this past year I want to say thank you. Thank you to everyone who has made my transition into this life easier; all the guidance that I've gotten from my colleagues here in the House of Assembly, all the help that we've gotten from the remarkable legislative staff, from everyone that has supported us throughout the year. Certainly, all the other MHAs, thank you very much just for being yourselves and doing a wonderful job in the House.

Thank you to my caucus and my party. Thank you very much to all of our supporters. I want to say Merry Christmas, happy holidays and thank you so much to the people of St. John's East - Quidi Vidi for allowing me this tremendous honour and responsibility. I hope that I have done them well. I hope I've done my colleagues well in representing myself and them as I stand.

To conclude, I think as we leave for these holiday seasons, take the time, everyone, to hug the people who love you and support you. They play such an important role in helping us do our jobs to make government work for everybody here in Newfoundland and Labrador. I want to also suggest to take some time to think about what your resolution is for when you come back into the New Year.

I am contemplating mine already and I would like to make a commitment to myself and to everyone else that I am dedicated to improving our governance here in Newfoundland and Labrador. I resolve to myself and everyone else that I will do that with mutual respect, with good behaviour and an admiration and understanding of everyone's circumstances and their place, their feelings, their intelligence and their

perspective. I wish everyone a warm, happy, joyous holiday. Go be with the people you love and enjoy themselves.

Thank you very much for this wonderful opportunity.

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

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

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

Well, I'll take a few minutes. First, I want to recognize and acknowledge the Christmas greetings that have been put forward by the Leader of the Opposition and the Leader of the Third Party.

It's been a busy session, as we know, 13 pieces of legislation that has been far reaching and impactful on people in our province. There's no question, as we sat through the last few days, there have been frustrations and that goes sometimes with adaptation and change that we see as we transition into this new way of governance.

Mr. Speaker, I will say, again, that all of us, I think, share the view that we work here and provide a service to the people of our province. We continue to work in collaboration, hoping to make change and make it even better for our province.

We do know that as you make decisions as government, they're not always easy. I've seen in the past, the last, nearly, four years, that we've seen that decision-making is very different than sitting in Opposition and so on.

Mr. Speaker, I think we all represent the people that elect us with the spirit that we see at Christmas time, but yet throughout the year we want to do the best that we can.

Like others, I, too, want to thank the staff of the House of Assembly for the great work that they do, keeping this place and keeping us in our seats and keeping us doing the things that we do. You help make this House run pretty smoothly.

I think of the people in Hansard. We rely on this quite a bit, especially as we start preparing

ourselves and we listen and we read and we reflect on some of the discussions that have happened in this debate. I keep reminding people, the things that you say are recorded and they're recorded for the history and for future people to look at and actually reflect on things that would have been said. So we really thank Hansard for the work that they do, as well as the Broadcast team for that work.

I understand now that even at a regular time we would probably be broadcasting live right now, but from what they tell me we've been bumped by bingo. So, Mr. Speaker, we realize where the priorities are on many evenings like this.

I also want to thank our Pages. We see some familiar faces back and they just sit there and patiently watch and listen to us as Legislators in this Legislature. Some of them are familiar faces, some have taken a little rest and been away a bit and come back, but I know in the eight or nine years now that I've been doing this, we've seen quite a few Pages that have come and gone and sit in those chairs.

I always admire the work and the patience, sometimes the tolerance that you have there with those smiles as you step in front of us and drop off messages and so on, that it helps us through our day. So I really want to say thank you and wish you a Merry Christmas.

Often you are referred to as the future leaders of our province, because you have an interest in politics or you wouldn't really be doing this. I really consider you to be leaders of today and the influencers of decisions that we make.

To the security, and I'm one of those people, as many people would know, that spend a few hours in this building. The security is always there, got a nice smile and they greet us in the mornings when we come in, but sometimes after we go home from a long day, making sure that we get to our vehicles safely and that we're there and kept safe while we're inside here. I really want to thank them and all those other members of our staff here, the Sergeant-at-Arms who sits there and watches a lot of this happen, too.

Mr. Speaker, I really do want to say, too, that around our province, when we get outside of where we are today in this environment, there

are people out there, I really want to thank our RNC, our RCMP, the people in our communities that keep our residents safe.

I also want to speak to the public sector workers. As we go home and enjoy Christmas and do the traditions. I know in my life, it really starts on the 23rd of December; the tradition really goes right through to the 2nd of January, but for our public sector workers, while we take advantage of the holiday season, whatever the traditions that we have and we hold dear, we have public sector workers either in health care, law enforcement, people that are plowing the roads from Transportation and on and on it goes. This is what they do, and they do it day in; they do it day out. On Christmas Day, it's not unusual to see a snowplow operator or an ambulance driver or somebody that's working while we get the opportunity to spend some time with our families.

I also think about many of us have friends and families that are in the military and the Armed Forces, that they're not home for Christmas. We get a chance to either FaceTime or share messages, but there are many of us that are impacting lives of others in other countries that are Newfoundlanders and Labradorians.

Mr. Speaker, there are a lot of people in our province that you would like to thank and remember, but just on a little aside, a little pleasant thing that I know that's been happening up in our office in the last few days. There are cookies and there are treats and there are little things that are dropped off and little notes that come in from time to time.

For me, I really enjoy getting those little things that get dropped off because it really means that people are paying attention, that they really care about what we're doing in here. I want to share that message from me to you, as all of us that are in here, to say thank you from all of us to the people that actually do these little things, that sometimes may not seem a lot, but I know, for me, they certainly mean an awful lot.

To all of my colleagues that sit in this House, I want to say thank you. I want to wish you a very Merry Christmas and a happy new year.

As our caucus, I have to say that there's no question, I've got a strong, incredible group of people here that I get an opportunity to work with. Our staff, all of us, we're here to make this province a better place to live and to raise our families.

To you, Mr. Speaker, you've taken on a new role and you had the support of the House, giving you the opportunity to sit in the House, in what is a very important job that you do and get the assistance from your deputy here and certainly your Chair of Committees. Mr. Speaker, I want to thank you for the work that you've done and sitting there with that smile on your face sometimes.

I'm going to conclude my remarks by saying that, hopefully, tomorrow I'm going to get home. I started a project about three weeks ago to put up Christmas lights and I know I haven't got it finished yet, but I made a commitment to the people that live on the same street that I do, that I will not be the last one to get those lights up this year. So they're going to be finished, hopefully, by Saturday evening.

Mr. Speaker, while we're putting up our lights, what it does, it gives us chance to reflect on Christmas past, but gives us an opportunity to prepare for our future. I'm really looking forward to coming back after the new year, after spending a bit of quiet time over Christmas. I'm looking forward to working with every single Member of this House in collaboration, making this province a great place to live.

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

**MR. SPEAKER:** Christmas is a very special time of year and I want to do a few greetings as well before we conclude, a brief greeting.

I want to wish the people, all Members, a Merry Christmas. The people who work with the House, a Merry Christmas as well. I want to wish the Pages well on their exams, I know some of them still have exams to do. I want to wish you good luck with those exams and best wishes for Christmas.

Christmas is a special time of year and I want to encourage you all to take some time to relax,

spend time with family and friends and to reflect on the year past and to plan for the year forward.

Think about people who are in need or in distress in their lives and how we can help them.

I just want to wish you all a Merry Christmas and a happy new year, as we go forward.

Thank you very much.

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

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

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

**MR. SPEAKER:** I think we need a motion to leave.

The hon. the Government House Leader.

**MS. COADY:** Mr. Speaker, I move, seconded by the Minister of Transportation and Works, that we now adjourn.

**MR. SPEAKER:** Do we need to vote on that?

**AN HON. MEMBER:** Yes.

**MR. SPEAKER:** Okay, we need to vote on the motion to adjourn before we go.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

I think it's carried unanimously.

The House stands adjourned until tomorrow, Monday, March 2, 2020.

On motion, the House at its rising adjourned until tomorrow, Monday, March 2, 2020.