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*Speaker: Honourable Ross Wiseman, MHA*

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The House met at 1:30 p.m.

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

Admit strangers.

Before we start our proceedings, I want to welcome some special guests to our gallery. Today we are joined by eight Grade 12 students from Mealy Mountain Collegiate in Happy Valley-Goose Bay.

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

**MR. SPEAKER:** They are accompanied today by their Vice-Principal, Mr. Scott Fraser, and the school counsellor, Ms Deanna Miles.

Welcome to the House of Assembly.

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

**MR. SPEAKER:** We are also joined today by the parents from the Holy Cross Elementary School in St. John's Centre.

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

#### Statements by Members

**MR. SPEAKER:** Today we will have members' statements from the Member for the District of Cartwright – L'Anse au Clair; the Member for the District of Cape St. Francis; the Member for the District of Port de Grave; the Member for the District of Fortune Bay – Cape La Hune; the Member for the District of Baie Verte – Springdale; and the Member for the District of St. John's Centre.

The hon. the Member for the District of Cartwright – L'Anse au Clair.

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

Mr. Speaker, I rise in this hon. House today to recognize a group of young men and women in my District of Cartwright – L'Anse au Clair – the Junior Canadian Rangers.

The first Junior Canadian Ranger patrols were established along the Labrador Coast in 1999. Today we have patrols in Cartwright, Black

Tickle, Port Hope Simpson, Mary's Harbour, St. Lewis and the Labrador Straits.

Mr. Speaker, Junior Canadian Rangers is an organization for youth between the age of twelve and eighteen that provides an excellent opportunity to develop strong leadership skills and valuable life skills.

Many of our Labrador patrols have travelled to Yellowknife to participate in national shooting competitions and visited the Canadian War Cemetery in Normandy.

Mr. Speaker, organizations like the Junior Canadian Rangers can only be successful with the support of the Department of National Defence and the many community volunteers that donate their time and share their traditional knowledge and skills.

I am always encouraged by the co-operation that exists between all the patrols in the region who work very well together to share their skills, knowledge, with a little competition, of course, always thrown in.

Mr. Speaker, I ask all hon. members to join me in recognizing the Junior Canadian Rangers throughout my district and, indeed, the entire Province.

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

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

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

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

I rise in this hon. House today to recognize a young athlete from Logy Bay, Erica Devereaux, who was a finalist for Female Athlete of the Year 2013.

Erica was the first female gymnast in the Province named to the Canadian Gymnastics Team where she competed on Vault and Floor, and placed a respective seventh in the team event at the World University Games in Russia.

Erica was the only gymnast in Newfoundland and Labrador to compete at the National Level

in 2013; she placed respectively at the Canadian National Championships in Ottawa and the Gymnix in Montreal, also won a bronze on the bars at the Eastern Canadian Championships.

Erica works tirelessly and still finds time to mentor and coach other young gymnasts, and is presently completing her engineering degree at MUN.

Erica also received the Gymnastics Newfoundland and Labrador Athlete of Excellence Award and the Leadership Award, and in addition to that the Erica Devereaux Cygnus Lifetime Achievement Award. This is a result of her excellent leadership throughout her career.

I ask all hon. members to join with me in recognizing the hard work and dedication of Erica Devereaux.

Thank you very much.

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

**MR. SPEAKER:** The hon. the Member for the District of Port de Grave.

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

I rise today in this hon. House to commend the outstanding achievements of Warrant Officer Taylor Hutchings of the 2372 Avalon North Army cadets.

This seventeen-year-old cadet has achieved a great deal in her six years within the cadet movement. She is a recipient of the Lord Strathcona medal, the highest award that can be bestowed upon a Canadian cadet.

This past January, Taylor was the only Newfoundlander and Labradorian selected for an international expedition to Argentina. Taylor joined fifteen other cadets from across the country. Before heading off on this expedition, Taylor had to complete certain requirements including corps involvement, community service, fitness components, and a regional expedition which she did in Labrador last December. The expedition in Argentina included a four-day kayaking trip, followed by glacier scaling and mountain climbing. Taylor

received high praise for her skill and tenacity while there.

The expedition was sponsored by the Army Cadet League of Canada and the Department of National Defence, and her medical costs were supported by the Royal Canadian Legion Branch 32 of Bay Roberts.

I ask all members to join me today in congratulating Taylor on her tremendous accomplishments.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Fortune Bay – Cape La Hune.

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

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

I rise today to recognize Bay d'Espoir's participants in the forty-ninth Central Newfoundland Kiwanis Music Festival. Congratulations to the Bay d'Espoir Dolce Singers for the winning the Duet/Trio/Triple Trio Award, and congratulations to the Bay d'Espoir Choir as well.

Kyla Kendall of Milltown-Head of Bay d'Espoir, won in the age fourteen and under category for compositions by Canadian Composers, and for songs from movies or Broadway. Jessica Willcott of St. Alban's received awards in the fourteen and under category: the Best Performance in Newfoundland Music, Best Performance for Vocal Solo, Best Performance for Traditional Folk, and the Laura Blackmore Award in Newfoundland Music. Julie Young won first place with her Broadway piece, first in Traditional Folk Song Solo, and second in Voice Solo, fifteen and under.

I would also like to commend young McKenna Benoit, Brooklyn Framp, Tia Cox, and her father Perry for their performances at the festival. Congratulations, Mr. Speaker, to the Grade 4 class at the Bay d'Espoir Academy for choral speeches "My Roots" and "How to Torture Your

Teacher". A big thank you as well, Mr. Speaker, to their instructor, Valerie Coombs.

I ask all members of this House to join me in commending all participants for their outstanding performances.

Thank you, Mr. Speaker.

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

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

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

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

Located in King's Point, this small, vibrant K-12 school with a population less than 120, has accomplished something that was never done before, to my knowledge. Valmont Academy Girls captured four School Sports Newfoundland & Labrador provincial titles all in one school year, 2013-2014.

They brought home provincial banners in 2A slo-pitch, 2A soccer, A basketball, and 2A ball hockey. Coaches Greg Flynn, Adam Matthews, Tanya Warford, and Stephen Earle are to be commended for their contribution to the overall success of the teams.

It is a testament to the outstanding support that the teams get, not only from the teaching staff but also from the entire school community. The school's success has generated a lot of excitement in the town, and has fostered an upbeat, positive learning environment.

I had the opportunity to attend three of the four championships and I witnessed the pride that exuded from the athletes, parents, teachers, coaches, and the entire student body.

These girls have become my sisters – we are family now, said the graduating Grade 12 student, Natalie Burt.

No better remark could sum up the value of athletics, the other half of education.

Honourable members, please join me in applauding Valmont Academy in their extraordinary accomplishment.

Thank you, Mr. Speaker.

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

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

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

Today I am happy to honour the parents and grandparents of the children of Holy Cross Elementary School in St. John's Centre. Holy Cross was originally on Patrick Street, and my own father was a Holy Cross student. Now on St. Clare Avenue, it is 125 years old.

The parents talk about what a wonderful neighbourhood school it is, with an excellent learning environment, an incredible committed and experienced staff, and ideal class sizes that facilitate learning, especially for their children with exceptionalities.

The school provides circle time and a program to help children cope with anxieties. They have a number of innovative programs that help with learning and socialization. The school, the staff, and the parents are outstanding.

Parents and student volunteers help provide breakfast and lunch programs. The school is also home to Brighter Futures and Mother Goose programs. Neighbourhood programs include Judo, Zumba, and more.

Now the parents are working hard together to save their school from closure.

Citizen engagement is very important. These parents know the value of Holy Cross Elementary. They are engaged and working hard to save their school to benefit their children, their community, and their neighbourhood.

Mr. Speaker, I praise and commend these parents for their courageous and dedicated engagement on behalf of their children and on behalf of their neighbourhood. Bravo to them.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** Ministerial Statements.

**Statements by Ministers**

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

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

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

Mr. Speaker, I rise today in this hon. House to recognize National Day of Honour, which takes place tomorrow.

On March 18, 2014, Prime Minister Stephen Harper announced that, in recognition and commemoration of Canada's military mission in Afghanistan, that May 9, 2014 has been declared a National Day of Honour across the country.

Mr. Speaker, I am pleased to acknowledge this important day and to recognize the official end of Canada's mission in Afghanistan, which ended in March. I would also like to take this opportunity to recognize the brave men and women who fought in this mission.

While some soldiers go to war never to return, leaving families at home to mourn, many others return from battle badly broken in body, mind and spirit.

I encourage all municipalities in Newfoundland and Labrador to participate in any local recognition happening in their communities on Friday, May 9. Consider taking part in the ceremony at a local war memorial or an event being organized by a local service organization in your community to show appreciation to our military.

Mr. Speaker, I would also like to highlight and acknowledge the Afghanistan Memorial Vigil, which was constructed by Canada's troops in Kandahar and which is now here in Canada. This monument commemorates the hard work, the dedication and the sacrifices of soldiers during the mission in Afghanistan and will be in Newfoundland and Labrador from October 22-

26 in the East Block Lobby of this Confederation Building.

Mr. Speaker, I ask all hon. members of the House to rise and bow their heads for a moment of silence to recognize the sacrifices and contributions of our soldiers and their families during Canada's mission in Afghanistan.

Thank you.

**MR. SPEAKER:** All rise.

[Moment of silence]

**MR. SPEAKER:** Thank you.

The hon. the Leader of the Official Opposition.

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

I want to thank the Premier for the advance copy of his statement. The Official Opposition commemorates the strength and the sacrifices made by the members of the Canadian Armed Forces in Afghanistan. We encourage everyone to take a moment tomorrow, May 9, the National Day of Honour, to pause and recognize the commitment that these men and women have made. Tomorrow is the official day, but, of course, the memories live on 365 days a year for the families to the service in Afghanistan.

We want to especially recognize the young men and women from Newfoundland and Labrador who served in Afghanistan and remember those who made the ultimate sacrifice to protect us from terrorism. We also want to thank the members of the Royal Canadian Legion who are dedicated to preserving the legacy of the Afghanistan mission.

The mission in Afghanistan was the largest deployment of the Canadian Forces in a generation, involving thousands of our brave men and women from coast to coast. Even though the mission has officially ended, we must not forget the toll this has taken on many young men, women, and their families who protect the rights of people and freedoms across the world, many of them who, of course, they have never met before. Also, we must remember the ongoing disproportionate rates of suicide we are

seeing in many of those young men and women today.

In closing, Mr. Speaker, allow me again to invite the citizens of Newfoundland and Labrador to honour our soldiers and remember their sacrifices and achievements tomorrow on May 9.

Thank you, Mr. Speaker.

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

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

I thank the Premier for the advance copy of his statement, and thank him, too, for bringing here into the House a reminder to us of the new significance of May 9 in our country. I am pleased to stand with my colleagues in thinking of the men and women of this Province who took part in the mission in Afghanistan and those who lost their lives.

We have to remember that the brave men and women who came home with physical and mental damage also have to be remembered as they are and will be tomorrow, and must be given every support they need to come back into our society as whole people and as full participants. We must not abandon those who stepped up and went to answer their country's call.

We must also remember the people of Afghanistan still face turmoil and strife in their country, and think of them, too, because our men and women certainly interacted with them and know what they left behind. We must remember the good work our troops did in Afghanistan, the friendships and good relations that were forged, and I hope Newfoundlanders and Labradorians will work with all Canadians in maintaining ties with the people of that war-torn country and continue to offer our support to them and encourage our federal government to do so.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Advanced Education and Skills.

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

**MR. O'BRIEN:** Mr. Speaker, I rise today in this hon. House to talk about the second annual Skilled Trades Conference for Women and Youth held in Stephenville yesterday by the Office to Advance Women Apprentices. I was pleased to be invited to attend and speak at the event.

Over 700 women and youth attended this year's conference, which encourages participation for women and youth to explore the option of pursuing a career in a skilled trade, and meet a growing demand for skilled trade workers in Newfoundland and Labrador. The Office to Advance Women Apprentices is committed to ensuring more employment opportunities for female apprentices.

Today, there are 527 registered female apprentices in thirty-three designated trades. Approximately 418 are registered in non-traditional trades with the largest numbers in construction, electrician, welder, steamfitter/pipefitter, carpenter, and industrial mechanic.

Newfoundland and Labrador is recognized nationally for the support provided to apprentices. The Executive Director of the Canadian Apprenticeship Forum, Sarah Watts-Rynard, told CBC Crosstalk last week that this Province is out ahead of the rest of the country when it comes to financial assistance provided through the Apprenticeship Wage Subsidy for employers. She said supporting employers through this program demonstrates a real effort in wanting to help employers hire and train apprentices.

Since 2007, government has committed over \$100 million to support initiatives outlined in *All the Skills To Succeed: Report of the Newfoundland and Labrador Skills Task Force*. Budget 2014 provides \$39.8 million to continue the development of a skilled workforce in Newfoundland and Labrador, including \$4.1 million to support apprentices and trades.

Mr. Speaker, this is an unprecedented time of opportunity in Newfoundland and Labrador – especially for women. As women make their mark on construction projects Province-wide,

employers have been encouraged to open their doors to female tradespeople like never before. With that in mind, the Department of Advanced Education and Skills remains focused on advancing women apprentices at every opportunity so they have access to programming and assistance to further their careers and gain employment here at home.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

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

I thank the minister for the advance copy of his statement. Encouraging and supporting women in pursuing non-traditional sectors like skilled trades is a positive step forward for women, not only securing high-paying employment but learning different practical skills like construction, electrical, wiring, et cetera. It really puts a whole new spin on the idea of homemaker. Kudos to these women who are trailblazers.

Mr. Speaker, our apprenticeship program has many challenges. The fact is, thousands of apprentices are stalled in their plans of training, struggling to get the work experience they need to advance to their next block. Sadly, staff at the department's Industrial Training Unit has actually told apprentices they are better off heading to Alberta to get their hours – a troubling message for a government trying to grow the population.

Mr. Speaker, this department's own consultant, John Noseworthy, outlined a program full of deficiencies, and I quote, "The Apprenticeship Division does not track the status of its 5,800 apprentices... They are not monitored or provided assistance... to connect them to an employer. Therefore, the department can spend significant amounts of funding to train individuals without being proactive in getting them attached to the labour market."

"There is no formal case management process for pre-apprentices and apprentices; therefore, there is less of a focus on addressing their needs

with regards to training, employment, and obtaining a journeyman status."

"Although Government enters into significant capital works projects with external contractors, there is no mechanism for the placement of apprentices on projects."

What is more, Mr. Speaker, we are encouraging people to get a trade based on outdated labour market information. In conclusion, I urge government to address these serious kinks in the system so apprentices can become journeymen. Without acknowledging these changes, there is little –

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

The member's time has expired.

The hon. the Leader of the Third Party.

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

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

I, too, thank the minister for an advance copy of his statement. It is a great statement and giving us very good information about women apprentices in particular. It is good news, but it is something that is very close to my heart, as I was the first Executive Director of Women in Resource Development and still am concerned about what is happening with regard to women apprentices.

It all looks good on paper, but in reality there is still a lot of work to be done to rid the Province's workplaces of almost endemic harassment issues against women workers. I continually have tradeswomen coming to me to talk about how they are harassed by men in the workplace and the difficulties they have in trying to get it dealt with.

Many women are still afraid to come forward and report harassment and abuse, which are a real barrier to women working in the skilled trades. I emphasize, women are coming to me continually about this. I encourage the minister to explore the prevalence of harassment in these workplaces, Mr. Speaker.

Thank you.

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

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

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

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

Mr. Speaker, this week, May 5 to May 11 is Mental Health Week and earlier this week I had the privilege and honour of launching the *Understanding Changes Everything* campaign.

This campaign focuses on challenging, and ultimately changing the way people think and act toward individuals with a mental illness or addiction.

Mr. Speaker, stigma and discrimination are some of the greatest challenges faced by those living with a mental illness or an addiction. In fact, we have even heard that stigma associated with these conditions can often be as debilitating as the conditions themselves.

In year one of the three-year campaign, people throughout the Province will see television commercials, online and cinema advertising and promotion of the campaign through social media including Facebook and Twitter.

Through our campaign, which we have developed in collaboration with local stakeholders, our ultimate goal is to inform, educate and act as a conduit for people to get help. We want to change the way many people think about mental illness and addiction and bring awareness to the fact that one in five of us will experience a mental illness or addiction in any given year.

Mr. Speaker, our government has placed significant focus on mental health and addictions and has made it a priority. We invest approximately \$100 million annually to provide important programs and services throughout the four regional health authorities.

I encourage residents, and my colleagues here in the House of Assembly, to become better informed on this important issue and to take

some time to visit the Web site, [understandnow.ca](http://understandnow.ca) for more information.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

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

I thank the minister for an advance copy of his statement. Mental health is a crucial dimension of overall health and it is an essential resource for living. There is no health without mental health.

On behalf of my colleagues, I want to acknowledge Mental Health Week. We want to commend all of the people who work in this field for the valuable work they do.

As the minister said, one in five Newfoundlanders and Labradorians will experience a serious mental health illness during their lifetime. Sadly, however, Mr. Speaker, only one in three of those people who need mental health services actually receive them.

Just this week, government announced a campaign to reduce stigma and discrimination. We hope that the campaign will help people in every corner of our Province, but the sad truth is stigma and discrimination is not the only problem. Access to mental health services vary widely across our Province and supports are just not there in many cases for those who need it.

Look at the facilities for youth with complex needs that were promised back in 2009. They still are not open. We have a mobile crisis unit that only works five out of seven days each week. We are still sending police with the mobile crisis unit on a regular basis, even though a 2003 recommendation by Judge Luther said this should not be.

In my own district, there are very few services for people in our region. We need those community supports in place to ensure that we have communities that are healthy and thriving. While I commend government on their



campaign, I want to add there is still much more to be done.

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

The member's time has expired.

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

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

**MS MICHAEL:** I, too, thank the minister for an advance copy of his statement. I am pleased this campaign is underway and that it is a three-year campaign.

It is important that we raise the profile of mental illness, and make every effort so people know how widespread it is and how to get help. We do need a more proactive campaign than one that is just Web and media based. I am sure the stakeholders have good ideas about that, so I am looking forward to hearing more about education and information in a practical way with people in year two and three.

We also need better mental health services in the community because they are woefully inadequate and have not lived up to the Mental Health Care and Treatment Act, which stipulates that a person released from hospital must have access to services including income and housing to live successfully in the community. Currently, many people with a serious mental illness live in poverty and in terrible boarding home environments which keep them ill.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Oral Questions.

### Oral Questions

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

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

Issues surrounding Humber Valley Paving and the government's decision to cancel that contract without any penalties have been front and center in this House of Assembly. The incoming Premier was one of the owners of the company

when it ran into trouble on the \$19 million paving contract in Labrador. Government has since let the company out of the contract without penalty and released \$19 million in bonds.

I ask the Premier: Did you have any involvement in the decision to cancel the contract?

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

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

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

Mr. Speaker, I had no involvement in any discussions involving the cancellation of the contract, in terms of negotiations of the contract, or in terms of a possible settlement of the contract – none whatsoever.

In fact, I did not learn about this until two Saturdays ago while I was sitting in an airport in Halifax and was advised by someone who was a competitor in a business who is a competitor of Humber Valley Paving, who indicated to me this had happened. I asked the question: How would he know about this and I did not know about this? He informed me that he got his information from the Leader of the Opposition.

Upon my return –

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

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

**PREMIER MARSHALL:** Mr. Speaker, I am giving the facts as I know it. That is who told me. The hon. member opposite knows it.

Subsequent to that, when I got back to St. John's I contacted the minister and I had the minister and the deputy minister come over and give me a briefing –

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

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

**PREMIER MARSHALL:** – on this issue and explain what happened. Subsequent to that, I heard the MP for Labrador make some

comments about payments and value. I heard the Member for Cartwright – L'Anse au Clair talking about return of cash. I had the minister, the deputy minister, and the lawyer in the department who had advised them on the contract to come back to my office and explain this to me. I was advised there was nothing (inaudible) –

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

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

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

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

I will remind the Premier that could have been one of many people because we have received many, many calls from contractors who have known about this for many weeks now.

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

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

**MR. BALL:** The incoming Premier said negotiations on cancelling the contract began in earnest this February, but the minister maintains he did not have a conversation with Mr. Coleman until March 13.

I ask the Premier: Since Humber Valley Paving says the negotiations started in February, but the minister was not involved until March, who from government was involved in February?

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

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

**PREMIER MARSHALL:** Mr. Speaker, I have had no discussions with Mr. Coleman concerning the negotiation of this contract. I obviously know Mr. Coleman. I am familiar with Humber Valley Paving. I am familiar with the fact they were in Labrador doing paving work for the government. I am familiar with the fact that because of exceptional circumstances there with the forest fires the company had experienced difficulties, was in fact seeking compensation from government, and was giving consideration that government had been in

breach of the contract. I was aware of that, but I was involved in no discussions of negotiations, no discussions involving a settlement, and no discussions whatsoever about having the company released from the contract.

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

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

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

Months before the contract was cancelled, government granted Humber Valley Paving a one-year extension. This goes back into September last year.

I ask the Premier: When did you become aware that the extension was granted?

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

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

**PREMIER MARSHALL:** Mr. Speaker, I was not aware that an extension had been granted.

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

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

**MR. BALL:** Mr. Speaker, I ask the Premier again – we know that the extension was granted; we asked for a copy of the correspondence yesterday in this House. So I ask you: Will you instruct your minister to table the correspondence related to that extension?

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

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

**PREMIER MARSHALL:** Mr. Speaker, I think for the benefit of the people of Newfoundland and Labrador, we should do a lot more than that. Yes, we will have that tabled.

I have been away for the last number of days attending the OTC in Houston, but I have been following the media and what is happening here, and I think it is very important. I have confidence in the Minister of Transportation and

Works. I am satisfied from my discussion with him and his deputy –

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

**PREMIER MARSHALL:** – and the lawyer that advises the department on this particular contract or advised on that particular contract that nothing untoward has happened. I am satisfied that the minister has acted, always, with the best interests of the people of this Province in mind, and not for any other purpose.

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

**PREMIER MARSHALL:** In view of what has been happening here and in view of things that have been said in the media and the things that have been said in this House and conclusions reached by members opposite, which I believe are incorrect, I have today written to the Auditor General and have asked him to do an examination of any and all aspects of the contract between the Department of Transportation and Works and Humber Valley Paving.

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

**PREMIER MARSHALL:** Mr. Speaker, I would like to table that.

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

The hon. the Leader of the Official Opposition.

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

Well, government canceled the contract with Humber Valley Paving and released \$19 million in bonds. This, no doubt, improved the financial position of the company; however, back in 2008 – and I am sure members opposite will remember this – government did not do the same for another West Coast company, Island Aggregates.

So I ask the Premier: Why were you willing to help Humber Valley Paving now but not help this West Coast company, this small company, in 2008?

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

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

**PREMIER MARSHALL:** Mr. Speaker, the government of the Province, I am sure, is involved in numerous contracts in different departments. I practiced law for thirty-five years. I know that when you are in contracts there are always disagreements, there are disputes that arise from time to time, and there are discussions. They either settle it or they end up going to court.

Mr. Speaker, these matters do not come to my attention. These matters are not brought to me; they are handled at the departmental level. This Island Aggregates contract you refer to was not brought to my attention and neither was the one involving Humber Valley Paving, and I would not expect it to be.

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

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

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

The Premier mentions taking care of the public purse, making sure that things are done with due diligence with this government. Yesterday I asked the minister to confirm if government received a sworn statutory declaration before releasing Humber Valley Paving from the contract.

The document is important. What it does is it ensures other small businesses that are attached to this contract, our subcontractors, for instance, and that they are looked after in situations like this.

I ask the Premier: Are you aware that this government received a sworn statutory declaration before letting Humber Valley Paving out of the contract and releasing the bonds? It is simple, yes or no.

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

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

**PREMIER MARSHALL:** Mr. Speaker, when you are dealing with a contractor, you do not pay anything upfront. That is a mistake many

consumers make. They pay somebody upfront to do work and the person disappears. We pay as the work is done.

As the work is done, the companies will put forward interim certificates claiming payment. Government officials and engineers will review those certificates to confirm that the work has been done. If it has been done, then they will be paid.

When they are paid, there is always that 10 per cent mechanics' lien holdback held back from every payment. That holdback is there to meet the claims of people who may not have been paid by the contractor, such as suppliers and subcontractors.

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

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

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

I am asking for a very simple document that is included in the package. People should understand this. It is not about the mechanics' lien; it is about a sworn statutory declaration that says when a company signs it, it says that we have paid our subcontractors.

I asked the minister for this yesterday. It is a simple document.

Do you have it, yes or no?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, the document that the Leader of the Opposition is talking about, if you read the particular contract that we are questioning, it says that the statutory declaration is on the mechanics' lien; it was not on the bonds. The statutory declaration in the contract says that it is on the mechanics' lien.

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

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

**MR. BALL:** Once again a simple question.

I ask the minister: Do you have it? Do you have the sworn document from Humber Valley Paving?

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

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

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

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

The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, the statutory declaration, the way that works is that the company would apply for it. We would not ask for that until they apply to have the holdback released. Until the company comes to us asking to have the mechanics' lien or a holdback, as some people refer to it, you would not ask for a statutory declaration.

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

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

**MR. MCGRATH:** That is the next process.

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

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

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

I ask the Premier: Before the last payment to the company, did you at least check with your own government agencies, including Workers' Compensation, to ensure they were paid and this company was in good standing?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, as I said throughout Question Period this whole week, I do not run the finances of Humber Valley Paving, so I have no idea what their finances are. My job as the Minister of Transportation and Works is to administer the Department of Transportation and Works, and that is what I am doing.

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

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

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

The minister may not run the finances, but he makes sure they are propped up by letting them out of this contract.

I asked a simple question: Did you at least check with the government agencies, like Workers' Compensation, to make sure they were paid?

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

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

The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, I am not sure if the member across the way understands how many companies and contracts the government actually has contracts with on a daily basis. We have the guarantee in place with this particular company and the contract we are talking about. We have a mechanics' lien in place to protect the exact people he is talking about, so I am not sure what his issue is.

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

**MR. SPEAKER:** The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Mr. Speaker, yesterday the minister admitted that Humber Valley Paving was in financial trouble prior to cancelling the contract.

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

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

**MS C. BENNETT:** I ask the Premier: Does he acknowledge that by cancelling these contracts the minister has improved the financial position of the company, despite them not finishing the job?

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

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

**PREMIER MARSHALL:** Mr. Speaker, the hon. member, as someone who has been in business, knows if you are in a contract and the other party is not in a position to complete the contract you want to make sure you take steps to ensure you do not have a loss, and if there is a loss that you take steps to mitigate the loss. You have a duty in law to do that, and that is what we did.

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

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

**PREMIER MARSHALL:** Mr. Speaker, that is what we did. The minister's main concern was: How do we get the work done and how do we get it done on time and on schedule? That is what he did. That is what guided him, not some other thing. He was doing it to protect the people of the Province, and that is what he should do.

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

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

The hon. the Member for Virginia Waters.

**MS C. BENNETT:** The minister has said countless times that he did this to protect –

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

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

The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Thank you.

The minister has said countless times that he did this to protect the people of the Province. He should have clarified that he did this to protect some people in the Province, namely Humber Valley Paving. In fact, by cancelling these contracts the minister gave this company a competitive advantage.

I ask the Premier: Did his minister consider other companies in our Province that he disadvantaged when he decided to protect the bottom line of Humber Valley Paving?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, I will state again, my job as the minister of the department is to run the department. I do that with the best interests of the people of Newfoundland and Labrador in mind. That is what I took into consideration when I made this decision. I have a job. I had an option to go a legal route or to go a route to get the job done.

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

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

**MR. MCGRATH:** I took the route to make sure I got the job done on time and on budget, and that is the route we are taking.

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

**MR. SPEAKER:** The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Mr. Speaker, let me lay out how Humber Valley Paving has been given a competitive advantage, extending the contract to 2014 improve their cash flow. Cancelling the bonds eliminated potential increases to insurance and bond cost, and cancelling the contract reduced liabilities.

I ask the Premier: Do you agree that your minister's interference has single-handedly disrupted the marketplace?

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

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

Members are asking important questions and members are responding to those questions. I ask all hon. members, when I have acknowledged a member to speak, all others please wait in silence for the question or the answer.

The hon. the Premier.

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

**PREMIER MARSHALL:** Mr. Speaker, Humber Valley Paving has been doing business with this Province since 2006 and they have been a good partner to deal with. They have honoured their contracts. They have honoured their undertakings.

They did a contract last year in Labrador, and there were exceptional circumstances. There was a massive forest fire in Labrador. I know that because I was the Minister of Natural Resources at the time and I was being briefed by the fire suppression unit. There was a serious fire up there.

We thought at one point the Town of Wabush could be burned. As a result of that, Humber Valley Paving could not get its liquid asphalt to the site. As a result of that, they suffered losses. Because of those losses, they came to the government wanting the government to compensate them for their losses. They were alleging that the government was in breach of the contract.

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

The hon. the Member for Virginia Waters.

**MS C. BENNETT:** Mr. Speaker, by choosing to cancel the contract this government has interrupted the marketplace and unfairly propped up Humber Valley Paving. Your minister's blatant mismanagement of this project has far-

reaching negative effectives on competing companies and people all over the Province.

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

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

**MS C. BENNETT:** I ask the Premier: How can the people of the Province have any confidence in this government when they (inaudible) clearly favouring one company?

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

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

**PREMIER MARSHALL:** Mr. Speaker, when the fires happened, and as a result of that there were concerns with the contract. The minister, based on my discussions with the minister and the deputy minister and the lawyer advising the executive of that department – the minister's views were not the industry's – the minister's views were to protect the taxpayers of the Province who had a contract, they wanted the contract completed on time and on budget. That is what the minister was trying to do, that is what he should have done, and I am glad to see he was there – and that is why he has my confidence.

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

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

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

Mr. Speaker, the mechanics' lien, which is supposedly 10 per cent of the value of the contract, is held by government as a holdback to protect suppliers and contractors.

I ask the minister: If he can confirm the amount of money in that holdback and whether or not he believes that amount is sufficient to cover all of the suppliers and subcontractors in the project?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, I can confirm the amount of the money, and what I have to put out in public here today is that when we terminated the contract – and I said it yesterday, I will say it again today – there was not one call, not one call came into us that said they were owed money by Humber Valley Paving. There were no calls. It is not our place to go out into the market to see if money is owed. We have the guarantee in place, the mechanics' lien is in place, and the value of it is \$1.18 million.

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

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

**MR. OSBORNE:** So the value is \$1.18 million, Mr. Speaker.

I ask the minister: If he can confirm whether or not the deadline to make a claim against that holdback is gone beyond or whether subcontractors can still make a claim against that holdback?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, there is a time limit written into the mechanics' lien that you can act from the last day you did business, and if you feel you have no other way of collecting that money and you want to put a lien on that, that is still available.

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

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

**MR. OSBORNE:** Mr. Speaker, I understood that it was thirty days. Now, I may be mistaken. I will ask the minister.

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

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

**MR. OSBORNE:** I will ask the minister, Mr. Speaker, how does he expect subcontractors and

suppliers to make a claim when they cancelled the contract on this and it was well over a month before the public even knew the contract was cancelled?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, I have heard all week that I was incompetent because of the way I conducted business. What I am hearing today is that the members opposite are asking me to run the finances of the businesses that were doing work with the contractor in this case.

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

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

**MR. MCGRATH:** If you are having a problem – when I ran my businesses if I was having a problem collecting my money from someone that I was doing business with, I did not wait to find out if they were going to terminate a contract; I went into the mechanics' lien immediately .

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

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

**MR. OSBORNE:** Mr. Speaker, what is the last date that somebody could have made a claim on that mechanics' lien?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, the hon. member across the way has a copy of the mechanics' lien, and I suggest you read it and you will get your information.

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

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

**MR. OSBORNE:** Mr. Speaker, very quickly, how many days was the road closed which affected that contract because of the fires?

**MR. SPEAKER:** The hon. the Minister of Transportation and Works.

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

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

Mr. Speaker, that fire, if I remember correctly, and I will stand to be corrected, started on June 24 and there were a series of the road opening and closing. During the closures there was also times when there were escorts, convoys, so the government through the Department of Fire and Emergency Services at the time and the Minister Responsible for Fire and Emergency Services came into Labrador West with me. There were –

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

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

The Opposition has time in Question Period – if they want to waste it all in interrupting the proceedings, that is fine because when their time is up, it is up.

I have acknowledged the Minister of Transportation and Works.

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

Mr. Speaker, as I was saying, the Minister Responsible for Fire and Emergency Services came in with me and it was orchestrated through the ground –

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

The hon. the Member for Cartwright – L'Anse au Clair.

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

Mr. Speaker, harvesters and plant workers are enduring hardship because of unprecedented ice. Some in my district have been without EI



benefits since late March and early April, and in some households, men and women both from the same household. I understand the Minister of Fisheries has been in touch with Ottawa on this critical matter.

I ask the minister: What exactly are you doing to push strongly to get ice compensation for people unable to get back fishing because of the ice?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

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

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

Mr. Speaker, I will point out to the hon. member this is a federal program and at any time the federal government is free to start this program. What we have done is a number of weeks ago we initiated with DFO monitoring of ice conditions, the various fisheries and zones of the Province, and what was happening, and certainly advocated in regard to having a look at getting this program started.

Two weeks ago, we made formal representation to Minister Kenney and Minister Shea in regard to what we were seeing and the patterns we were seeing with regard to ice and with regard to particular fisheries. Yesterday, my officials were in touch with the federal officials in Ottawa again impressing on them there is a need to get moving on this program. We certainly expect them to get moving in the very near future because it is needed. It is federal jurisdiction and they need to step in at this particular time.

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

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair, for a quick question.

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

Why do people have to beg to Ottawa to get something they are entitled to? It is time for the begging to stop. It is an insult to our people.

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

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

**MS DEMPSTER:** It is an insult to the Province. We are entitled to compensation.

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

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

**MS DEMPSTER:** I ask the minister: Can he explain to the people –

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

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

I have acknowledged the Member for Cartwright – L'Anse au Clair. Let her finish her question, please.

**MS DEMPSTER:** Can he explain to the people without income how he and the Premier are making this a priority issue on their behalf? Right now, they are certainly not convinced.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Fisheries and Aquaculture, for a quick response.

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

**MR. HUTCHINGS:** Mr. Speaker, we have been dealing with this issue for six or seven weeks. She can follow up with her federal counterparts, the MP. This is a federal issue. We have been out in front of it. We were out in front in 2007 advocating.

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

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

**MR. HUTCHINGS:** We will advocate again and continue our work. It is federal jurisdiction. Any time the federal government wants to step in, which they should do now, they are free to do it and I encourage her to continue to advocate for it.

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

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

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

Nalcor is in Massachusetts lobbying lawmakers to pass a clean energy bill, which Nalcor hopes will lead to financing of their proposed Gull Island hydro project.

I ask the Premier: Why is a utility which can barely keep the lights on this Province continuing to build on its own Muskrat Falls folly?

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

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

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

**MR. DALLEY:** Mr. Speaker, I hardly know where to start, I have to be honest, but I will start. It is about vision. It is about planning. It is about a future. It is about laying groundwork. It is about looking forward and about the opportunities that exist in this Province to develop our resources for the benefit of the people of this Province, not only in this generation but generations to come.

I understand the member opposite really struggles with economic development, Mr. Speaker, but we have laid that down in this Province for the past ten years. We are developing our resources, but we are also looking to the future. They are in Massachusetts because there is a strong market there. We are on the ground. We are getting favourable response from it and certainly appreciate the work that Nalcor is doing to lay out the future for Newfoundland and Labrador.

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

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

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

I ask the Premier why his government is condoning Nalcor's planned construction of an even larger and more expensive hydroelectric project instead of putting development in place

that is rooted in the communities of this Province.

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

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

**MR. DALLEY:** Mr. Speaker, I am struck amazed, I have to be honest. How you can talk about communities and development and go against a project like Muskrat Falls is unbelievable.

How you can stand there and criticize when government and the Crown corporation is planning for the future, planning for our children, Mr. Speaker. They are not out spending money and developing Gull Island; they are laying out a platform, whether it is this government or any other government. That is our responsibility: to have vision, to make plans, to develop for our future.

We have students in this House today, Mr. Speaker, and it is about those students that we are going to develop and plan for the future.

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

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

**MR. DALLEY:** It is time to be a part of it, Mr. Speaker.

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

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

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

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

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

The hon. the Leader of the Third Party.

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

The completion of the C-NLOPB's environmental assessment of oil exploration in

the Gulf of St. Lawrence is a green light to industry –

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

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

**MS MICHAEL:** – for further offshore oil exploration in that area.

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

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

**MS MICHAEL:** A border dispute with Quebec on the Old Harry remains a major obstacle.

I ask the Premier: What is the status of our boundary dispute with Quebec over the Old Harry oil projects?

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

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

**MR. DALLEY:** Mr. Speaker, the standard environmental assessment to which she refers to is standard practice in the industry. It is regularly done. In fact, there are strategic environmental assessments being done on the offshore in the East Coast of the Province as well.

What it has done, Mr. Speaker, is it has opened the doors on a very broad environmental assessment to proceed in terms of entertaining opportunities for exploration on the West Coast. Built into that is further environmental assessments that will be required.

It is not opening the gates, Mr. Speaker. What it is, again very clearly what we are seeing today – what the environmental assessment has done is open the doors for potential exploration and economic activity.

Once again the Leader of the Third Party is standing in this House today criticizing, trying to find ways to condemn economic development in Newfoundland and Labrador. It is absolutely shameful, Mr. Speaker.

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

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

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

With school reform in 1997, government promised the new system would be based on the principle of community and neighbourhood schools. Holy Cross Elementary School is a successful neighbourhood school. Holy Cross is scheduled to close this year.

Mr. Speaker, I ask the minister: Why is he backing away from the principle of neighbourhood schools?

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

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

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

**MR. KING:** Mr. Speaker, as we have said many times in this House of Assembly, the legal authority for administering schools, for organizing schools, for arranging catchment areas for schools in the Province of Newfoundland and Labrador rest with the school boards. The member opposite knows that very well.

I understand fully the situation that the member is presenting. From my previous experiences with school boards, I understand how difficult it is for anyone when there is a change in school systems, particularly students and parents – and more often parents than students, I might add in my experiences, Mr. Speaker – but the reality is it is not my decision to open or close schools. It is a decision of the school board.

I encourage the member, and I encourage parents and others who are interested, to be engaged with the school board on that process.

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

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

**MS ROGERS:** Mr. Speaker, parents of Holy Cross Elementary students do not want their

school to close. They worry their children are going to a much larger school further away.

I ask the minister: Does he think closing the school is in the best interest of these students?

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

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

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

**MR. KING:** Mr. Speaker, one thing I will say is that I have tremendous confidence in the teachers of Newfoundland and Labrador. I have tremendous confidence in the teachers of Holy Cross Elementary and I have equal confidence in the teachers at St. Teresa's, the school they will be attending, the new St. Teresa's school. I have no doubt that with a brand new, modern facility those students are going to receive a top quality education. They will blend in very well with their new classmates and their new friends, and things will work out fine.

I do encourage parents to be a part of this process, if there are concerns. I encourage them to work with the school board to ensure they are informed about the process, informed about the changing in the environment that they are going to go to. As I said to the member before, if the school council needs to meet with me to discuss issues, I am more than willing to do that.

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

**MR. SPEAKER:** The hon. the Member for St. John's Centre for a very quick question without preamble.

**MS ROGERS:** Mr. Speaker, I ask the Minister of Child, Youth and Family Services: Is a new facility to be opened by Blue sky in Stephenville a foster home or a level four residential care group home?

**MR. SPEAKER:** The hon. the Minister of Child, Youth and Family Services for a quick response.

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

**MR. JACKMAN:** Mr. Speaker, the member is right. The provision of care in these homes is different now than it was at one particular point. This was open custody facilities at one particular point, Mr. Speaker, and now they have become more of foster home types.

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

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

I want to acknowledge, as well, a former Member of the House of Assembly in the Speaker's gallery today, Mr. Aylward. I think a former minister, as well. He occupied many ministerial portfolios while a member here.

Welcome, Sir. Welcome back.

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

**MR. SPEAKER:** Presenting Reports by Standing and Select Committees.

#### Presenting Reports by Standing and Select Committees

**MR. SPEAKER:** We have the Member for Port de Grave.

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

The Social Services Committee have considered the matters to them referred and have directed me to report that they have passed without amendment the Estimates of: the Department of Child, Youth and Family Services; the Newfoundland and Labrador Housing Corporation; the Department of Municipal and Intergovernmental Affairs; the Office of Public Engagement, Executive Council; the Department of Justice; the Department of Education; and the Department of Health and Community Services.

Thank you, Mr. Speaker.

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

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

The Resource Committee have considered the matters to them referred and have directed me to

report that they have passed without amendment the Estimates of: the Department of Advanced Education and Skills; the Department of Environment and Conservation; the Women's Policy Office and the Provincial Advisory Council on the Status of Women, Executive Council; the Department of Fisheries and Aquaculture; the Department of Innovation, Business and Rural Development; the Newfoundland and Labrador Research and Development Corporation, Executive Council; the Department of Natural Resources; and the Department of Tourism, Culture and Recreation.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Tabling of Documents.

### Tabling of Documents

**MR. SPEAKER:** In accordance with subsection 20(7) of the House of Assembly, Accountability, Integrity and Administration Act, I am tabling an amendment to the Members' Resources and Allowances Rules approved by the Management Commission of the House of Assembly on Monday, April 14, 2014.

Notices of Motion.

### Notices of Motion

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

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

Mr. Speaker, I give notice that I will ask leave to move the following resolution:

WHEREAS subsection 20(7) of the House of Assembly, Accountability, Integrity and Administration Act provides that a change to the level of amounts of allowances and resources provided to members not be made except in accordance with a rule that has been first laid before the House of Assembly and adopted by resolution of the House; and

WHEREAS an amendment to the Members' Resources and Allowances Rules, which would change the level of the amounts of allowances and resources has been laid before the House by the Speaker;

THEREFORE BE IT RESOLVED that this hon. House of Assembly adopt the amendments to the Members' Resources and Allowances Rules as approved by the Management Commission of this House on April 14, 2014 and tabled by the Speaker of this House on May 8, 2014 and those are so attached to the resolution.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**MR. HUTCHINGS:** Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Fish Processing Licensing Board Act, Bill 18.

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

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

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

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

WHEREAS in 2006 the provincial government created a commission to review the Individualized Student Support Plan/Pathways Model and make recommendations to improve the delivery of special education programming in the K-12 education system; and

WHEREAS in 2007, the ISSP/Pathways Commission delivered a final report to government outlining seventy-five recommendations for creating a better system for the delivery of special education programming; and

WHEREAS to date, many important recommendations of the ISSP/Pathways Commission have not been acted upon, including those related to: public disclosure of

assessment and wait-list information; guidelines for comprehensive and ethical assessment practices; procedures to address the needs of at-risk students; creating an effective appeals process for families; meeting the needs of exceptionally able (i.e., gifted) learners; expanding the role of student assistants into teacher assistant roles; introducing special education department heads in schools; improving on special education teacher qualifications and certification.

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to fully implement the recommendations of the ISSP/Pathways Commission in order to improve the delivery of special education programming for all students, parents, teachers, and schools.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, there are a couple of points I would like to raise with respect to this report. I think, one, once again we see this government commissioning a report. Spending thousands of dollars of taxpayers' money without acting upon the recommendations of the report.

I know there was a debate here about the report, the Minimum Wage Commission, some time back. I remember the hon. Government House Leader saying they had no problem accepting all of the recommendations of the reports that were commissioned, the consultants reports that came in around Muskrat Falls. So I asked him, how it is they have still not acted on these recommendations? He is uniquely placed to respond to this, of course, because now he is the Minister of Education.

I also point out that one of the recommendations of the Pathways and ISSP Commission report is for public disclosure of assessment and wait-list information. It is very timely, because today and this week we have been debating Bill 1, the so-called whistleblower legislation. This government is now open, it is now transparent, and it is newly accountable to the people of the Province, so why not make this information available?

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

The member's time is over.

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

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

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

WHEREAS Holy Cross School is a small, family-oriented school that gives all the children the highest education possible;

WHEREAS the school helps support the many students who have difficulty and/or learning disabilities to reach their highest potential;

WHEREAS the school has a friendly atmosphere for children and parents, the staff knowing all the children and parents by name;

WHEREAS the teachers at Holy Cross bring the extra supports that would not present in a larger school or a larger classroom;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to consider keeping Holy Cross open and to allow the children of the area to attend a neighbourhood school as was promised with education reform.

As in duty bound your petitioners will ever pray.

Mr. Speaker, I am very happy to stand today to bring this petition on behalf of the many parents of students at Holy Cross; it is signed by a lot of parents. It is not only the parents of the students, it is their grandparents, it is their neighbours, and it is the community who uses the school as well. This school is firmly based and has its foundation in the community.

It is a school that has had many changes in principals and administrations over the last few years, except the past two years this school has really solidified. We see that students are doing much better. It is also a school, Mr. Speaker, that is in an economically disadvantaged area, and it is also a school with a higher percentage

of children with exceptionalities who need extra supports and extra help. The parents are very, very clear about the needs of their children, and they are very involved in the school.

So, not only are they aware of the needs of the children, they are aware of the services that this school provides. One of the benefits of the school is that it is a smaller school, which is much easier for children who have ADHD, for children who have anxiety issues. We do not know what the school is being closed. Is the school being closed for economic reasons? We know that there is a Population Growth Strategy somewhere out there on behalf of the government, and that they are encouraging population growth.

So, Mr. Speaker, we can only hope that there will be an increase in the number of student enrolments at this school over the next few years. What is going to happen now is that children who can walk to school will now be bused. What does that mean for afterschool activities? Nobody has told the parents that. Will children who are going to be bused have the same advantages of the children who can walk to their own neighbourhood schools?

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for The Straits – White Bay North.

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

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

WHEREAS government has the responsibility to ensure that Internet access is broadly available so people have the right to be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights; and

WHEREAS the town of Goose Cove still remains without broadband services; and

WHEREAS residents rely on Internet services for education, business, communication, and social activity; and

WHEREAS wireless and wired technologies exist to provide broadband service to rural communities, to replace slower dial-up service;

We, the undersigned, petition the House of Assembly to urge the government to assist providers to ensure the town of Goose Cove is in receipt of broadband Internet services in Newfoundland and Labrador.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, all the petitioners are from the town of Goose Cove. I would like to know the number of municipalities that are without broadband Internet access – that cannot access the broadband Internet.

In Estimates yesterday I am very pleased that the Minister of Innovation, Business and Rural Development has committed to providing a list of communities that are served by broadband Internet. Therefore, I can do the work after that and find the number of municipalities and other communities.

With it you can only imagine how difficult it is for a municipality not to be able to access broadband Internet, to be able to engage and provide information to its citizens in a dynamic form and get information out there. Other municipalities in my district that have broadband are putting out constant HTML releases saying the water shut-off is happening here. It is a direct mailing list. It is made easy; you are having informed citizens. It really does build a stronger community and a stronger town. This is something that we need.

The Town of Goose Cove would have a stronger business community. You would see greater educational opportunities. This is why we need to look at providing broadband Internet service. It should be something that is universal using a combination of services, whether it is wireless, wire line, cellular or whether you look at using Wi-Fi mesh networks to make that happen.

There are all kinds of opportunities; we talked about it in Estimates yesterday. I think government is in the right direction with the RBI. We need to step that up to make sure that the close to 200 communities in Newfoundland and Labrador are certainly in receipt of broadband Internet.

I submit this petition on behalf of constituents in my district of Goose Cove. I look forward to speaking on my feet on this again.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

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

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

WHEREAS most communities in the District of Cartwright – L'Anse au Clair do not have adequate broadband service; and

WHEREAS residents, businesses, students, nurses, and teachers rely heavily on the Internet to conduct their work and cannot afford to wait until 2016 to access a potential plan in partnership with the Muskrat Falls development; and

WHEREAS there are a number of world-class tourism sites in the region, including a UNESCO site at Red Bay, Battle Harbour Historic Site, and the Mealey Mountains National Park;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to work with the appropriate agencies to provide adequate broadband service to the communities along the Labrador Coast.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I think there are twenty-two communities in my district. I know when the Speech from the Throne came down it talked

about 95 per cent of the communities connected with broadband. Many of mine are connected, but I have ten communities that have exceeded capacity and the capacity that is in some is so poor it might be better to say they did not have anything because at least we would be working on putting something there.

We are about to enter into the tourism season. I had a call from a business in my district a couple of days ago. I have been up on my feet many times talking about the need for a tourism development officer in the region to help market. Businesses are struggling on their own in many ways as it is to promote, and this was a business in a community, West St. Modeste, that said you can right now only get on the Internet after midnight and before 6:00 a.m. This is unacceptable and as a result this business is losing large amounts of money.

She had an e-mail come in from a group that wanted to book to stay, a tour group that was coming in a bus. By the time she was able to reply to that e-mail, Mr. Speaker, they had gone and booked somewhere else. It is certainly negatively impacting the business community.

I had another call from a business in the community of L'Anse-au-Loup. Their broadband is so slow right now that the Interac, you put in a card – people here do not understand, Mr. Speaker, because you run, you stick your card through, and you move on. When someone puts their card through, the Internet is so slow dialing, the Interac in that business is not properly working.

Mr. Speaker, we cannot close down. We cannot say wait, it is coming in 2016. I will continue to be on my feet because I want to know, what is the interim plan? What is being done? As my colleague for The Straits – White Bay North has mentioned here, there are many, many options we could be exploring and we will continue to advocate for this service.

Thank you, Mr. Speaker.

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

**MR. OSBORNE:** Thank you for recognizing me, Mr. Speaker.



Mr. Speaker, I have a petition again on the issue of Holy Cross. I have been presenting them pretty much daily here in the House. The petition reads:

WHEREAS Holy Cross is a small, family-oriented school that gives all the children the highest education possible; and

WHEREAS the school helps support the many students who have difficulty and/or learning disabilities to reach their highest potential; and

WHEREAS the school has a friendly atmosphere for children and parents, the staff knowing all of the children and parents by name; and

WHEREAS the teachers at Holy Cross bring the extra supports that would not be present at a larger school or larger classroom;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to consider keeping Holy Cross open and to allow the children of the area to attend a neighbourhood school as was promised with education reform.

Mr. Speaker, I have spoken on this previously. The argument that I am making, education reform promised neighbour schools, and that is exactly what this is. It is a smaller school. I am very familiar with the smaller schools and how they are better for the student population because students do not get drowned out in a larger classroom or a super school.

Mr. Speaker, many of the students that attend Holy Cross do have learning disabilities or other issues. The fact that every teacher in that school knows every student by name is a benefit to those students. You put those students on a school bus, some of them would be agitated, and some of them would not deal with that quite as comfortably as going to a school that is close to where they live, a neighbourhood school.

Furthermore, Mr. Speaker, government has introduced all-day Kindergarten and there is no doubt – I heard from the school board trustees the other evening who said that St. Teresa's School, which is where Holy Cross is slated to

go, can accommodate all of the Kindergarten students that are slated to go to Holy Cross. That is not the point.

Kindergarten being announced and introduced throughout the Province, throughout the entire Province, we will need additional classroom space to accommodate all of those students. We are not going to build additional classroom space on the existing schools, Mr. Speaker. That does not make sense. We need to have another look at the schools that are slated to be closed; Holy Cross is a fine example. We will need additional school space. Maybe we need to recalculate the zoning of those schools in order to accommodate all of the additional students who will be going to the school system because of all-day Kindergarten.

I do contend that Holy Cross now deserves an additional look, in addition to the fact that it is a neighbourhood school, because of all-day Kindergarten and the fact we are going to need additional classroom space.

Mr. Speaker, I know I am being urged to clue up. I will make this final comment on this petition. The parents and the students of that neighbourhood deserve the opportunity to have Holy Cross stay open.

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

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

I rise again today to present a petition on behalf of the people Western Newfoundland and Labrador, Central Newfoundland.

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

WHEREAS we wish to raise concerns regarding the recent delays of the construction of the new hospital in Corner Brook, Newfoundland and Labrador;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to commit to the planning and construction of a new hospital in

Corner Brook as previously committed to and in a timely manner as originally announced without further delay or changes.

Mr. Speaker, I have a petition here again from people all over Corner Brook. There are people here from Cox's Cove, Meadows, Corner Brook, Humber East, and Humber West. Once again their major concern is about the hospital, about what we are hearing about it.

Mr. Speaker, I have to put it on the record. When I was re-elected in 2011, when I was asking questions about the delay of the hospital, how long it is going to take us to start, the big calm person who was trying to disprove what I was saying about the delays in the hospital, the Member for Humber East, the Premier of the Province today, went out to the media and said I will not resign until steel is in the ground. That was his commitment. That was his personal commitment, the Premier of this Province: I will not resign until there is steel in the ground. Now, you hear him in the media trying to give away his seat – cannot wait to give away his seat.

Mr. Speaker, when the Premier of the Province stood up, who was the Member for Humber East at the time, and tried to dispel all the rumours that it was close to construction in 2011, when he stood up at a debate and said construction would start in 2012 when I tried to say that is not correct – I went into Estimates, that is not correct. The Premier of the Province stood up and said no, the construction will not go ahead – I will stick around; I will not resign.

That is why I am asking the questions. I have going to look at some of the changes to the hospital. Because of the Premier of the Province, who is the Member for Humber East, says we are going to put one unit or two, we are going to put a PET scanner and it is in the design. Excuse me, Mr. Premier, from past history I have to ask questions. I am sorry; I have to ask questions.

I know there was some amendments done to the design plan. I know there is a Request for Proposal. I just want people of Western Newfoundland and Labrador and Central who are here listening – I just want to bring this up. They put out a Request for Proposal back in

February. Mr. Speaker, the design is not even complete yet.

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

The hon. member's time has expired.

**MR. JOYCE:** Thank you.

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

**MR. KING:** Mr. Speaker, I move, seconded by the Minister of Environment and Conservation, that we move to Orders of the Day.

**MR. SPEAKER:** Orders of the Day has been moved and seconded.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

The hon. the Minister of Finance.

**MS JOHNSON:** Mr. Speaker, I ask leave to bring in a notice of motion.

**MR. SPEAKER:** Does the minister have leave to revert to Notices of Motion?

**AN HON. MEMBER:** Leave.

**MR. SPEAKER:** By leave.

**MS JOHNSON:** Thank you.

Mr. Speaker, I give notice that I will ask leave to introduce bill entitled, An Act To Amend The Revenue Administration Act And The Act Agreement, 2010, Bill 17.

Thank you.

**MR. SPEAKER:** Orders of the Day.

### Orders of the Day

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

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

At this time I call Motion 1, to move that the House approves in general the budgetary policy of the government, the Budget Speech.

**MR. SPEAKER:** We are now debating the Budget Speech and, more particularly, the amendment to the Budget motion.

The hon. the Member for Virginia Waters.

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

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

Mr. Speaker, as I stand here today I am reminded of this quote by Winston Churchill, "Politics is not a game. It is an earnest business." An earnest business listening to people, being a voice for people, standing up for people and working to make things better for everyone. That is why I chose to enter public life: to make a difference for people.

Standing up and doing what is right, sharing ideas and facing issues head-on, this is something I have done my entire life. My father encouraged me to do it and I can remember on more than one occasion when a neighbour, a teacher or some other adult in my young life would go to him and complain about something I said or did, usually in defending someone or sticking my nose into something. He would shrug his shoulders and he would tell them: You are not getting anything past Cathy; she is pretty determined once she latches on to something.

Mr. Speaker, as determined as I can be and as much as I have come here to jump into the debates and start working on issues, there is something about standing on the floor of this hon. House, in this spot, representing the District of Virginia Waters that makes me pause. It is not just the history of this place or the realization that the decisions that we make here every day impact the lives of people, of every Newfoundlander and Labradorian today and in the future. Mr. Speaker, more than anything, at this moment I am moved by the confidence placed in me by the voters of Virginia Waters.

Democracy is an incredible thing, and sometimes we take it too much for granted.

After spending weeks on the campaign trail, and really months in preparation, it is humbling to see it in action and to appreciate the ability of the people of the Province to effect change.

First and foremost, I want to thank the people of Virginia Waters for their support, for their faith and the trust that you have placed in me as your representative in this House of Assembly. My commitment to you today, to every person who lives in the district, remains the same as it was on the first day of the campaign, and the same as it will be on the last day I serve in this hon. House. My commitment is to you, to serve you, to earn your trust, and to represent you with integrity.

Mr. Speaker, Virginia Waters is more than just an electoral district; it is my home. I grew up there. I am raising my family there. It is where I went to school, and it is where I built my business. I have deep roots in the district and my constituents are my neighbours, my friends and co-workers.

Today, Virginia Waters is home to a diverse group of people. There are those who spent their entire lives in the district growing up as I did, in neighbourhoods like Wedgewood Park, Newfoundland Drive, Carrick Drive and going to neighbourhood schools. These are people who want the same opportunity for their children as they had, but are afraid that as a society we may be failing our children in this Province.

Virginia Waters is also home to many residents who moved to St. John's from communities around the Province, around our home of Newfoundland and Labrador. I met many of them during the campaign, people who live in St. John's but have deep connections with family around the Province. They live in developments like Airport Heights, but they are still connected to their home communities and they worry about things like caring for their elderly parents who live some distance away. They struggle with the economic reality of owning a home in the capital city and raising a family.

Finally, Mr. Speaker, Virginia Waters is home to a rich and vibrant immigrant community. Folks from all over the world who have chosen to make Newfoundland and Labrador their home to

raise their children, and to share in the benefit of living in the best Province, in the best country. They have enriched our community by their presence.

Mr. Speaker, I can recall growing up in the east end of St. John's in the 1970s and 1980s. As different as things are today, as neighbourhoods expand and as we welcome newcomers to our city, the values and hopes and aspirations of the residents of Virginia Waters remains the same as they were when I grew up. What the people of the Province and the people of Virginia Waters want is a good quality of life, a job to provide for their families, a home to call their own, and an education for their children.

Mr. Speaker, as everyone in this House knows, public life is not easy, but with the support of mentors, like former Virginia Waters MHA Walter Noel and his team, as well as others, people can step forward and should, including women. While there is more, so much more that we can and should do to raise the level of debate and encourage engagement in the political process, it is still a tough and unforgiving business. Often, you are only as good as the last thing you did.

I have a great deal of respect for anyone who puts their name forward for public service at any level of government, for any party. So I would be remiss if I did not acknowledge and thank former Premier Dunderdale for her work on behalf of Virginia Waters. I want to wish her well in her retirement, and while we may not agree politically, I value the trail she blazed, particularly for women in this Province.

That said, Mr. Speaker, we are under new management, or rather interim management. Mr. Speaker, I am delighted to be here as part of a Liberal caucus. The people of Virginia Waters have not only put their faith in me, but they have put their faith in the Liberal Party and our leader, the hon. Member for Humber Valley.

Over the past few weeks and months I have spent a great deal of time with my hon. colleague, and have come to know him as a friend. He spent many cold days and nights knocking on doors, climbing snowbanks, and shaking hands during the Virginia Waters campaign, but he also spent an incredible

amount of time talking to residents. He clearly understands the issues that voters in the capital city are facing, and government's unique responsibilities to its residents. He understands that the people of St. John's are the ones negatively impacted by government's failure to deal with a fiscal imbalance for municipalities, and people of the city have gotten to know him as I have, as a man of his word, a man committed to serving the people of the Province, a man focused on rebuilding trust in government.

In the months to come, the people of the Province will see and hear more from the Liberal Party, from our members, our leader, and the many talented men and women who are seeking nominations. They will see in all of us a common thread, a commitment to creating an inclusive environment where all opinions are welcome, where engagement is real, and where solutions are balanced.

Mr. Speaker, there has been much talk about prosperity in this Province over the past decade, about the benefits of resource development and the impact on revenues. Well, for the Liberal Party, prosperity is defined by our ability to align people with opportunity in a manner that elevates the quality of their lives. We can only optimize the opportunities we have in this Province when the benefits are felt by all, by children, young people, families of all shapes and sizes, single adults, immigrants, persons with disabilities, women, men, young, old, those struggling, and those who have achieved success.

Mr. Speaker, we are here today as part of the Budget debate, yet anyone who opened their mail recently might believe the Budget has already passed. I was surprised to receive this expensive piece of political propaganda in my mail recently. I am not sure what the government is trying to achieve, but I can assure the hon. members that the people see through it. I believe it, Mr. Speaker, because they told me on the doorsteps.

While government points out the five things about this year's Budget that we need to know, what about the five things that you do not know? Let's take a moment to look at those.

Number one, Mr. Speaker: Shared prosperity, fairness and balance. It is more like lost opportunity and fiscal mismanagement. Over 1,200 people eliminated in last year's Budget had their lives turned upside down by this government. Where is the shared prosperity? Investments in the social sector, as per a per cent of expenditures, are down from 64 per cent to 59 per cent, and young people who needed help years ago to get ready for today's opportunities are not getting the help until now, years too late. That is not fair. This year's Budget solution? Borrow \$1 billion. Where is the balance?

Number two, Mr. Speaker: Creating first-rate education opportunities. More and more kids are graduating from high school where the no-zero policy is disabling teachers from teaching the lessons and providing the valuable learning needed about failure, about success, and about accountability. I have tremendous confidence in our teachers and our students. What I do not have confidence in is a system that does not allow the talents of those two stakeholder groups to be optimized for the future of our Province.

We need our children to grow up to be even smarter than we perceive ourselves to be. Children who need early interventions are not getting those interventions when they need them, or in some cases getting them too late to make a meaningful difference in their future success.

Mr. Speaker, math scores are declining at a time when industry is crying out for STEM skills because of the people's resources – not the Tories' resources, the people's resources – of oil and hydro. This is not about first-rate.

Let's talk a moment about providing quality health care. Above all, again and again, the most important issue I heard during the campaign daily on the doorsteps was health care. Young and old, people want their government to assure access to the kind of health care system that Canada has built its reputation on, yet many are on lengthy wait-lists for procedures.

Five years for rheumatoid arthritis, long lists for occupational and physiotherapy. People are spending nights in hallways. In one case, a constituent told me he spent the night on a cot in what he said appeared to be a linen closet, and we cannot even manage basic services as

ensuring an ambulance is available when it is needed. We must and can do more to ensure that we have a health care system that is accountable, while meeting the needs of residents by leveraging the talents of our front line employees. That is what defines quality health care.

Mr. Speaker, a fourth point was building strong communities. My constituents, like many in the capital city and other places in our Province, are worried about feeling safe in their homes. They are worried about safety in their neighbourhoods, a basic and simple right that people deserve to be safe at home.

Taxpayers in St. John's are paying a higher burden to cover costs associated with provincial responsibilities in the city. This means fewer resources for the city to address municipal issues, a direct link to their ability to respond to concerns like snow clearing and quality of roads. By downloading responsibilities onto municipalities, including the capital city, without providing the necessary resources, how is that building stronger communities?

Finally, encouraging a vibrant economy. Mr. Speaker, perhaps the government should look at its own Budget documents. I am not sure how they define the word vibrant, but their own Budget predicts significant economic decline in 2016 and 2017. We will go from record high employment to seeing employment decline by 13,000, or 5.6 per cent, by 2017.

Mr. Speaker, that is all accompanied by declines in all major economic indicators. So today, with little follow-up on oil development benefit agreements needed to grow our oil and gas sector, with continued high employment in rural Newfoundland, and workforce and labour challenges in urban centres, and a disconnect between the skills we need today and those we need in the future, with little progress on economic diversification which is needed to create long-term jobs – jobs that are needed to keep and attract young people in this Province – and with every economic indicator warning us of trouble ahead, what in this Budget is encouraging us in any way that we have a vibrant economy?

Mr. Speaker, these are issues we are talking about in Virginia Waters and the people in the district are talking about. Issues that I am sad to say government has ignored and only paid lip service to in this Budget while they promote their version of the past as a reason to trust them in the future.

For those of you who do not know me, my life revolves around my family. That does not make me different from any other member in this House. My commitment to my family goes beyond providing for them. They are my moral compasses. More than members opposite and more than the folks in the press gallery, my family will keep me focused on the work that I was sent here to do, work that I will do with the values of hard work and commitment, and fighting for what is right and fair, and respecting and defending the values and opinions of others. These are the values I grew up with, the values I share with my family and constituents, and the values that will guide me here in the House as we address the issues in a respectful and thoughtful manner.

When we have earned the trust of the people to govern, a Liberal government will be more accountable and will always act in the best interest of the people of the Province. We will be more caring and we will better protect those who are potentially vulnerable, including children, seniors, Aboriginal peoples, persons facing challenges due to disabilities, or mental health problems. We will be fair and respectful of our people and communities in the Province and we will be focused on prosperity and success for individuals, communities, and the Province as a whole.

As I conclude, I will take a few moments to say a few words to my family. I want to acknowledge my parents, who taught me the value of hard work, giving back, and speaking up, and the importance of doing the right things at the right times. I want to acknowledge my own family and the contribution they have made.

As many members in this House know, public service impacts our families in many ways. As a mom, the challenges can be even more so. My husband and my children have supported me,

and this is truly a family choice, a choice to give back and give voice to people who need a voice.

My family is always with me and I am always with them. I will be guided not only by a passion for the people in Virginia Waters and a passion to serve them, but equally by a commitment to my family to serve with honour and integrity so they can be proud of me, as I am of them.

Finally, Mr. Speaker, I want to thank the hon. members for their kind words and support over the past few weeks as I have prepared to enter the House. Many of them know me not to be a shy person. I am not known to be timid or one to be intimidated. On occasion I have been known to share an opinion or two; but, that said, as raucous as debates can be at times, and regardless of our individual political views, I believe we all enter here with the same desire and hope for the future as I do today. There is a great deal of work ahead of us, and the people of the Province are depending on us. We must do everything we can, as individual members, as caucuses, to ensure we stay focused on the work of the House.

Mr. Speaker, as I said in the beginning of my comments today, politics is not a game. It is an earnest business and we must treat it as such.

Thank you.

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

**MR. SPEAKER (Littlejohn)** The hon. the Minister of Environment and Conservation.

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

Mr. Speaker, we are going to adjourn debate on Motion 1 at this time. I would like to call from the Order Paper, Motion 4, debate of Bill 1, An Act Respecting Public Interest Disclosure.

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

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

**MR. FORSEY:** Thank you, Mr. Speaker, for the opportunity to speak on Bill 1, An Act Respecting Public Interest Disclosure.

Our government, Mr. Speaker, is moving ahead with whistleblower legislation. This was announced in the Speech from the Throne, and of course it is another one of our Blue Book commitments. With this legislation, employees who have knowledge of wrongdoing that they wish to disclose can now do so without reprisal.

Mr. Speaker, this act is clearly defined, and some of my colleagues have already spoken on this particular bill. There are quite a few definitions in the act. I would just like to touch on a couple, Mr. Speaker, for the information of the general public. There are many in this bill.

In this act it says a board, (a) “‘board’ means the Labour Relations Board appointed under the Labour Relations Act”.

In this act it also defines a public body: (h) “‘public’ body means

(i) “a corporation, the ownership of which or a majority of the shares of which is vested in the Crown,

(ii) “a corporation, commission or body, the majority of the members of which, or a majority of the members of the board of directors of which, are appointed by an Act, the Lieutenant-Governor in Council or a minister”.

I am just touching on a couple of the definitions there, Mr. Speaker, because I think they are important. As I said, it is an important piece of legislation. It is going to give our public service a tool to actually report wrongdoings without reprisal.

In this act it also defines reprisal; (j) “‘reprisal’ means one or more of the following measures taken against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure or cooperated in an investigation under this Act”.

It also defines wrongdoing. Section 4.(1)(a) “an act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act”.

It goes on to define other sections in the act. It is quite lengthy, Mr. Speaker, but I would like

touch on a couple of what I just mentioned. I am sure I will have, hopefully, the time to do it.

Just recently, my colleague explained certain sections of the act in very fine detail. I recall the Member for Lewisporte, he detailed the four pillars. The Member for Bonavista North explained the duties of the Citizens’ Representative and the Labour Relations Board.

There are going to be other colleagues following today and will be speaking on it as well. I do believe my colleague from Conception Bay East – Bell Island is also going to speak on this particular piece of legislation because it is an important piece and it is something that we have been reviewing for the past couple of years. It took a lot of detail and I am sure we are going to get a lot of support for it here in the House.

I did mention one of the definitions, one of the sections in the act, Mr. Speaker, what is meant by wrongdoing. It is an unlawful act that contravenes provincial or federal legislation, a substantial and specific danger to a person or persons; gross mismanagement of public funds or assets; counselling to commit a wrongdoing. Of course, we have already mentioned the duties of the Citizens’ Representative. With this, with the wrongdoing, there must be a written disclosure. A written disclosure will be required. The reason for that, Mr. Speaker, is anonymous disclosures, number one, will not be accepted, but it can be difficult to investigate a disclosure without confirming details about the alleged wrongdoing with the person who makes the disclosure. A standard disclosure form will be available from the Office of the Citizens’ Representative.

In conjunction with that, Mr. Speaker, the Citizens’ Representative is required to prepare an annual report and to table it in the House outlining the number of inquiries received under the act, the number of disclosures, the number acted upon, the number not acted upon, the number of investigations undertaken, the number of recommendations made and whether departments and public bodies have complied with the recommendations, whether there are systemic problems that contribute to the issues, and any recommendations for improvement that should be considered.

Mr. Speaker, the Citizens' Representative will also have authority to publish special reports where he deems it to be in the public interest and consistent with the scope of his functions and duties outlined in this act. This includes the publishing of a report related to an investigation of wrongdoing under the act.

This particular act, Mr. Speaker, is not taken lightly. You just cannot go out and make a report or be a whistleblower. Employees are required to make disclosures in good faith. If an employee makes a disclosure of wrongdoing, where the disclosure is frivolous, vexatious, or in bad faith, that employee will be subject to appropriate disciplinary action, which may include termination of employment and/or other penalties provided under the law. It is vital that employees become aware and knowledgeable of the entire act, its intent, purpose, and roles and responsibilities.

So I guess an employee just cannot go out and make up something because you are probably not pleased with one of your co-workers or one of your supervisors. You have to be sincere and report this in good faith.

Mr. Speaker, this legislation will apply to public service employees of government departments and public bodies such as Crown corporations, including Nalcor;, Hydro; Newfoundland and Labrador Liquor Corporation; Newfoundland and Labrador Housing Corporation; Workplace Health, Safety and Compensation Commission; the Public Utilities Board; regional health authorities; the Legal Aid Commission; College of the North Atlantic; school boards and school districts.

It takes in all the departments of the government operations, Mr. Speaker. So, any public person or public service employee can make a report or become a whistleblower; but, as I said, it has to be done in good faith. You just cannot go out because you are not pleased or happy with something that went on that day at work. It has to be done in good faith.

Mr. Speaker, there was a couple of other things in the act that are defined and very important to this bill. Earlier I mentioned the wrongdoing and the definition of a wrongdoing. When you report somebody of wrongdoing, there are other

things that must be in place. This act defines a wrongdoing also as "an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee". As I said, also gross mismanagement, including of public funds and/or a public asset.

It is clearly detailed, Mr. Speaker. A very good piece of legislation that I think most all members in this House are supporting. As I said, there have been some negative comments on it, but overall I think the majority is supporting this piece of legislation.

I am looking forward to listening to other comments from some more of my colleagues in the House. I look forward to when we come to vote on this supporting Bill 1, An Act Respecting Public Interest Disclosure.

Thank you, Mr. Speaker.

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

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

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

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

It is a pleasure to rise and to discuss this new legislation, the Public Interest Disclosure and Whistleblower Protection Act. As I read through many portions of this – I just attended part of the briefing, Mr. Speaker – I could not help notice that going through this whole act kind of reminded me of Bill 21. There are a lot of protective measures in there, but definitely room for a lot of improvement. The sense of direction for a whistleblower is somewhat limited.

He talked about the four main pillars and I really do not have a problem with most of them, Mr. Speaker, because they are there to protect the whistleblower. The whole purpose of this act is to outline a plan for people who report neglect in the public service so that they do have an avenue where they can come forward without fear of reprisal. This has been in the making for seven



years, and certainly I would like to see this legislation go back retroactive for the seven years that it was proposed.

When you look at whistleblower legislation in other provinces I think they have taken most of it from one province, with a few additions. There are some issues that I do have a problem with and I am looking at it from a whistleblower perspective rather than a protective agency as a result of whistleblowing, which obviously this government has done again.

Pillar one talks about disclosing serious wrongdoing without the fear of reprisal. That is the whole purpose of this legislation. Going through the Office of the Citizens' Representative, a single process – does it create some problems? It creates problems in effective whistleblower legislation, it creates problems in timing, and it creates doubt and uncomfortableness from a whistleblower perspective, especially when you look at the amount of time that has passed. I do not see any problem with a dual process, and I do not think there is any problem with internal and external investigations. I think it can be done at the same time, it can be done simultaneously, and there is no reason for a whistleblower to have to live in doubt while the process is unfolding.

My question is: Does an internal investigation really and effectively protect a whistleblower? No one knows what is going on, except the OCR, and certainly that would create a level of fear and a level of mistrust, and it goes back to how would a whistleblower feel having to wait, not knowing what the outcome of it is. I think it would cause a person who wants to report wrongdoing to second-guess himself and not say anything, and that would defeat the whole purpose of this legislation in the first place.

Now, we have asked on this side for whistleblower protection, Mr. Speaker. We have asked it, obviously, since 2011, and I cannot totally condemn this government. They have, in fact, brought it in. When I look at legislation that has been here since 1949, a lot of legislation is revisited at every session in the House and upgrades are made. So, there is obviously room for improvement, and governments do change.

Take Bill 29, for example. This government stood by it; now they are backing off and revisiting it. As the Official Opposition, we said that if we form the government, we will repeal it. So, there is a process, it takes time, and hopefully it is time that builds strength into legislation and effectiveness into legislation. Certainly this piece of legislation has a lot of room for improvement, Mr. Speaker.

I am just going through some of my notes here. I spoke a little bit about timing, Mr. Speaker. As you go through the legislation from the time that an incident is reported to the time there is closure or action upon investigation, there is no time limit. The danger here is that if there is wrongdoing, let us say it is environmentally related, by the time that the wrongdoing is reported, how long can this environmental issue be going on before anything is done? Because sometimes a report can be – I think the word is frivolous and vexatious; terms that are not new in this House, Mr. Speaker, by any means.

I would just like to talk about what a wrongdoing is. One that jumps out to my mind and I wish this could be retroactive, Mr. Speaker, the definition of a wrongdoing could be “gross mismanagement, including of public funds or a public asset”, in which case we could blow the whistle on the whole government. It goes back a step before to say that wrongdoing is “an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of duties or functions of an employee”. That is quite broad, Mr. Speaker, and it covers pretty much everything in the public sector, with the exception of Memorial University; they have their own.

I was just looking at some issues where whistleblowing would have been effective and I was trying to make it relative to the district I come from. I think there were two that kind of jumped out at me, and I would like to talk about those two pieces of legislation. There are safeguards that have been put in place as a result of the issues making it to the floor of the House of Assembly. I think it was three or four times that I have stood in this hon. House and I talked about shipping in Northern Labrador – shipping in December in Northern Labrador. We have

had freight boats come into every community, pretty much, and as a business owner I have witnessed some of what went on. I will just outline a little scenario of how whistleblower protection would be put into place here.

You have a snowstorm going on at 12:00 to 4:00 o'clock in the morning, Mr. Speaker, and a ship arrives. You have perishables on-board that ship. In December, it is the time of the year when you have all-terrain vehicles on the road, you have snowmobiles on the road, and you have trucks and cars on the road all at the same time. Everybody wants to get their perishable freight that is coming off the freight boat at 4:00 o'clock in the morning in a snowstorm.

Now, the docking area in all communities on the North Coast is very congested. In the middle of trucks, cars, snowmobiles, and ATVs, Mr. Speaker, you have forklifts running with containers and with pallets of freight in a very congested area. If there is not a definition for wrongdoing, there is one now. That is an accident waiting to happen. We have had accidents. We have been lucky so far that no one has been killed, but it is a scenario where there is a safety to persons, right in the category.

I have seen, I think, in the last two years when the contracts for shipping are put out to tender there is a clause in there that says: On-loading shall not occur in the hours of 11:00 p.m. to 6:00 a.m. unless authorized by the department. Now, Mr. Speaker, we realize that if there are perishables on-board that freight container at 4:00 o'clock in the morning that are going to freeze if you do not get them, they have to be removed. That does not mean there is not going to be an accident. The activity around that area is just as dangerous as it would be if there was no legislation or there were no terms of a contract that says you can unload at 6:00 o'clock in the morning.

In the interest of backloads of freight, you have a freight boat that is coming into, say, my home community of Makkovik at minus twenty-five with a danger of freezing and still has four communities north of me to go. There are emergency situations, but still there is that danger of unloading a vessel.

These are the kinds of examples that I can come up with that I have actually brought up in this House. If this whistleblower legislation is introduced, and it is effective I think July of this year – I wish it could be retroactive. I wish it could go back, because there is nothing to protect what happens until then. It could certainly be applied in many, many situations.

There are many, many people out there I think who would love to bring an issue forward but are afraid to because they could lose their jobs, they could be threatened. There are all kinds of issues that a whistleblower would look for in protection and a lot of it I do not see in this legislation.

I want to talk about another example, Mr. Speaker, as you define a wrongdoing, an act or omission that creates a specific danger to the environment. In October of 2011, at the Vale site in Anaktalak Bay, I think there was some 500,000 cubic metres of waste product that went into the bay. If you did the math, you would fill like 200 Olympic-sized swimming pools.

Anaktalak Bay I am familiar with because I did work over there. It is a very small bay. There is a lot of char, there are a lot of seals, and there are a lot of groundfish. The only thing we can be thankful for in terms of Arctic char migration is that they are all gone up in the river by October.

The point is this legislation is before the courts. If someone blew the whistle on this particular incident and it went to the OCR, the question is, would it be in the courts now? That is the kind of doubt this legislation creates, Mr. Speaker, and certainly one that we would like to see given more teeth.

If I were to summarize – and I know I would be drastic and I would probably be a little more forceful than I ought to be – it seems to me that this whistleblower, Mr. Speaker, protects everybody except the whistleblower. I see a problem with that. As you go through it you see protection of Executive Council, and of Cabinet. That is an understandable point to a certain degree. Bill 29 said the same thing. Bill 29 was filled with ifs, buts, may, and so is this legislation, Mr. Speaker. There are many places

where if you put in a, may, it creates a time delay. Like I said, there is no time delay.

How would a whistleblower feel knowing that he makes his report to the Office of the Citizens' Representative and not knowing how long he has to wait? Until a decision comes down, is that individual at the mercy of reprisal? Can this person be terminated? These are the questions that come out of it.

Like I said, and I will conclude. That legislation, if it is in fact to protect the whistleblower, it needs to be redesigned. It needs to be strengthened so that it in fact does protect the whistleblower.

Thank you.

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

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

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

It is an honour to stand in this House and speak to a very important piece of legislation, Bill 1. Before I do that, I want to welcome the Member for Virginia Waters, as we just listened to her maiden speech. I want to acknowledge, as she said, we come here based on the process of improving and working for our district and for this Province. That is true across this House on all sides. I want to welcome her here again. We look forward to some good open debate. As she said, she is not afraid of open debate, and I guarantee you we are not afraid of that over here on this side also, Mr. Speaker.

I want to get into Bill 1, An Act Respecting Public Interest Disclosure. Mr. Speaker, it is a very important piece of legislation because it gives us the opportunity now to really put forward the integrity and safety of the civil service.

While people may criticize us and say it is overdue, Mr. Speaker, every piece of legislation and every program we bring in is overdue until we do it. That is just the reality of life. Until it is done and people know it is the right piece of legislation or it is the right program, it is

overdue. Things have to be done in due diligence, and we have done that in this case.

I might note, and I find it a little bit hilarious, that members of the Third Party were taking credit for this piece of legislation, saying that for the last number of years they have been pushing us on this.

I want to bring in somebody who was a civil servant for nearly thirty years. Twenty-seven years ago I sat on a committee, Mr. Speaker. At the time it was called the Authority Misuse Reporting Process. I was a shop steward with the union, and that was then. That was the preamble for whistleblower legislation. We make sure the integrity of what is being done is in the interest of the safety of people in the civil service, but particularly the people of this Province, and the finances are being administered, and the programs and services are done in the best interest.

We had talked about that. There were a number of initiatives put forward. There were a number of protocols that we wanted to put forward, but over a number of Administrations it did not get moved because it is not as simple as just bringing in a piece of legislation overnight. You have to do your research. You have to make sure the integrity of the program and the service is protected, but particularly the civil servants. The civil servants themselves must feel comfortable they are going to be able to disclose any misuse or concern they have without reprisal, and we have done that very eloquently here, Mr. Speaker.

I know, even from the discussions from the Opposition parties, I do not see any real pushback against it. What I see is maybe a few questions that no doubt the minister, the officials, and the people on this side will explain and outline. If there are any other concerns there, there is no doubt there will be discussion around that.

We have done our due diligence. It has taken a few years. It has taken researching what is happening in other jurisdictions. It has taken the fact of looking at what has worked and making sure we encompass that, what has not worked to make sure we do not make that same mistake, but more importantly, what do we need to reflect

the civil service we have here and the integrity and the safety of those people who work in that, but particularly protecting the investments of the people of this Province. We have done that in this piece of legislation.

This goes in line with a number of other things we have done in accountability, and that is what this is all about. It is about accountability and openness, and we have done it. We have done it here and we have done it by including the proper processes here, by looking at internally and externally what we have to do, but particularly making sure every avenue is comfortable for any civil servant or anybody who wants to make a report so that the interests of the people being served is first and foremost, but also that the individual doing it knows they have done it in the best interests of the people they serve and they do not have to worry about moving on. They can continue to do their job without any reprisal, and we have done that.

We have also built in to make sure we do not have people going off willy-nilly making all these accusations because there is some vengeance of something that happened in a previous part of their career with a previous management, or with a previous co-worker. That is part of the whole process.

I was fortunate to come in government with our Crown agency in a senior position, so I got to see from a management position. Then I got to move into the front line and got to see as a member of the union on the front line of what goes on. There are certain times where there is no doubt things are inadequately being done, people are overstepping their authority, and there needs to be a watchdog there. There needs to make sure there is accountability by people, and we have built that in, in this piece of legislation here.

As we move forward, we want to make sure that all the civil service here understands, all the Crown agencies we have out there and all the people who are involved have the opportunity to put that forward. We want to make sure the public here understands their investments are being operated properly and is in a safe mode.

I just want to read something, a little quote, "The provincial government must enact

whistleblower legislation with adequate protection for public employees who speak out when the interests of the public are compromised... The interests and safety of the public should be of paramount importance and public sector workers should not have to remain silent out of a fear of reprisals by their employer." This is by NAPE President Carol Furlong. I can reassure Ms Furlong that we have done that. I know she will be very pleased with this.

We have gone out of our way to make sure this piece of legislation represents what it is that not only the civil servants want but the unions that represent them. We have gotten that in a very detailed piece of legislation, Mr. Speaker. While it is not perhaps the largest one that we have presented in this House, it is a very detailed one and it outlines exactly roles, responsibilities, issues, those involved, where everybody moves, how we move it to the next level and what people can expect as this piece of legislation moves forward.

Mr. Speaker, I am just going to talk about some of the things that this piece of legislation encompasses, some of the key components here. We talk about as I said earlier an open government, and that is one of the key components of what we are trying to move here in this piece of legislation. Government is moving forward to introduce stand-alone whistleblower legislation – I want to note that: stand alone is very important, and I will note that a little bit later – which provides an independent mechanism for the disclosure and investigation of wrongdoing in or related to the public service and protects employees. That is the key components here. It is a stand-alone that protects employees.

Employees know exactly where to go. They know what to expect when they make a complaint or if they disclose something. They know how they can be protected and they know the resources they have at their disposal. It is very simple, it is outlined very explicitly, and it will be very user friendly. I am looking forward to after July 1 because there is no doubt there are a few things out there that need to be addressed, that when the first report is made people will understand this process works and is very fluent

and does protect them while protecting the people of this Province.

Along with government's announcement, independent review of the ATIPPA legislation, an introduction to whistleblower legislation is one of a number of ongoing measures taken by our government to improve government's practices and openness. That is what this is about. There is a bigger umbrella here that we want to be able to say to people tell us what you think, tell us if we are doing something wrong so we can fix it. Tell us if we are doing something right so we can continue it. Tell us if we are doing something inappropriate or somebody is doing something inappropriate. We want to deal with that. Nobody is above the law, nobody is above responsibility, and we want to make sure we move that to the next level.

The intent of the Public Interest Disclosure and Whistleblower Protection Act is twofold: to uphold the integrity of the public service by ensuring a transparent and effective process for the disclosure and investigation of wrongdoings; and second, to ensure those who access the process in good faith are protected from the act of reprisal. We have done that, and we will spell that out how we have done that with the protection that they have with the Citizen's Representative and the process that they use.

They do not have to worry about – and one of the discussions we had nearly twenty-five years ago, at that point we were not that advanced to think about is there somebody outside who is neutral, who is independent, and who has no vested interest in making a decision or investigating exactly what the complaint is.

We were then thinking about committees. We were thinking about department input, union input, maybe one person from outside, a barrage – the fear with that, and even the discussions we had at the time was, somebody would be aware of who has made these disclosures and there might be reprisals. People in the civil service, we are a small family and there may be that opportunity for someone to take some revenge in some way, shape or form. It was felt that people would not be open, they would not feel comfortable disclosing what they thought was inappropriate. We looked at all those types of

things and we got to some points where we thought we would move it forward.

Since we looked at this legislation, since it was one of the key things in our Blue Book a number of years ago and we wanted to move it forward, the work has been done. We are talking with other jurisdictions, looking at how they have operated, looking at what they did not do that they would fix now, things that they had to do part way through that got them into some confusion as they were moving forward, that probably kept people away from reporting that. We did all of that. We did our pure due diligence here and waited until we had the piece of legislation and the proper document that would be fitting for the people of this Province, and particularly for the civil service, but would also be the right piece of legislation that this House could adopt and feel comfortable, that they did not have to come in every day and talk about this legislation because what was enacted would flow right through the system and would work.

Very seldom would we hear any negativity about it. There would be a process. There is no doubt there will be things going on that are not acceptable. There is no doubt that somewhere along the way there may be some reprisal to a point where somebody has made a false accusation against somebody that would have to be looked at. We have that process in place here. It protects everybody who is involved in what we do here.

I want to note on a couple of things, and I talked earlier about the single disclosure process which only involved the Office of Citizens' Representative rather than the dual process of internal and external disclosure. The point here, and I want to reiterate this again, it is about the fact that somebody will feel comfortable going to somebody who is not directly connected with their department or directly connected in government who may have a connection in some way, shape or form, somebody who is independent, who has the resources to really look at the complaint or what they are disclosing, so it can be investigated in the proper manner and then dealt with properly.

If that individual would know it could be kept silent, people deal with it in secrecy to the point,

unless it becomes a legal matter and then people would have to be involved. If indeed that is the fact, then obviously I would hope every civil servant would stand up and say yes, this is the right thing, I do not mind speaking out to protect the integrity of the civil service, but also the people of this Province.

The confidentiality to employees making complaints is paramount here, particularly within their own line department because they want to go back to work that next moment and continue to do what they want to do. This is not a way for anybody to say I want to slow down my workload. I want to do what is right and move on, continue to move on and have nobody worry about who did what or who did not do what, the fact that things are being done properly, in the proper manner.

The thing here that I like particularly, and I know we talked about it as a caucus, is the fact that the Citizens' Representative here has credibility in this Province. He has taken on other responsibilities when it comes to investigating what is in the best interest of the people of this Province, and what is in the best interest of individuals. They have that expertise, they have the resources.

I know it was questioned, if we are bringing this in, does the Citizens' Rep need more resources? In discussions – and I know the minister has had it, and I know there have been discussions with him in his office that he said at this point he is comfortable. They have a process in place, they know how it works. They have looked at the legislation. They feel it is a nice even flow, things will move into the system properly. They will be able to assess what needs to move to the next level. They will have the ability to do that. Then they will come back and talk about what the response will have to be, while at the same time protecting any individual who makes any disclosure.

There are also legal supports and things there. We have put in a number of supports here that will enable his office, because they are available, but particularly those who may have disclosed something or those where there are things being disclosed against. There are a number of pieces of legislation there that protect people within our civil service.

There is a dual role here for him to make sure the energy out there is moved in the right direction, that people have access to other services other than what he is going to be responsible for. The credibility is already there. We did not need to reinvent the wheel; we did not need to bring in a separate commission or something to do this. We already had something in place that has already been proven.

A key public accountability measure built into the legislation is the requirement for the Citizens' Rep to table an "...annual report to the House of Assembly on the exercise and performance of his or her functions and duties under this Act..." The report will include the number of inquiries received, the number of disclosures received, and the numbers acted on and not acted upon, the number of investigations commenced, and "the number of recommendations the citizens' representative has made and whether the department or public body has complied with the recommendations".

Mr. Speaker, talk about an open process and an open government. Not only do we have this process where an independent assessor will look at it and his or her staff, but now we get to bring it back to the public domain where all of our Province would know exactly what has been done out there. They will know what the types of inquiries are. They will have idea of how many. They will have an idea of the response from line departments and or agencies.

It goes to show that this is indeed a great piece of legislation. A great piece of legislation to protect the people here, a great piece of legislation to protect the civil servants, and like all the legislation we put forward, something that is in the best interest of the people of this Province.

Mr. Speaker, I will be very adamantly supporting this. I would hope my colleagues across – because I know everybody on this side sees the benefit of this, and I know the civil servants would also.

Thank you, Mr. Speaker.

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

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

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

I am very glad to have the opportunity to speak to Bill 1, which is an extremely important piece of legislation, An Act Respecting Public Interest Disclosure.

We have been waiting a long time for this, as some others have pointed out. This government in 2007 made an election promise that we would see whistleblower legislation, and it certainly is an issue that for those seven years, and prior to their election promise, I was bringing up in this House of Assembly. I even remember during the leaders' debate in 2007, the year of the general election, when in the leaders' debate I revealed that people were coming to me under cover of darkness to talk about issues in the workplace.

I had some hope that this government would listen to that, and would bring in whistleblower legislation so that workers do not have to come under cover of darkness, that they can come openly and speak to issues that are concerning them. So, this whistleblower legislation finally, now that it is here, gives us an opportunity to breathe a bit and to say we are putting something in place to protect the worker, and to protect our society in general.

I find it interesting that it has taken this government seven years, though, because when one reads the piece of legislation we have before us in Bill 1, and then goes and looks elsewhere, as we have done, and I am sure others have done in the room. We looked at the legislation in Ontario, we looked at the legislation in Manitoba, and we looked at the legislation in New Brunswick. What we find, Mr. Speaker, not surprisingly, is the legislation that we have in our hands today is almost identical to that of New Brunswick, for example. When you look at New Brunswick's legislation, which we have done, it is almost identical to Manitoba's, which we have looked at.

Manitoba's legislation came into place seven years ago, but they took a long process before bringing their legislation into place. In

Manitoba they went through a year-long consultation process. They made sure that people interested in this legislation had input, and before it came into place in 2007, there had been a lot of consultation. I guess this government must have trusted in that consultation, because it did not have its own consultation process that I am aware of. They probably figured if Manitoba did it and consulted, it must be good legislation. For that reason they did not do their own consultation.

What we see is a document, which I am really happy to have in my hands, but it is basically a document that cut and pasted the legislation from New Brunswick. It took this government seven years to do the cutting and pasting, Mr. Speaker. Seven years of cutting and pasting. The only thing I can assume is that it really did not have the will to do it before now.

Even though they made a promise to try to curry favour and get votes, who knows why they made a promise and took seven years to fulfill it. They obviously made the promise but without any intention of acting on it right away. Because it would not have taken seven years to cut and paste, but that is what it took them, which means it probably was a very last minute thing that happened, Mr. Speaker, that created this document and finally to have it in our hands.

The disturbing thing, though, is a document that is so old – because it actually is an old document. New Brunswick brought it in seven years ago. Manitoba brought theirs in seven years ago, but prior to that, it had a whole year of consultations. That a document that is seven years old, it has been tested but has it been evaluated? I find it interesting that when we studied what was going on in Manitoba, we learned that Manitoba is actually right now reviewing its legislation to see if, after seven years of being in place, there may be some areas which they are not satisfied with and may need updating.

We now have a piece of legislation in our hands that has not involved consultation with concerned groups, which is based on legislation that is seven years old. Will it take us another seven years after this to find out, oh, in 2014 Manitoba made some revisions to theirs and maybe in seven years' time we will say, oh, time

to make revisions because Manitoba made theirs seven years ago?

I have great concern about the fact that we have a document which is cut and pasted from other legislation, which has not, as far as I can see – and if it has been done the minister can tell us during this process – but, as far as I can see, it has not gone through a test to see how well what happened in New Brunswick and Manitoba has been working; how well their legislation has been working. Was there anything that may have needed some changes? Because the only changes that I can see in this document from Manitoba and New Brunswick, for example, is just the way the wording is done, sometimes a passive sentence instead of an active sentence, and et cetera. While I am happy we have it, I also have concerns that there does not seem to have been a process of evaluation of what had gone on in these other provinces. Was there a modernization that was needed for this document?

One of the areas I would like to look at in saying that is section 22 in the bill, Mr. Speaker. Section 22 has to do with reprisal – yes, it is connected to reprisal, so section 21 and section 22. Section 21 says, “A person shall not take a reprisal against an employee or direct that one be taken against an employee because the employee has, in good faith –”

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

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

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

“A person shall not take a reprisal against an employee or direct that one be taken against an employee because the employee has, in good faith, (a) sought advice about making a disclosure from the citizens’ representative; (b) made a disclosure; or (c) cooperated in an investigation under this Act.”

Subsection (2) under 21: “A person who takes a reprisal against an employee or directs that one be taken contrary to subsection (1) is subject to appropriate disciplinary action, including termination of employment, in addition to and apart from another penalty provided by law.”

Now, I am really glad that clause is there and that it is so strong with regard to punishment to be meted out to someone who takes reprisal, so in other words, someone who probably was in a position of authority over the employee who made a disclosure.

What is important is section 22. It says, “An employee or former employee who alleges that a reprisal has been taken against him or her may file a written complaint with the board.” An employee may file a complaint if there has been a reprisal. “Where the board determines that a reprisal has been taken against the complainant contrary to” the previous section, the board may order that there be one of a number of measures taken.

The problem with this, it is good that the board may take action against somebody who has caused a reprisal against an employee, but it does not give a sense of security, that there will actually be an action taken against the person who has taken the reprisal. They may do it, and the thing that could be chosen to happen is the complainant could be permitted to return to his or her duties, if, for example they had been fired. If that was the reprisal, the complainant could be permitted to return to his or her duties.

Something else the board could choose to do: the complainant could be “reinstated or damages be paid to him or her, where the board considers that the trust relationship between the parties cannot be restored.” That is a big issue, the issue of what happens to the trust relationship in the workplace. When somebody comes forth and makes a disclosure, even if the person who is on the other end of that disclosure may not take reprisal, it still becomes or could become a stressful and tense workplace from the perspective of trust.

Another thing that could happen is compensation could “be paid to the complainant in an amount not greater than the remuneration that the board considers would, but for the reprisal, have been paid to the complainant.” There are two or three clauses that have to do with compensation to the complainant. I will not read them all.

You also could have, and should have, I would say, “the activity that constitutes the reprisal



cease.” I find it curious that the clause does not say - and neither does the clause in Manitoba or New Brunswick, for example, which is almost an identical clause - that in actual fact there are some of these things that should happen. For example, if it has been determined there is an activity that constitutes a reprisal, it should not be that could be something that ceases; it should cease.

I am curious about the may language in this clause, and I understand what may language means very often in legislation, but what I am concerned about is that an employee needs to feel secure; an employee needs to feel that from beginning to end, if they decide to go forward with a disclosure in good faith that they really believe should be disclosed, and that if there is reprisal, they need to feel that they are going to be taken care of from beginning to end. I have a concern that this does not give total security to them, a total sense that they are going to be safe because once a complaint is made against an employer the trust relationship does get broken and could be impossible to be healed. Then the possibility of reprisal is very, very great.

Employees need to know they are not going to suffer. They need to know they are not going to lose their job or that their payout is going to be a small payout. For example, people who have a job that does not pay well, a payout is not going to be very great for them. It is also very difficult depending on the position where the person is in the workplace for them to be moved around in the workplace. It very well could be that somebody says, well, let us move them somewhere else in the company, but depending on the type of work the person does they may not be able to be moved. I think we need to look at, and I would like the minister to speak to this, how we can improve this act to give the employee more power when it comes to decisions that will help them retain their job.

I have a sense that some of the things that are listed under section 22 should not be options; it should be that this may happen. We may have to look at, are there some of them that definitely have to happen? For example, if there is a situation resulting from a reprisal, it should not be that it might be rectified; it would have to be rectified because if it is not rectified the employee is not going to feel safe.

This is an issue that I would like to hear more conversation from the minister about, trying to come up with the wording. I do not have the answer. We are discussing it and I would ask the minister to do the same. How can we be sure employees really are going to feel safe, that they are not going to lose out either in terms of job loss or they are not going to lose out monetarily? If they have disclosed, and this is what the board has to determine, they have disclosed about something that is serious and something that is injurious either to workers or to the environment, to the workplace. If it is so serious that it has been ruled that what they did was right in doing a disclosure, then we have to make sure that because they were right, nothing happens to them to make them be punished for doing the right thing. I think that is the issue.

If they have done the right thing, they should not be punished for doing the right thing. Therefore, we have to make sure the conditions that are here under reprisal are things that have teeth, that it will be something that really will be for the benefit of the employee, and that we can be certain the person feels secure they are not going to suffer.

I am aware of workplaces where people have whistle blown or have revealed something that is wrong going on in the workplace, and they legitimately could do it, but they still suffered down the road. Something which is not exactly whistleblowing but is an example of it – and is something I raised in the House earlier today – for example, when women in particular make a complaint with regard to harassment or abuse in the workplace.

Even though you find documentation which has all the steps in place to protect the woman who does that, what one fines is they go through so much because of having revealed the whole thing of having been harassed or abused in the workplace, the process is so difficult for them that in the long-run they say I might as well have not gone through it because it has been so hard on me. We have that example.

When it comes to whistleblowing, because it is similar – whistleblowing is not particular to one type of thing as is talking about harassment and abuse, but it is the same thing. We have to make sure the same principle I am talking about is

there, that workers know they can do it, they can do the whistleblowing and they are not going to be nervous or they are not going to be further stressed because the process has punished them. That can happen, and we have to realize it can happen. Therefore, we have to make sure the legislation is airtight.

I do want the minister to look more closely at section 22 in particular. Let's have a deeper discussion around making sure that people are not going to be punished, that people are going to be protected. These are the main issues I wanted to bring forward today, Mr. Speaker. I think, as I said, it is about time that we have this. This government has been sort of in bits and pieces bringing in various aspects of whistleblowing into our legislation, which is good. We have about four or five pieces of legislation already in the Province that include some aspect of whistleblowing. So it is really good that we now have this piece of legislation, but let's make sure it is right.

Just to point to some other experiences. In Manitoba they find that people are not reporting when it comes to ethics violations. That is very interesting, and we need to look at that. We need to look at what Manitoba has already identified as a weakness. It may not be a weakness in the legislation, but it may in terms of how it is written. The legislation may need to be more proactive to make sure that in the area of ethics violations people feel they can bring it forward. That is one that is a very difficult one, dealing with ethics violations. I would say some of the things that have been brought to me by people in our government system, some are from the health care system, have dealt with ethics violations.

I really would like us to look at what Manitoba is saying about what they have learned. I do not see that in this legislation because what is in this legislation is identical to what Manitoba already has, which they are going to be doing some reviews of. Again, further discussion to be had, Mr. Speaker.

Thank you very much for the time.

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

**MR. SPEAKER:** The hon. the Member for Port au Port.

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

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

It is certainly a great pleasure to stand here today, or this afternoon, to stand in my place and to support this critical piece of legislation.

Mr. Speaker, Bill 1 is on the floor this afternoon that we are debating, An Act Respecting Public Interest Disclosure, the Public Interest Disclosure and Whistleblower Protection Act.

Mr. Speaker, what this bill will do, it will enact the Public Interest Disclosure and Whistleblower Protection Act. It will "provide a mechanism for the disclosure and investigation of wrongdoings in or relating to the public service that an employee believes may be unlawful, dangerous to the public or injurious to the public interest; and protect persons who make disclosures under the Act from reprisals".

Mr. Speaker, this is a comprehensive bill in that it provides extensive coverage, not just to core departmental provincial government employees, but to employees who, with government agencies, boards, and commissions, are public entities.

Mr. Speaker, it gives me great pride to speak on the issue of this bill. The act applies to employees of the public service and government public bodies. The Public Interest Disclosure and Whistleblower Protection Act will apply to employees of the College of the North Atlantic, Nalcor, Newfoundland and Labrador Hydro, Newfoundland and Labrador Liquor Corporation, Newfoundland and Labrador Housing Corporation, Workplace Health, Safety and Compensation Commission, Public Utilities Board, our regional health authorities, Legal Aid Commission, Newfoundland and Labrador English School District, and Conseil Scolaire Francophone de Terre-Neuve-et-Labrador, just to name a few.

Mr. Speaker, I just wanted to make a couple of comments before I continue on in regard to some of the things the hon. Member for Signal Hill – Quidi Vidi alluded to in her remarks. I

want to let the hon. member know we did information sessions with the unions, OIPC, Labour Relations Board, and OCR. We do not need public consultations at this time because it only applies to the public sector.

In terms of evaluating, Mr. Speaker, Ontario, New Brunswick, Manitoba, and Saskatchewan were consulted to get advice and guidance on their experience and lessons learned. This certainly is a form of a review of other jurisdictions.

Mr. Speaker, she mentioned the fact about the Labour Relations Board. We cannot direct the board that they have to make an order. The board has to determine whether or not action is required. That is the role of the Labour Relations Board.

Continuing on, Mr. Speaker, in my remarks this afternoon on Bill 1, this means there is extensive coverage to the many competent employees who work directly for government or work in one of our many government entities. As this act becomes law, I fully expect these employees to understand their roles and responsibilities with respect to this legislation. Should they find themselves in a position of having to whistle blow, I feel confident that they now do so without fear of retaliation or discipline of any kind.

Mr. Speaker, if an employee becomes aware of or suspects wrongdoing, the employee may disclose this information to the Office of the Citizens' Representative, the anti-reprisal protections are triggered, and the employee may wish to seek advice from the citizens' representative with respect to the disclosure process. If an employee makes a disclosure, they must do so in good faith, not maliciously or for an ulterior motive. They must maintain confidentiality as much as possible and cooperate with any of the investigations undertaken in relation to disclosures.

In addition, Mr. Speaker, to the anti-reprisal protections available under the act, unionized employees may have additional options available to them under their collective agreement in the event of reprisal. Employees wishing to make a disclosure under the act may seek advice from the Citizens' Representative to

discuss the disclosure process and reprisal protections prior to making a disclosure.

Mr. Speaker, so far in our debate, and we have had a great debate on Bill 1, we have heard from the Opposition about the reference to frivolous and vexatious. One would ask, why does the act reference frivolous and vexatious referrals? The Human Rights Act, 2010, the Child and Youth Advocate Act, the Citizens' Representative Act, and the Personal Health Information Act also have provisions respecting frivolous or vexatious complaints or requests. This provision will help ensure disclosures are not made for reasons other than to expose serious and significant wrongdoings in the public service, which is the purpose of this act.

The terms frivolous and vexatious are not defined in the Public Interest Disclosure and Whistleblower Protection Act or in ATIPPA. There is, however, Mr. Speaker, case law from across the country, including freedom of information cases, which will provide guidance on how these terms are to be applied. The Office of the Citizens' Representative will assess whether a disclosure meets the threshold for frivolous or vexatious based on the particular context on a case-by-case basis.

Mr. Speaker, it is important to note that the determination of whether a disclosure is frivolous or vexatious will be driven largely by the individual factors of each case. There can be no singular definition of the terms. Generally, frivolous or vexatious has been interpreted to refer to those matters that are without merit or are submitted for a purpose other than what was intended. I will give you an example: those designed to annoy, harass, or seek retribution against a third party.

Furthermore, Mr. Speaker, section 15 provides that OCR, or the Office of the Citizens' Representative, is not required to investigate whether a disclosure is frivolous or vexatious. It is important to note this determination will be made by the OCR, not the deputy minister or chief executive of the public body. Similar provisions are found in the Personal Health Information Act, the Citizens' Representative Act, the Child and Youth Advocate Act, the House of Assembly Accountability, Integrity and Administration Act, and et cetera. Without

such a provision, the Office of the Citizens' Representative would be required to investigate all disclosures made regardless of how patently unfounded or improper they may be.

Mr. Speaker, section 29 of the bill will also amend the Labour Relations Act to allow the Labour Relations Board to make this determination. Section 27 states that an employee who makes a disclosure which is frivolous, vexatious, or in bad faith may be subject to appropriate disciplinary action. Given the serious nature and potential impacts on an individual's reputation and employment security, it is important for employees who may make disclosures to make them in good faith and for the right reasons.

Mr. Speaker, we have had questions from the Opposition saying that it was promised years ago when it was part of our Blue Book and asking why we are moving forward with this now. Let me tell the Opposition and let me tell the people of Newfoundland and Labrador we are focused on listening to you, the people of Newfoundland and Labrador, including those who work for the public service and those who advocate for the integrity of the public service. This legislation is an additional measure taken by government to improve governance practices and openness. To the people of Newfoundland and Labrador, the Province of Newfoundland and Labrador now, once this is passed, will be the seventh jurisdiction to implement whistleblower legislation in our country. Therefore, we are not behind in terms of this type of legislation.

We have used the last few years, Mr. Speaker, to consult, as I said earlier, with other jurisdictions. We asked the questions, determined appropriate avenues of disclosure for this Province, and ensured that the anti-reprisal provisions provide effective protection for employees. We are confident the processes established in the Public Interest Disclosure and Whistleblower Protection Act are tailored to and meet the needs of Newfoundlanders and Labradorians.

The act, Mr. Speaker, applies to all employees of the public service and public bodies. The Public Interest Disclosure and Whistleblower Protection Act will not apply to Memorial University because of its unique circumstances

and need for academic integrity and university autonomy. MUN has its own internal whistleblower policy, which applies to all members of the university community, not just employees. It is noteworthy that MUN uses an independent firm to investigate its complaints. The Public Interest Disclosure and Whistleblower Protection Act will apply to all employees of the College of the North Atlantic and Nalcor as both entities fall under the definition of public body in the legislation.

One they ask is, well, does this apply to retired employees or former employees? No, Mr. Speaker, the Public Interest Disclosure and Whistleblower Protection Act applies only to current employees at government departments and public bodies. If an employee wishes to make a disclosure pursuant to the legislation and is subsequently fired from his or her employment, this former employee will benefit from the anti-reprisal sections of the legislation and may make a complaint of reprisal to the Labour Relations Board.

The act, Mr. Speaker, applies to employees at the College of the North Atlantic, like I said; however, the act falls under provincial legislation, and is limited to the boundaries of the Province. Should an employee who works in Qatar consider making disclosure, he or she should seek advice from the Citizens' Representative with respect to the process.

Mr. Speaker, I mentioned the fact about the union having a role or a means of disclosure. When they ask, how will union members be protected against reprisal? How will their rights under the collective agreement be affected under this act? Well, Mr. Speaker, employees of government departments and public bodies may make a disclosure of wrongdoing to the Citizens' Representative and those employees may make a disclosure without fear or threat of reprisal.

In addition, Mr. Speaker, the anti-reprisal protections are available under the act. Unionized employees may have additional options available to them under their collective agreement in the event of reprisal. Employees wishing to make a disclosure under the act may seek advice from the Citizens' Representative to discuss the disclosure process and reprisal

protections prior to making disclosure, and certainly they can speak to their union as well.

Mr. Speaker, we heard the question as well, are municipalities covered under this act? No, Mr. Speaker, municipalities are not covered by the application of this act. This is consistent with other jurisdictions. Municipalities may, however, choose to adopt whistleblower policies of their own to increase the public's confidence in their elected officials and their staff who are delivering programs and services to the community.

If an employee is not sure whether the matter is a wrongdoing or not, all the employee has to do is seek the advice of the Office of the Citizens' Representative. Do all disclosures get investigated? No, Mr. Speaker.

The act outlines several situations where an investigation is not required, including when “(a) the subject matter of the disclosure would more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act;

“(b) the disclosure is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;

“(c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;

“(d) the disclosure does not provide adequate particulars about the wrongdoing as required by...” the act.

Mr. Speaker, this act we are debating on the floor today is pretty complex, it is pretty in-depth, it is pretty detailed and I think, and I know, it is something that employees of the public service can be proud of. I know for sure in reading the act that they are protected.

Mr. Speaker, the Public Interest Disclosure and Whistleblower Protection Act require that all disclosures must be made in writing. Anonymous disclosures will not be accepted. It can be difficult to investigate a disclosure without confirming details about the alleged

wrongdoing with the person who makes the disclosure.

Anonymous disclosures would preclude the employee from the protections from reprisal, and that is important. It is important to have that written disclosure. A standard disclosure form will be made available from the Office of the Citizens' Representative for the employee to make that disclosure.

Mr. Speaker, we may ask as well: What does the Citizens' Representative do if they find that a wrongdoing has occurred? The act specifies that, “The purpose of an investigation by the citizens' representative into a disclosure of wrongdoing is to bring the wrongdoing to the attention of the chief executive of the appropriate department or public body and to recommend the corrective measures that should be taken...”

“Upon completing an investigation, the citizens' representative shall prepare a report containing his or her findings and any recommendations about the disclosure and the wrongdoing.” This report is provided to the chief executive officer of the department or public body.

If recommendations are made, “the citizens' representative may request the appropriate department or public body notify him or her, within a specified time, of the steps it has taken or...” plans to take in response to the recommendations. If the Office of the Citizens' Representative is not satisfied with the response of the department or public body, they can make further report to the minister responsible for the department or the board of directors of the public body.

Mr. Speaker, as I said, this bill is comprehensive. It provides significant protection to departmental employees and those employed by our public bodies involving the boards, commissions, and agencies. As you are aware, there are thousands of individuals in this Province of Newfoundland and Labrador employed within the public service, and I am proud to stand in support of Bill 1.

Thank you, Mr. Speaker.

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

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

I recognize the hon. the Member for St. John's North.

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

I am pleased to have an opportunity to speak to this piece of legislation today, Bill 1, An Act Respecting Public Interest Disclosure.

I first wanted to congratulate the still relatively new Member of the House of Assembly for the District of Virginia Waters on delivering a very well-informed and a very inspiring and hopeful maiden speech here in the Legislature today. I was pleased to see that a vast majority of the members of the Legislature intently paid attention to what she had to say. That is a courtesy that we all provide new members when they are making their first substantive contribution to debate in this Province.

I also wanted to reiterate something she had said about our Leader of the Official Opposition, the Member for Humber Valley, and the way that he has been received –

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

I remind the member he is speaking to the bill. I ask him to make his comments relative to the bill.

**MR. KIRBY:** Yes, Mr. Speaker.

I certainly wanted to just say that I want to reiterate what the member had said about our leader and the way he has been received by the public, but I will get right down to it, Mr. Speaker.

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

I remind the member the Speaker asked him to make his comments relative. If the member would like to be recognized to speak, then he would have to follow that direction.

The hon. the Member for St. John's North to continue.

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

I will certainly try as best as I can to be as relevant as I can possibly be.

Back to Bill 1, An Act Respecting Public Interest Disclosure. I have to say, Mr. Speaker, this so-called whistleblower legislation, how long we have been waiting for the whistle to blow. How long have we been waiting for the whistle to blow here in the Legislature? How long has it been? I want to talk a little bit about that.

Six other provinces across Canada have seen fit to introduce whistleblower legislation in their provinces for very good reasons. We do not have to think back very far, and there are some members left here in this Legislature who will remember the work done by Justice Derek Green. In 2007 he conducted a review of expenditures of this Legislature. He had a look at some of the things that were going on at the time.

He recommended that we should have a law such as this one in the Province of Newfoundland and Labrador that would protect public servants from fear of reprisal in the event that they would disclose the improper or unethical behaviour of others. That is what the Green report recommended and it was certainly accepted at the time. The Premier at the time thought similarly as Mr. Justice Green did and subsequently made an election promise that in the event that the Tory government came in they would, according to their platform document, develop whistleblower legislation.

It is very interesting because I think I just listened to the Member for Port au Port say that they did some sort of limited information sessions or something, sort of the suggestion that they did not need any significant consultation or information gathering rather than information giving when it comes to this legislation.

That was not the opinion of Mr. Kennedy when he sat in the Minister of Justice seat. In fact, back in May of 2008, the then Minister of Justice used the lack of public consultation and the importance of consulting with the public as the excuse that year for not moving ahead with whistleblower legislation during the session of the Legislature. He said: What we are looking at now, there does need to be some consultation

with certain groups to determine matters of significance that would come under the whistleblower legislation.

At one point, that was the rationale that was provided for not moving ahead with the promised whistleblower legislation that was asked for by Justice Derek Green, was promised by then Premier Williams. That was one of the delay tactics that was used.

As they say, there is an Irish saying that goes something like there is no greater fraud than a promise not kept. I think it is important and everyone recognizes here in the Legislature the importance of keeping this promise because there are a lot of important reasons why we should have it.

Now I had to laugh, however, Mr. Speaker, I have to say, when I sat and listened to the Member for Conception Bay East – Bell Island when he talked about this legislation and doing the due diligence. He said that was the reason why we have been waiting so long for the whistle to blow, that they were doing the due diligence, and he went on at length in a fairly protracted way about how much work there was to be done on this since this government promised whistleblower legislation a number of elections ago.

I had to laugh, Mr. Speaker, because I happened to read *The Telegram* newspaper today. There was an editorial in there about this proposed whistleblower legislation. The title of this very well-written editorial is “Copycat legislation.” It was really interesting because Bill 1, An Act Respecting Public Interest Disclosure, the so-called whistleblower legislation, has a total of twenty-nine sections. There are twenty-nine sections in this piece of legislation. Twenty-one sections, so all but eight, are taken word for word from legislation that was introduced and has been in effect in the Province of New Brunswick for seven years – word for word.

I do not know if the cut-and-paste was broken on the computer that was used to draft the legislation, and I say that in jest, Mr. Speaker. In all seriousness, this was a copy-and-paste job. Most of this was taken from somewhere else. While I believe there is no need to reinvent the wheel and legislation, laws, regulations, and

policies that are working well enough elsewhere in jurisdictions that are comparable to our own, and while I believe we should look at what they are doing, it is laughable to suggest that the delay in waiting for this legislation is somehow due to this arduous task of investigating or what have you.

Really, if you went, Mr. Speaker, to your computer and you googled whistleblower legislation or something to that effect, you would inevitably find the legislation in the Province of New Brunswick and you would be able to cut and paste twenty-one sections of it word for word in the creation of a bill, such as this government has done. In any case, in the editorial in *The Telegram* today they said: If the law was just coming off the shelf in some legislative library, why did it take so long to put it in place here? I think that is a valid question when we talk about the length of time.

I will move on to another aspect of this, which is really its importance, why we need to go down this road. I have been, in one way or another, working in education as an advocate, or a researcher, or an instructor, or active participant, or as a student for quite a large portion of my adult life, and there has certainly been a lot of occasions where I have heard teachers say that they are afraid to say something about a matter of important public interest in their school, with respect to the instruction delivered to their students, with respect to the climate in their school. I have heard that.

I remember the year before last when the Eastern School District was looking at closing down a number of schools – Swift Current Academy, Whitbourne Elementary, Immaculate Conception School, others. I remember speaking with teachers who said: I cannot speak out. I cannot say anything, because I am afraid about my job. I have kids, I have a car loan, I have a mortgage, I have to put food on the table and clothes on my family’s back, and I am afraid to speak out. So that is one of the important aspects of this legislation.

In fact, I was at a meeting just the other night with respect to the reconfiguration of the Mount Pearl-Paradise school system, where someone said – the person was afraid to stand up – I am a teacher and I am afraid to say what I want to

say. I think that is wrong. I am glad to see that others on the other side of the Legislature think that is wrong, too. We need to fix that problem, because when it boils right down to it, we need to hear from our educators, we need to hear from our teachers when there are problems in our schools. I think this will go a long ways to fixing that.

I am sure there are other sectors, other departments, other areas where this whistleblower legislation could help substantially. Let's just say that somebody has a contract with the government, and let's just say the individual has a contract with the government or the corporation has a contract with the government, or the agency has a contract with the government or the company has a contract with the government. They no longer want to keep their contract. They want to get out of their contract with the government. They want to break their agreement that they entered into with the government. Let's say they get out of that agreement, that deal they had. They want to tear up the paper they signed, they want to get out of it, and they get a sweetheart deal. They get a deal that is better than what the average person, the average company, the average corporation, the average agency, or the average community organization would get. They get a sweetheart deal.

Someone knows, someone observes this, and someone sees this. A conscientious employee, a worker in the bureaucracy, observes this and says this is not right; I am going to have to report this. People should be able to do that without fear of reprisal or retribution for speaking out in the public interest. That is really what we are talking about here.

I understand the Member for Port au Port was talking about frivolous or vexatious allegations. Yes, of course, we want to avoid those matters. We do not want to tie things up where there are legitimate concerns and complaints to be relayed; there is no question about that. There are legitimate issues related to the public interest whereby we need to ensure we have an environment where people can speak out.

Unfortunately, for whatever reason, I think in the past decade we have seen that chilly climate. We have seen that sort of a situation, a climate

and a feeling amongst people that it is wrong to speak out, that I will be branded as a traitor, and that I will be branded as someone who does not believe in Newfoundland and Labrador. I am going against the tide because I want to do something that is not to the betterment of the people of Newfoundland and Labrador.

Unfortunately, whatever it is, the nature of government operation, of public discourse, or the political rhetoric that has often been so heated and so extreme, people have often felt that way and to the point where people have said I do not know if I should speak to you about this because you are in the Opposition. I do not know if I should invite you to this event because you are in the Opposition and I do not want to be seen on the wrong side of this. That has happened. It does not happen every day, but it certainly happens often enough for us to be complaining. I do not have the luxury of being around for some of the years that many members of the Legislature have been around. I have not encountered that before, myself, so I do not know if it is latter-day development, but it certainly seems like it to me.

We will have a lot to say about the legislation itself in the coming days of the sitting of the Legislature because, while I believe the people who drafted this here – I do not doubt their competence was well intentioned, and I am certainly sure the people in the Province of New Brunswick who drafted the twenty-one of the twenty-nine sections of this were well intentioned. I think there are flaws in this legislation; there is no doubt about that.

One of the things we have to have a little bit more discussion about is clause 4(2), which says, "...wrongdoings to which this Act applies." That is the header on the clause. It says, "This Act applies only in respect of wrongdoings that occur after the coming into force of this Act" – only after. You have to wonder about doing things in that way, that wrongdoings can only be reported after this legislation comes into force, because what if there were relatively recent wrongdoings? I think that is particularly important. If someone comes forward and reports something after this legislation is passed and they are not covered under the whistleblower legislation, does that mean it would be acceptable for there to be



reprisal or retribution for the reporting of alleged wrongdoings after?

I think we all agree – and I have heard members on the other side say in my short time here that they believe we did not need whistleblower legislation, that there are enough protections in place anyway even without it, and that everything was being done above-board so we did not need it. It seems odd that we would suggest this only applies after it comes into force because we have the legislation, which sort of suggests now that we do need it. Indeed, we do need it, so we are gone back to the Tory era of 2007 where in responding to Justice Derek Green, yes, we do need whistleblower legislation in this Province to prevent things like the House of Assembly spending scandal that we unfortunately were witness to. We have gone back to that.

If we do need it, why would we exempt all those people? Perhaps we need to go back a number of years. I am not sure how many, but it seems unusual that this would not apply to people who are reporting wrongdoings that occurred prior to it. Maybe the minister can clarify if that is indeed not the case because that is what it seems to suggest to me.

I think another one of the things here was with respect to the reporting being done in writing. That is what it says in section 8: “A disclosure made under section 7 shall be in writing and shall be signed by the person making it.” Sometimes people are afraid to sign their name to it.

Again I say, as the Member for Port au Port pointed out, there is such thing as a frivolous or vexatious allegation, there is no question about that, but sometimes people are legitimately afraid, for whatever reason. Where they are in the grander scheme of things in an organizational chart, on the totem pole if you will, they are fairly lower down and they feel like there may be reprisal even if we had this. The fact that somebody has to sign it, they could not do it anonymously, they could not do it by e-mail, and they could not do it through other means, may be a problem.

Thank you, Mr. Speaker. I will leave it at that.

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

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

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

I am delighted this evening to speak to Bill 1, An Act Respecting Public Interest Disclosure, but before I do I simply want to say a great big thank you to the Minister of Municipal Affairs and Justice officials for their outstanding, very thorough, and very comprehensive briefing we have gotten. We all know it takes a lot of hard work, determination, and dedication to bring a bill to fruition. I would like to thank them so much for their hard work.

I will begin, Mr. Speaker, by talking about explanatory notes: “This Bill would enact the Public Interest Disclosure and Whistleblower Protection Act.” The bill would do two things: number one, “provide a mechanism for the disclosure and investigation of wrongdoings in or relating to the public service that an employee believes may be unlawful, dangerous to the public or injurious to the public interest; and,” number two, it protects the people who make disclosures under the act from reprisals or retribution.

Mr. Speaker, I am going to frame my comments around four specific themes. I will make general comments on each theme. Earlier on today and on previous days, my colleagues did a stellar job in putting more meat on the bones, so I will make some general comments. Theme number one would be pillars or elements upon which the legislation is built, theme number two would be best practices, theme number three the roles and responsibilities of the Citizens’ Representative and the Labour Relations Board, and theme number four will make a comparison with other jurisdictions.

If I get time, Mr. Speaker, I will have a question-and-answer period, but do not get too upset. I am not going to have a scrum this afternoon. I think the minister is well equipped to do that a lot better than I can.

Mr. Speaker, first of all, theme number concerns the four key elements or pillars upon which the legislation is built. Pillar number one, it will

ensure that the employees can disclose serious and significant wrongdoing without fear or threat of reprisal. Pillar number two, it allows for an independent office that will be given power and authority to receive and investigate allegations of wrongdoing or report findings publicly. Pillar number three, it offers anti-reprisal protections for employees who disclose such wrongdoing. Number four, the Labour Relations Board will hear complaints for reprisals against whistleblowers.

With respect to theme number two, best practices, we all know the purpose and the intent of this piece of legislation is consistent with well-established principles that are accepted nationally and internationally, Mr. Speaker. As an example, it will facilitate disclosures of wrongdoing, it outlines a clear process of disclosures, it offers protection for an employee who makes a disclosure from reprisal, and ensures that reporting of wrongdoing is not onerous, burdensome, or cumbersome. The piece of legislation is solid because it also clearly states that no harassment of any kind will be permitted toward employees who seek advice or make such a disclosure.

With respect to theme number three, Mr. Speaker, the roles and responsibilities, this bill vests significant authority and responsibility in two key independent offices or bodies: one, the Office of the Citizens' Rep; and two, the Labour Relations Board. These two entities or bodies have the mandate to implement this bill, Mr. Speaker. I am confident that these two offices have the expertise, the knowledge, and the skill to do an outstanding job, a great job, and we have a lot of faith in these two offices.

The independence of both offices, the Office of the Citizens' Rep and the Labour Relations Board, from day-to-day operations and decision-making processes of government will ensure that employees feel empowered and safe to act when they see serious wrongdoing and prevent silence in the face of criminal or other serious wrongdoing, Mr. Speaker. That is very, very important.

Finally, Mr. Speaker, theme number four, the cross-jurisdictional analysis that was done. There was a comparison. We learned that this Province will be the seventh province to enact

such legislation. Currently, there is Nova Scotia, New Brunswick, Manitoba, Saskatchewan, Alberta, and Ontario that have such legislation in place right now. We also learned that this bill reflects many of the key provisions found in other provinces – we admit that, other jurisdictions as well.

Some similarities would be it gives a definition of wrongdoing, it gives a definition of reprisal, it lays out the types of disciplinary action that would be taken, and the contents of the disclosure, as some examples; however – and we will tailor that to our own Province, Mr. Speaker, as well – there is one major difference I would like to point out. We have a single disclosure route, as opposed to other jurisdictions which have two disclosure routes. This bill in this Province allows all complaints reported solely and investigated by the Citizens' Rep.

You might ask – which is a good question, Mr. Speaker – well, why would we go one route, as opposed to two? Well, two reasons. The process would be more streamlined; it saves energy and financial resources and gives one a more clear, concise process. There is no ambiguity when you one clear route, as opposed to two. Reason number two, Mr. Speaker, the employees may be more willing to disclose information when they disclose it to an external body only, as opposed to internal and external. Of course, we were told that by other jurisdictions when we made that comparison.

Now, Mr. Speaker, we believe that we have proposed a strong legislative framework for the Public Interest Disclosure and Whistleblower Protection for the employees within the public service of Newfoundland and Labrador.

I said we would get into some Q and A period, or questions and answers. You might ask: Are municipalities covered under the act? As a former mayor I was interested about the municipalities, where would they stand under this act. The answer is no, Mr. Speaker. Municipalities are not covered by the application of this act. This is consistent with other jurisdictions; however, municipalities, should they choose, they can adopt whistleblower policies to increase the public's confidence in their elected officials and their staff who are

delivering programs and services to the community.

Question two, Mr. Speaker; you might be interested in what is the definition of a wrongdoing, since that is a phrase and terminology that keeps popping up in this piece of legislation. A wrongdoing under the Public Interest Disclosure and Whistleblower Protection Act is: (a) an unlawful act that contravenes provincial or federal legislation; (b) a substantial and specific danger to persons or the environment; (c) gross mismanagement of public funds or assets; (d) counselling to commit a wrongdoing.

This act is intended to address wrongdoings related to the public interest, Mr. Speaker. It is not – I will repeat, not – intended to address personal or workplace grievances such as bullying, sexual harassment, or racial discrimination. Matters such as these should be addressed through existing procedures established to deal with such concerns.

Another question you might ask: What if an employee is not sure whether the matter is wrongdoing or not? Well, the employee may seek the advice from the Office of the Citizens' Representative and get his opinion.

Mr. Speaker, you might be interested how this whole process will work. One might ask this question, a very important question: If an employee becomes aware of or suspects wrongdoing in accordance with this act is the employee required to disclose the information to the Office of the Citizens' Representative, or can the employee still report the information to a manager or departmental head? It is a good question.

The employee may do both; however, the anti-reprisal protections are only triggered where a disclosure is made pursuant to this act. The employee also may wish to seek again the advice of the Citizens' Representative with respect to the disclosure process.

Another question, Mr. Speaker: Do all disclosures get investigated? It is another good question, relative to this legislation. The answer: No, the act outlines several situations where an investigation is not required. It

includes the following: “(a) the subject matter of the disclosure would more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act; (b) the disclosure is frivolous or vexatious, or has not been in good faith or does not deal with a sufficiently serious subject matter; (c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose; (d) the disclosure does not provide adequate particulars about the wrongdoing as required by section 8”.

Another question, Mr. Speaker: Why are written disclosures required? Answer: This act requires that all disclosures are made in writing. Anonymous disclosures will not be accepted. It can be difficult to investigate a disclosure without confirming details about the alleged wrongdoing with the person who makes the disclosure. Anonymous disclosures would preclude the employee from the protections from reprisal. I might add a standard disclosure form is available from the Office of the Citizens' Representative.

Another question: What does the Citizens' Representative do if they find that a wrongdoing has indeed occurred? The act specifies that the purpose of an investigation by the Citizens' Representative into a disclosure of wrongdoing is to bring the wrongdoing to the attention of the appropriate department or public body and to recommend corrective measures that should be taken.

Upon completion of an investigation, the Citizens' Representative must prepare a report containing his or her findings and any recommendations about the disclosure and the wrongdoing. This report is then provided to the Chief Executive Officer, the department or the public body. If recommendations are made, the Citizens' Representative may request that the department or the public body notify him or her within a specified time of the steps that it has taken or plans to take in response to the recommendations.

If the Office of the Citizens' Rep is not satisfied with the response of the department or the public body, they can make further report to the

minister responsible for the department or of the board of directors of that public body, Mr. Speaker.

Another interesting question, Mr. Speaker: If the Office of the Citizens' Rep provides advice to an employee and the employee does not follow through and make a written disclosure of wrongdoing pursuant to section 8, can the Office of the Citizens' Rep still proceed and investigate the disclosure? The answer is no. The mandate of the Office of the Citizens' Rep is to investigate a disclosure that is only triggered when the employee makes a written disclosure and signs it pursuant to the requirements of section 8 of the act.

Another interesting question: Could the Office of the Citizens' Representative deal with matters internally and not make a public report? The answer again is no. Section 20 requires the Citizens' Representative to report annually and to include stats which set out the number of inquiries received, the number of disclosures acted upon or not acted upon, the number of investigations commenced under the act, the number of recommendations, et cetera.

Another couple of questions, Mr. Speaker: What are the roles and responsibilities under that theme of the employees? Question: Do employees have any obligations and responsibilities in making a disclosure? Answer: If an employee makes a disclosure they must do so in good faith, not maliciously or have an ulterior motive. They must maintain confidentiality as much as possible and co-operate with any investigations undertaken in relation to disclosures.

Another interesting question, Mr. Speaker – I know you are all listening very attentively to this. Another question: what if an employee makes a false statement? Answer: Section 24 of the act states, "A person shall not knowingly make a false or misleading statement, orally or in writing, to the citizens' representative" or Labour Relations Board. Any person who contravenes this section "is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000."

One more question, Mr. Speaker, and then I will take my seat. The final question, the scrum is

almost over: When will the legislation be effective? Answer: The commencement date for this act will be July 1, 2014. The Citizens' Representative has no legislative authority to receive or investigate a disclosure of wrongdoing before July 1, 2014.

With these comments, Mr. Speaker, I will take my seat and I expect this piece of legislation to go through unanimously.

Thank you very much for your co-operation.

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

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

The hon. the Member for Mount Pearl South.

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

Mr. Speaker, it is certainly a pleasure to stand in this hon. House today and make a few comments as it relates to Bill 1, An Act Respecting the Public Interest Disclosure in the Province of New Brunswick – I mean Newfoundland and Labrador.

I think the intent here of what is being brought forward – this is a great piece of legislation, or I should say the intent of what is being brought forward, I think, is a good thing. I think it is something that certainly I would support. I am sure my colleagues would support. I am sure members of the Third Party would support. My colleagues have actually called for this legislation in the House of Assembly numerous times over the last couple of years for sure.

Mr. Speaker, I think it is very important to give employees the opportunity to speak without reprisal. I come from private industry myself and one of the things that we always tried to encourage, at least where I worked and in my capacity, was to speak to employees on a regular basis, to let employees know that their opinion counts, to encourage employees to bring forth issues, to encourage employees to bring forth suggestions on how processes could be improved, how things could be changed for the better and to be able to do so freely.

It makes all the sense in the world, quite frankly, Mr. Speaker, because whatever type of industry

or public body or whatever that we may speak of, whether it is in private industry, or whether it is a public service, I think most of us certainly would agree that it is the people who work within the company, the employees, I think it is the people who work within the public service day in, day out, on the ground, doing the actual work. They know how the system works. They know what works; they know what does not work. They know how to improve the system.

When things are going wrong, they generally know what is going wrong. They generally know the root cause as to what is going wrong, why it is going wrong, and quite often they have the solutions that they can bring forward to make it better. I think that is just good management practice, quite frankly, to have that type of a situation. So, this is no different. This is no different except we are applying it now to the public service.

In the public service, while there is certainly value, as I said, whether you are a manufacturer and you are producing widgets or whatever it is, there is a value, but when we are talking public service we are talking about services that impact the day to day lives of Newfoundlanders and Labradorians. We are talking about things such as health care. One of the most important, fundamental services we provide for the people of Newfoundland and Labrador is our health care system. It is extremely important that our health care system is working efficiently, is working properly, and it is providing the best possible service that we reasonably can for the people.

Also, when we think of the public service, we think of services such as education; the provision of education for our children, from the time they are very young, Kindergarten, right up on through until Level III, high school. We think of the trade school, CNA, we think of Memorial University, and so on. I think education is, or certainly ought to be, another huge priority for us as a Province, as a people, to educate our society so that we can be productive citizens and so we can grow our economy here in Newfoundland and Labrador.

There are many other services and many other programs which government provides through our day-to-day lives that affect us all, and it is

important that these programs are delivered in the most effective way possible. As I said, Mr. Speaker, in doing that, it is the employees who deliver those services. It is the employees who know what the issues are and how to correct them. Whether that is in the health care system, whether that is nurses, whether that is LPNs, or whether it is physicians, whether it is people who are operating our food services, maintenance of our facilities, and so on. In the education system, whether it is our teachers, our administrators, our student assistants, and so on, or people like home care workers who look after our sick and our elderly in their homes.

It is critical that they have the ability to speak freely about issues where they exist. What this piece of legislation is doing is giving them a vehicle to do just that. That benefits not just the employees in that particular workplace. It benefits all the people here in Newfoundland and Labrador. In that regard, I certainly do support it.

Mr. Speaker, that said, there are issues that I have with this particular piece of legislation. There are issues I believe that my colleagues have with this particular piece of legislation. I suspect there are possibly issues that members of the Third Party may have with this piece of legislation, some of the details, because of course the devil is always in the details. We can all stand up here and talk tops of the trees, and say in principle this is a good thing, but until you get into the details we really do not know if it is going to be as effective as we would want it to be.

One of the issues here that I see, at least, is the fact there is no dual option in this particular piece of legislation. When we talk about dual option, of course, what I am saying here is that – what is being proposed here, if an employee has a concern in their particular government department, if they have a concern at a particular hospital or facility, if they are in the health care system, if it is a teacher who has a concern with perhaps reorganization issues like we are seeing in Mount Pearl in their school, whether it is a teacher who has an issue with, let's say, the no zero policy.

I have talked to teachers who certainly have an issue with the no zero policy and this whole

concept of pass in your assignment late. If it is a day late, if it is a week late, if it is two weeks late that is fine, no accountability. There are teachers who would tell you, I have spoken to at least, they have a big problem with that.

Mr. Speaker, getting back to the dual option piece, right now as it stands, if any of those employees should have an issue then they have to go directly to the Citizens' Representative. They have to go directly to the Citizens' Representative. There is no internal mechanism in place to deal with any of their issues or any of their concerns. I believe that is a mistake, Mr. Speaker.

If you look at, for example, labour issues. I know labour issues will be treated separately under collective agreements and so on, but I am just using it by way of example. If an employee has an issue in a unionized workforce, as pretty much all of our government offices are, well they all are I believe, they would file a grievance, and they would file that grievance with their supervisor. Then it would be up to their supervisor to meet with that particular employee to discuss the grievance, the concern, and to work with the employee to resolve that matter to the employee's satisfaction and so on. That is step one.

Then, if that cannot be achieved, they disagree or the supervisor is not willing to speak about it or whatever, there is another level where they go to the manager or director or whatever of the department, at a higher level to bring that complaint forward and try to resolve the issue. In a lot of cases, at that point in time other people get involved as well, maybe HR people, people from the union and so on. Then if it cannot get resolved it goes to arbitration, and that is a pretty effective system. What we are proposing here, while it is not a labour issue as would be on a grievance –

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

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

**MR. LANE:** – if an employee has a concern with the particular operations of a department, with the particular operations of a school, with the particular operations of a health care facility, nursing home, whatever the case might be,

rather than have a mechanism where that employee could without fear of reprisal, go to the supervisor, or the manager, or director of the facility, whatever it may be, and try to work it out internally first, rather than have that we are going to go directly to the Citizens' Rep. I believe that by doing that we lose an opportunity for matters to get dealt with in a more efficient manner.

I think in a lot of the cases if somebody came forward to, I will say the director or manager or whatever it might be, and that person is actually interested in running an efficient operation, actually interested in doing things the right way, actually interested in what is in the best interest of not just the employees but the facility and the people of which it serves and the citizens, and provided the fact that the issue being brought forth is not as was termed frivolous or vexatious, then I would think that manager or director would want to deal with it internally, get it dealt with as soon as possible, take the advice of the employee, and resolve the matter. There is no opportunity in this piece of legislation for that to happen. It is going to go directly to the Citizens' Rep.

I think there is a lot of lost opportunity. I think the other thing that could happen is now you could actually end up with the Citizens' Rep office being perhaps, depending on the number of issues, flooded with complaints in theory, and a lot of complaints that he or she need not have dealt with to begin with.

I think it would make all good sense in the world from my perspective to have that second step, to have that dual option whereby an employee who has a legitimate concern that does not fall under labour relations and so on or human rights or whatever, that falls under what we are trying to capture here, operational concerns – I think it would make all the sense in the world for that person to be able to go to the director of that facility to try to solve it at that level first. Then if it does not get solved, then go to the Citizens' Rep.

The other issue I have, Mr. Speaker, is around the fact that it comes into effect on the date that this was passed, or that this gets passed. I believe July 1 is the date that it is scheduled to be passed. What that basically says is that if

there are any issues, legitimate issues, operational issues, issues which are having a negative impact on Newfoundlanders and Labradorians today – and I can think of some. I can think of a big one in the City of Mount Pearl. I can think about the school reorganization in the City of Mount Pearl.

As was indicated by my colleague for St. John's North, who did attend a public meeting I had – and I have had many conversations beyond that meeting with not just parents who have concerns, not just grandparents, not just students, but with teachers and with administrators. These people have raised legitimate concerns, to my mind – again, they are the experts in education. I am not; they are. They have raised with me what they view as very, very legitimate concerns over the Mount Pearl school reorganization.

Specifically, raising issues around what is being proposed for Newtown Elementary and St. Peter's Elementary, where they are going to take two K-6 schools and they are going to turn St. Peter's into a K-3 and Newtown into a 4-6. They have raised numerous concerns with me about this K-3, 4-6 split. They have raised issues with me about the fact that St. Peter's Elementary has been chopped up into pieces over the years, jamming kids into every available space and losing their specialty teaching areas, like music rooms, and doing music and gym class in the cafeteria.

Now I am hearing that the proposed solution, which, to date, the board says they are going to go ahead with – thanks to no support from the Minister of Education, by the way. Now we are seeing that Newtown Elementary, I have been told, is also going to be chopped up into pieces.

**AN HON. MEMBER:** Relevance.

**MR. LANE:** Mr. Speaker, I am hearing people talk about relevance, and I am going to talk relevance now.

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

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

**MR. LANE:** Mr. Speaker, it is funny. The Member for Fortune Bay – Cape La Hune, when

I was over there, she never opened her mouth. Now, she is a chatterbox. I do not know what it is all about. She should be worried about the roads in her district, and not the schools in Mount Pearl. She has enough issues of her own.

Anyway, Mr. Speaker, as I was saying before I was so rudely heckled, it is very relevant because these teachers and these administrators who are calling me and who I am talking to about these issues in Mount Pearl in these schools have told me: Paul, I wanted to be at that public meeting; Paul, I wanted to call that Open Line show and I feel like calling that Open Line show; and Paul, I want to send e-mails to the minister, but guess what? I cannot. I cannot do it because I am afraid for my job.

**MR. F. COLLINS:** Nonsense.

**MR. LANE:** The member opposite might say it is nonsense. I say to the Member for Placentia – St. Mary's that it is not nonsense – it is not nonsense. This is what these people have told me. They fear for their jobs.

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

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

**MR. LANE:** They should not have to fear for their jobs. Unfortunately, because of the date that is tied to this piece of legislation and because this date says, basically, when it comes into effect and when this kicks in, July 1, we cannot go back. We cannot go back to those teachers and administrators. They still cannot have their say.

I think it was crafted this way intentionally so the government over here could say: On a go-forward basis, we are going to be open, we are going to be accountable, and we are going to let employees spill the beans on some of these decisions, these poor decisions that are being made, but everything we have done up until this date is off limits. We do not want whistleblowers – we do not want them.

We do not want the teachers to whistle blow in the Mount Pearl system. We do not want people in the Department of Transportation and Works to whistle blow on the Humber Valley Paving thing. I am sure there is some insight in that

department if the people were allowed to actually speak. God knows, there are enough issues in health care that I am sure employees have a lot to say about, but, no, we cannot say that.

Thank you, Mr. Speaker, it is always a pleasure.

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

**MR. SPEAKER:** The hon. the Minister of Finance and Acting House Leader, I believe.

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

Mr. Speaker, I adjourn debate for today.

I move, seconded by the Minister of Innovation, Business and Rural Development, that the House do now adjourn.

**MR. SPEAKER:** It has been moved and seconded that this House do now adjourn.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

The House stands adjourned until 1:30 p.m. on Monday afternoon.

On motion, the House at its rising adjourned until tomorrow, Monday, at 1:30 p.m.