



Province of Newfoundland and Labrador

FORTY-SEVENTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLVII

THIRD SESSION

Number 25

HANSARD

Speaker: Honourable Ross Wiseman, MHA

Monday

12 May 2014

The House met at 1:30 p.m.

MR. SPEAKER (Wiseman): Order, please!

Admit strangers.

Before we start proceedings today, I want to welcome some special guests to our galleries.

Today we are joined by Mr. Isaac Bonisteel of New Harbour, who is a student at Crescent Collegiate, and he is the winner of the 2014 Lester B. Pearson Scholarship. He is accompanied today by his sister, Erin, and their mother, Mary Harris.

Welcome, all of you, to our Assembly.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will have members' statements from the District of Lake Melville, the Member for the District of Harbour Grace – Carbonear, the Member for the District of Lewisporte, the Member for the District of Humber Valley, the Member for the District of Virginia Waters, and the Member for the District of St. Barbe.

The hon. the Member for the District of Lake Melville.

SOME HON. MEMBERS: Hear, hear!

MR. RUSSELL: Thank you, Mr. Speaker.

I rise today to recognize Mr. Everett Cull of Happy Valley-Goose Bay for his honesty and due diligence.

Mr. Cull is a taxicab driver who during one of his runs happened to overhear a conversation where an elder mentioned they had lost a significant sum of money. Mr. Cull took note of the situation; and on a run the next day when another customer opened the door to exit the taxi, a gust of wind swooped up a bit of cash revealing its location.

Worrying that this might have been the other passenger's money, Mr. Cull decided to contact those who previously received a ride from him.

He waited a week, and after hearing no other inquiries about lost money, he handed over the cash – over \$1,000, Mr. Speaker – to that elder. Mr. Cull should truly be commended for his absolute honesty.

I ask all hon. members of this House to join me in recognizing Mr. Everett Cull, an honest hardworking Labrador man.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Carbonear – Harbour Grace.

MR. SLADE: 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, the Victoria United Church Children's Choir.

The choir consists of members from age five to fourteen, and perform every second week at the United Church in Victoria, where they share their beautiful music and voices with the congregation.

This spring, they participated in the Trinity Conception Music Festival, sponsored by the Kiwanis Club of Carbonear, and won first place in their category. On April 2, they performed in a community choir class and received a glowing review and a mark of 85 per cent. The choir gave their final performance for this year on Mother's Day and will resume again in September.

Members of the choir include: Larissa Moores, Macie Mercer, Erica Butt, Frankie Antle, Kendall Clarke, Ruby Burke, Norah Burke, Leah Mercer, Dylan Moores, Kelsey Loch, Diego Colbourne, Katie Burke, Erica Evely, Felicia Jensen, Noah Penney, Mackaila Jenson, Brianna Parsons, Brady Colbourne, Zackery Colbourne, and Choir Director Kelly Loch.

Mr. Speaker, I ask all hon. members to join me in recognizing the Victoria United Church Children's Choir and wish them every success in their future performances.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Lewisporte.

MR. VERGE: Mr. Speaker, I rise today to recognize the life of an outstanding citizen. Rowena Earle was born on October 11, 1927 in Point Leamington.

At the age of eleven, Rowena went to Botwood and began performing household duties for various families. She later moved to Campbellton, married Stanley Young, and together they ran two businesses, a restaurant and a taxi service.

The Young's did not have children of their own, so in 1953 at the age of twenty-six, Rowena started to care for foster children. Through the years, Rowena cared for over forty children in her own home. Four of those children continued long term, and considered the Young house as their own family home.

Up until the age of eighty-one, Rowena still volunteered her time by driving special needs children to their educational sites as well as continuing to care for two disabled adults. She was recognized by the Foster Parents Association for her outstanding service to the children of Newfoundland and Labrador. Sadly, after many years of giving to others, Rowena recently passed away.

Honourable colleagues, please join with me in paying tribute to Rowena Young, a remarkable lady with a great big heart.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber Valley.

MR. BALL: Mr. Speaker, I rise in this hon. House today to congratulate the Salvation Army Citadel Corps on its ninetieth anniversary in the Town of Deer Lake.

Just recently I had the opportunity to participate in the celebration banquet to commemorate this

anniversary. It was an honour to attend this historical milestone event.

The Deer Lake Salvation Army has come a long way since its beginning in 1924. Three buildings later, the Salvation Army is still thriving in the community with its goal of meeting the needs, both spiritually and physically, of those they come in contact through their thrift store, family services program, and their community involvement.

In 1959, Her Majesty Queen Elizabeth and Prince Phillip visited Deer Lake and were greeted by the Salvation Army band. Mr. Speaker, during the last ninety years, sixty-eight officers have been stationed in Deer Lake, with present clergy Majors Wayne and Betty Ann Pike in charge of the corps.

Mr. Speaker, I would like to congratulate the Salvation Army Deer Lake Citadel Corps on their ninetieth anniversary celebrations. I commend them on the tremendous work they do and ask all members of this House to join me in recognizing their special anniversary.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I rise in this hon. House today to recognize the friends and family of Dr. Jack Hand who have established the Dr. Jack Hand Legacy Foundation to commemorate and celebrate his life.

Dr. Jack, as he was referred to by his young patients, was a compassionate man, full of passion that showed in his life and work. At the launch event this past Thursday, Jack's never-ending care of the children and families he served was evident.

From diagnosis to treatment to the best and worst outcomes, families of the children he treated felt he was right by their side through it all. His humor, ability, and compassion were as much a part of a child's recovery from cancer as

medicine itself. “He stayed with us every step of the way,” one parent said, “when we said good bye, he stood by us.”

Dr. Jack Hand passed away in 2012. As one of his young patients said, “Because he was ... I am”.

Mr. Speaker, I ask all hon. members to join me in congratulating those involved in the Dr. Jack Hand Foundation, helping families concentrate on what is most important when a child is being treated for a hematology- or oncology-related illness.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. J. BENNETT: Mr. Speaker, the blue whale is the largest living creature. Measuring up to 100 feet and weighing as much as 100 tons, the North Atlantic population is fewer than 250 individuals. It was therefore a great loss when nine of these magnificent cetaceans recently died in the heavy ice conditions of 2014.

One of the bodies came to rest in Trout River harbour, Gros Morne National Park. Initially a curiosity, as the carcass bloated, town officials soon realized that the implications of such a huge animal decomposing in town. Unable to dispose of it on land, prevented from disposing it at sea, the town alerted NTV’s Don Bradshaw, whose story of the exploding Trout River whale went viral, even covered by reporters from Al Jazeera.

The Royal Ontario Museum quickly stepped up, salvaging the whale and another at Rocky Harbour, preserving the specimens for display and scientific research.

Quick to recognize an opportunity for the town, a group of seven has mobilized to form the Trout River Blue Whale Corporation to investigate and pursue long-term economic opportunities that may result from the unfortunate loss of this magnificent creature.

Let’s help them find the silver lining, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I rise today in the House to congratulate Isaac Bonisteel of New Harbour, a Level II student at Crescent Collegiate, who is this year’s recipient of the Lester B. Pearson Scholarship for Newfoundland and Labrador.

As you just referenced, Mr. Speaker, Isaac is with us today in the House. Welcome.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, Isaac was selected based on his academic achievement, involvement in co-curricular and extra-curricular activities, and his exceptional volunteerism. As noted last week by my colleague, the MHA for Bellevue, Isaac, his family, his teachers, and the entire Crescent Collegiate school community has every reason to be very proud of Isaac.

Isaac is involved in a wide variety of school and community activities, Mr. Speaker. He participates on several school committees, the drama troupe, and in the school band. Outside of school, he plays piano, is a member of Allied Youth, a volunteer with Canadian Blood Services, and much more. He is also an exceptional athlete, an accomplished runner, and plays soccer on the provincial under-eighteen team.

Mr. Speaker, this scholarship presents a once in a lifetime opportunity and will no doubt help Isaac fulfill his long-term goals. The Lester B. Pearson Scholarship is valued at \$80,000 for two years of pre-university study at Pearson College, a United World College in Victoria, BC. Of that amount, the Department of Education will

contribute \$68,000, with the remainder provided through corporate and community sponsors. In September, Isaac will join Zoë Wilkins, a former student at Ascension Collegiate in Bay Roberts, who was awarded the scholarship last year.

I might add, in a rather interesting twist, Mr. Speaker, Isaac's sister, Erin, who is here with us today as well, was the winner of the 2011 Lester B. Pearson Scholarship as well. Congratulations to Erin.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, I had the privilege to meet with Isaac, Erin, and his mom, Mary, just before the House of Assembly. I have to say, there is no doubt, he is a very strong individual, very deserving of this. As I said to his mom, I am sure they are all very proud of both him and Erin.

I want to say congratulations, and invite all members of this House of Assembly to join in congratulating Erin for her past achievements, but today is Isaac's day; Isaac, congratulations on behalf of all of government.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. KIRBY: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. On behalf of the Official Opposition caucus, it gives me great pleasure to extend our congratulations to Isaac Bonisteel on receiving the Lester B. Pearson Scholarship for Newfoundland and Labrador.

This scholarship is well sought after through a highly competitive application process that rewards students with the most exceptional academic performance and involvement in their communities. That is why it is so special that Isaac Bonisteel is the third person from the Trinity Conception – Placentia region to receive this scholarship in the last four years, along with Zoë Wilkins last year, and Isaac's sister, Erin, in 2011.

The two-year International Baccalaureate program at Pearson College is outstanding. It gives students the opportunity to excel academically, meet students and teachers from around ninety other countries, and promote international understanding and co-operation. These exemplary students, Isaac, Zoë, and Erin are ambassadors for Newfoundland and Labrador and amongst our best and our brightest.

We wish them all the best but we also hope, Mr. Speaker, we hope they will return to Newfoundland and Labrador with experience that benefits, not only their future, but the future of this Province.

Thank you, Mr. Speaker, and congratulations.

SOME HON. MEMBERS: Hear, hear!

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

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

I thank the minister for the advance copy of his statement. I am looking for the minister and I just found him. We have had a few changes.

Congratulations to Isaac Bonisteel on receiving this very prestigious scholarship. The minister notes Mr. Bonisteel's active involvement in community events. The arts and athletics are big for him, not just his educational achievements. I congratulate him on his hard work, enthusiasm, and dedication.

The minister also notes how proud his family, teachers and classmates are of his accomplishment, and to that I say they too should be proud of themselves. Isaac's accomplishment did not come out of nowhere. I am sure he would agree that without solid support from his family, friends, teachers, and the community as a whole, he could not have accomplished what he has, although we totally understand what he has done as an individual.

So, congratulations to Isaac and also to the wonderful community that has turned out such successful students in this area.

Thank you very much, Mr. Speaker.

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.

Today, it is my privilege to stand before this hon. House and recognize May 12 to May 18 as National Nursing Week.

Currently working in our Province, we have 6,340 registered nurses, the most in our Province's history, and 2,421 licensed practical nurses. Overall, we have more registered nurses, licensed practical nurses and nurse practitioners per population than the Canadian average.

Nurses play integral and valuable roles throughout the entire health care system. With a vast array of duties delivered in a number of settings, including long-term care facilities, emergency departments, to frontline health services in schools and clinics, nurses are often the first face patients encounter when they enter the health care system. Nurses also play an important role in post-secondary education, administration, and research and policy.

Nurses are leaders in health care. They are responsible for providing direct care to patients, mentoring new employees and students, and ensuring that everyone under their care is treated respectfully.

Mr. Speaker, it is a special kind of person who wants to care for and help improve the lives of people around them. Nurses improve the quality of life for many and they help make our communities a better place in which to live. To be a nurse is to take on significant responsibilities, and I applaud every nurse working in our Province who chooses to answer this call.

Our government will continue to work with and support nurses through new negotiated agreements, ongoing signing bonuses and retention initiatives, and through our nursing

education programs. Clearly, we see the value and importance of nurses in the delivery of health care.

Mr. Speaker, I encourage everyone in Newfoundland and Labrador to recognize National Nursing Week by thanking and recognizing the efforts of our professional nurses, their tireless work, and their dedication to patients and families throughout Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

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

On behalf of all my colleagues, I want to commend each and every nurse in this Province for all that they do. They play such a valuable role in our health care system, and I doubt there is one of us in this House who has not had some kind of effect on their life because of the impact of a nurse. Again, we thank them for everything they do.

When we talk about nurses and what an important job it is they do, sometimes their job is made harder because of policy decisions that are made that they must carry out. In fact, I had a conversation with some this past weekend when it comes to one of those decisions. That is cutting out the nighttime snacks when it comes to patients in acute care. It is unfortunate, when you see these patients are getting upset – again, snacks are being cut out. It is nurses who have to go into these rooms and take the flak for decisions such as this that are being made obviously for budgetary reasons.

Again, it is difficult for a nurse to do their job on an ordinary basis, but when you have a government decision like this, it obviously makes it that much more difficult.

In closing, I want to commend the nurses for all their hard work and dedication each and every

day. They obviously make a significant difference.

Thank you, Mr. Speaker.

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

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

I, too, thank the minister for the advance copy of his statement. I also join with him and with the Opposition House Leader in applauding the excellent nurses in our Province. They are highly educated, professional, and so very good at what they do.

Whenever we get complaints as MHAs in our office about health care, it is never the nurses who people are complaining about. As a matter of fact, they always point out how wonderful the nurses are. Rather, it is the system under which they are doing very difficult work.

People praise the nurses themselves, but we know they are understaffed. One real example is the ER, and another is long-term care. If government, Mr. Speaker, really wants to work with and support nurses, they could revisit the number of nurses assigned to our health care institutions to correct this understaffing problem.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

Last week the Premier said he would table the many documents that we have been asking for and looking for on the Humber Valley Paving. We have yet to see any of them produced. One of these was the government's correspondence with Humber Valley Paving last September when the contract was extended for one year.

I ask the Premier: Will you honour your commitment and table that correspondence today?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, last week during Question Period I also made reference to some of the documents that the Opposition had asked for. I said that I would seek legal counsel as to what could be released here because there is some commercially-sensitive information there and we are still going through that process. Once we get that information we will pass it on to the Opposition.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Government has also said that Humber Valley Paving was paid 60 per cent of the contract value for 60 per cent of the work, but has yet to provide the analysis that shows that 60 per cent of the work was completed.

I ask the Premier: Since you now claim to be open, will you table the department's analysis of the work of this contract that shows in fact that 60 per cent was completed?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you very much, Mr. Speaker.

Mr. Speaker, I tried to detail last Monday here in Question Period exactly the amount of work that was done. There is an eighty kilometre stretch of highway that was being constructed, upgraded, and then blacktop put on that. Of the eighty kilometres, all of the eighty kilometres has been constructed, all of the eighty kilometres

has been upgraded with Class B and Class A, and twenty kilometres of the eighty kilometres has been paved.

On top of that, Mr. Speaker, we have also had all of the guideposts put in place, and all of the guiderails put in place. We have a professional team in Transportation and Works who goes in – our engineers go in and they analyze how much work is left to do. That is what the 60 per cent is based on.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

We are aware of the minister's response last week. What we are asking for is since this document exists, will you provide this information to the people of the Province?

I ask the minister again: Will you table the document related to the 60 per cent analysis that you just spoke about – will you table that in the House of Assembly?

MR. SPEAKER: 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 Opposition is questioning the integrity of the engineers in the Department of Transportation and Works, but I have full confidence in all of the employees within the Department of Transportation and Works that they know exactly what they are doing. Those engineers, they go in and they analyze exactly how much of the work was done. In this case they have done that, and that is what was paid out through the Department of Transportation and Works for this particular project.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, I am certainly not questioning at all the work and the integrity of the staff that we have at the Department of Transportation and Works. They have done good work, it seems.

I ask the minister: At least just table the analysis that the minister is referring to – will you table it here in this House of Assembly?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, I certainly agree with the Member of the Opposition that they have done exceptional work here. I am very pleased with the work they are doing, and they will continue to do that work.

As you know, the AG is doing a full report on this particular project and all of that information will be given to the AG. If he feels he should release that, then by all means.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The minister is well within his rights to table that document here in the House of Assembly.

I ask the minister: Given the detail that is explained in this, why would he not table that in the House of Assembly?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, again, as I said, the Auditor General will be doing a full report on this, and a lot of those papers that we are working on now are still being completed. If the Auditor General

feels that is necessary, by all means he can release them.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I believe I just heard the minister say that they are still being completed. We just mentioned that the analysis is already done. All we are asking is that the work that is already done, will the minister table that here in this House of Assembly? The information about the 60 per cent of the work completed for 60 per cent of the value, will you put it here in this House of Assembly?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you very much, Mr. Speaker.

I certainly have no problem tabling that. As a matter of fact, we tabled it in *The Telegram* about a week-and-a-half ago. All of that information was tabled in a report in one of *The Weekend Telegrams*; but if the member would like it to be tabled here again, I have no problem tabling that.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, I say to the minister we look forward to that, and yes, he can table that.

The minister stated that he had his first conversation with the company rep on March 13. Government cancelled the contract on March 21. Apparently, the Premier did not hear anything about this until around April 26, which was about five weeks after the decision was made.

I ask the Premier: Are you saying that cancelling of a major contract, a major construction contract benefiting the incoming Premier, was not discussed at all with you or with Cabinet at any point before a decision was made?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER MARSHALL: Mr. Speaker, that is correct.

Mr. Speaker, as I said in the House on Thursday, we were aware that because of the fires, the exceptional circumstances that took place in Labrador West and Labrador East, that the company had extreme difficulty and had incurred losses because of those fires. It could not get its liquid asphalt from the point where it had it to the site. It was delayed because the roads were shut down. Then the stuff had to go back and it hardened, and losses were handled. We knew the company was going to go after the government in seeking compensation.

In terms of the resolution of the matter, in terms of a negotiation of the contract –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER MARSHALL: – and in terms of being advised that the contract had in fact been settled by the release of the company from the contract, it came to me in Halifax Airport on a Saturday, which I think was April 26.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Official Opposition.

MR. BALL: Thank you, Mr. Speaker.

The minister has confirmed that the contract was terminated on March 21. Government's registry of the mechanics' lien says that a claim of lien must be registered within thirty days of the completion or the abandonment of the work. In this case, that would have been around April 20.

I ask the Premier: Is that your understanding of how the mechanics' lien works, that a claim would have been filed before April 20 in this particular case?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER MARSHALL: Mr. Speaker, I have not had the pleasure of reading the Mechanics' Lien Act over the last ten years since I came in here, but I do know that if somebody has done work on a project, if someone has supplied materials to a project, or if someone has provided labour to a project, the lien comes into existence at the moment they do it and the lien continues until they provide their last bit of labour or their last bit of materials. Then, it continues. The lien exists and it continues for thirty days after that date. Then, you have to file in the Registry of Deeds a claim for lien and give notice to the other side, then that extends the lien for the period of another sixty days.

The lien comes into existence automatically. It expires, if you do not take the action, thirty days after you provide your last work. If my memory is still there, I think that is correct.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Last week there was going to be a lesson, I guess, in mechanics' liens as well as bonds for the Opposition, but I will ask the minister this question, since you are familiar with the situation that is ongoing here with Humber Valley Paving and the subcontractors.

My question is about the protection of the subcontractors: Is it your impression that the last day to actually file a claim on the mechanics' lien was April 20?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, the mechanics' lien works on a case-by-case basis. Each subcontractor or supplier that supplies anything to a company, the mechanics' lien is automatically in place. If they feel they are not going to be paid their money, they have to within the thirty days file notice of that and then they can file for an extension. To the best of our knowledge within the department, when we were terminating this contract there were no mechanics' liens placed at all or inquired about.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

What we are trying to establish here is the date that this mechanics' lien or the opportunity to file against the mechanics' lien would have terminated.

I ask the minister: Is it your understanding that date is April 20?

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, it is a case-by-case individual here. You claim against the mechanics' lien according to the case. From the last day you actually do work or have any expenditure towards the company you are dealing with that is when the mechanics' lien would kick in. You have thirty days after that, and then you can get an extension of sixty days. Then, if you are still not satisfied, you can take legal action.

The advice we would give is that each individual subcontractor or supplier would deal with their own finances or with their legal opinions from their counsels.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I understand that it is case by case. The case we are talking about is the one about Humber Valley Paving. The minister should know this because he is on record as saying that all the subcontractors had the opportunity to go seek compensation under the Mechanics' Lien Act. He also mentioned about the court challenge, which without the bonds in place there is not really much they can do there.

I ask the minister one last time: April 20, is that the date the subcontractors could file against the mechanics' lien or not?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, again I say it is on a case-by-case individual. When I say case-by-case individual

—

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MCGRATH: — I am talking about the suppliers —

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MCGRATH: — and the contractors. Each supplier and each contractor, once they are finished the work with the contractor they were dealing with then they have thirty days. After that, each individual subcontractor or supplier can get an extension of sixty days. Then, if they are still not satisfied, they can seek legal action.

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

MR. BALL: Thank you, Mr. Speaker.

We have asked for a copy of the company's request to cancel the contract, but government has yet to provide those documents.

I ask the Premier: Will you table a copy of Humber Valley Paving's request to cancel the contract?

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, there were conversations with the department. Once we realized we had two options to go, we had an option to go down the legal route or we had an option to move forward with this contract. Then the department got in touch with Humber Valley Paving to see what could be reached, what negotiations could be reached, and then from the contract we went into a letter of termination. We gave them the options we were putting on the table, if they wanted to mutually terminate this contract, and then we waited for them to get back to us.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Government has claimed they relied on the legal advice, as the minister just said, before making the decision. We have asked for a copy of those legal opinions as well, but government has still not provided them.

I ask the Premier: Will you table a copy of the legal opinions government received on this file?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER MARSHALL: Mr. Speaker, as I said Thursday, we are going to have the Auditor General come in and everything will be given to him for him to do his audit and to do a review.

With respect to other documentation, Mr. Speaker, I understand there are discussions going on between the lawyers for the company and the lawyers for the government. As soon as they are resolved, I will be happy to table in this House the documentation the Leader of the Opposition has requested.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, the minister said the decision to cancel a contract with Humber Valley Paving was to protect employment of Newfoundlanders and Labradorians.

Since your government claims to be protecting jobs by the decision, I ask the minister: How many people were at risk at the time of the decision, and how many are still working with Humber Valley Paving since the decision?

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 not speak for how many employees are working for Humber Valley Paving. What I will speak to – and I think it certainly directs the question from the Leader of the Opposition – is protecting the jobs for Newfoundlanders and Labradorians. By retendering this project, then we are going to make sure the project is completed on time, on budget, and that Newfoundlanders and Labradorians will still be employed within that project.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Last week it was about protecting employees of Humber Valley Paving, this week I just noticed

that the minister said on this project. In 2008, when Island Aggregates was in a similar situation as Humber Valley Paving, government would not help them or provide the protection for their employees. They said to interfere in a market driven sector would be a major policy shift for this government.

I ask the Premier: Does your recent move say that Humber Valley Paving – this is now a significant policy change for your government?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER MARSHALL: Mr. Speaker, I am not familiar with that particular fact situation that the hon. the Leader of the Opposition is referring to. What I can say is I have heard comments, and the Opposition have heard comments in the media, concerned about punishing the company. That happens in criminal law. You punish, somebody goes to jail, somebody you sanction, and somebody pays a fine.

This is civil law, this is business law. What had happened, because of exceptional circumstances, because of the forest fires that raged, the company had losses, and government's concern was getting the work done. If a bonding company had been involved, the odds are that they would have tendered the work –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER MARSHALL: – and government has done the same thing. The minister was concerned about getting the work done to meet the commitment to people in Labrador, and that is what he did.

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 minister said many times that terminating the contract along with the bonds for

Humber Valley Paving was because the company was losing money and calling the bonds would have put the company out of business. He also contends that the forest fires, which closed the Trans-Labrador Highway for a number of days, was a contributing factor.

I ask the minister: Will he confirm whether or not government has penalized other contractors in similar circumstances?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, first of all I would like to clarify a comment made by the Leader of the Opposition. I have always maintained that I wanted to protect the jobs for Newfoundlanders and Labradorians. If those employees happen to be employees of Humber Valley Paving, so be it as long as they are Newfoundlanders and Labradorians. That is part of my mandate, to protect those jobs.

Mr. Speaker, what we have done in this particular case is we have gone out and we have tried to make sure the job was completed. Whether it was the circumstances of the fire, or everything else put together, our job is to get the job completed within the department. That is the decision that we have made, get the job completed, get it completed on time, and protect the jobs of Newfoundlanders and Labradorians.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Thank you, Mr. Speaker.

I ask the minister: Whether or not government has penalized other contractors in similar circumstances?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you very much, Mr. Speaker.

Mr. Speaker, in the department we deal on a daily basis with different contracts. Every contract is dealt with differently. You look at the circumstances that are put before you.

In this particular case, you had very extenuating circumstances that were beyond the control of the contractor or the government. In a case like that we sit down and we try to do what is best for all included, especially the people of Newfoundland and Labrador. That is what we did in this case.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, tender 07-13 is a contract for brush cutting and clearing on various sections of Route 2. Due to unforeseen circumstances, primarily the early and harsh winter conditions, the contractor found himself in the same dilemma as Humber Valley Paving. Even though the contractor requested that the contract be terminated, he was treated much differently than government treated Humber Valley Paving.

I ask the minister: Why is it that Humber Valley Paving received preferential treatment while another contractor had his certified cheque cashed and was banned from bidding any further government work for twelve months?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, again, I will say that the department deals with contractors and contracts on a daily basis.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MCGRATH: Each contract is dealt with in dealing with the circumstances that are put before that. I can only speak for this contract that we are talking about here today, that we looked at the circumstances, we looked at the best case scenarios; two options, go down the legal road or go down the road that we went down to get the work done, get it done on time and on budget. That is the decision that we made.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, two different contractors, very similar circumstances, two different ways of treating them.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. OSBORNE: I ask the minister: Why was one contractor treated with preferential treatment but another contractor banned from tendering on any work for twelve months?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, again, I will state that we deal with every contract on a case-by-case basis. You look at the circumstances that were put forward, and if you feel – you go a legal road or you go the road we went on this one. That is what we do. Each case is dealt with differently.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, the Premier said a few moments ago they do not penalize contractors, that that is not the business of government. Clearly, the minister did with this particular contractor on Route 2.

I am asking the minister now: Will he reverse the decision to ban him from bidding on contracts for twelve months?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, once again, each contract – and we deal with several contracts on a day-to-day basis. Each contract is dealt with the circumstances that are put forward and the rationale of why that contractor cannot finish the contract. We look at that as a department and then we make a decision. That is what we have done here.

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

MR. OSBORNE: Mr. Speaker, did the minister get personally involved in the other tender on Route 2, where the contractor was banned from bidding for twelve months on government contracts?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, I notice the way they like to play with words. The minister is involved in most everything on a day-to-day basis, and then the minister has a full team of professionals who I either go to for advice or I advise them to move forward on how they deal with a contract. Every contract that could come forward I could be dealing with it, but then you go to your department officials to move forward with that.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you, Mr. Speaker.

Late last week we heard about job cuts at College of the North Atlantic and while some of these job cuts were expected due to last year's program cuts, some employees are being relocated to other areas of the Province with only days' notice.

I ask the minister: Why weren't impacted employees given more notice?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, all the way through this process in regard to making College of the North Atlantic responsive to the labour demands of the Province, all of the instructors knew that some of the low-uptake programs would be cancelled. They all knew that upfront going through the process.

Certainly, I want to ask the member, too, is she implying that we should continue to fund low-uptake programs and ignore the labour market demands of the Province, Mr. Speaker? I do not understand where she is coming from.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Mr. Speaker, my question was about relocation with no notice of employees.

Prospective students of the College of the North Atlantic should have received their letters of acceptance in April, yet many have yet to be sent out.

I ask the minister: Is this delay due to program cuts at the College; and if so, why are the announcements on cuts being made at the eleventh hour?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, these are not cuts and announcements being made at the eleventh hour, as the hon. member implies. These are things we have been talking about for many months now in regard to CNA being responsive to the needs of the Province and the labour market demands of the Province. We will be introducing new programs in different colleges right around the Province. As a matter of fact, there will be more employed tomorrow once those programs are instated or started than before we discontinued the low-uptake programs.

SOME HON. MEMBERS: Hear, hear!

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

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

We have been told that the opening of the new Hoyles-Escasoni long-term care facility will provide sixty-seven extra long-term care beds.

I ask the Minister of Health and Community Services: How many people are currently on the wait-list for these beds?

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.

I thank the Leader of the Third Party for her question. Long-term care is a very important matter for the Department of Health and Community Services, and I know it is also very important for the people of Newfoundland and Labrador. One of the signature, or very important significant projects we are conducting is the construction of a new long-term care facility in the east end of St. John's. It will have 461 new beds for long-term care for Eastern Health. It is a significant investment by this government, a significant piece of work, and we look forward to the opening of that new facility in the coming months.

Mr. Speaker, wait-lists change from day to day. While we acknowledge there are wait-lists for people for long-term care, there are a variety of programs we try to avail of to look after the needs of the people of the Province.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

I note the minister did not answer my question. Since the figures we have are a couple of months old and it takes us more than a month to get up to date, I ask him to table in this House the up-to-date figures on wait-lists.

Thank you very much, Mr. Speaker.

I pointed out to this government years ago that our aging demographic would result in an increased demand for personal care home and long-term care beds.

I ask the minister: Why didn't the government make adequate plans when they had the choice? Because I can assure him, they do not have enough beds for the wait-list.

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

As I acknowledged, there is a wait-list and a demand for service. We have an aging population in Newfoundland and Labrador and we recognize that. In fact, as a government we are taking great steps. We are building, as I mentioned, a new significant piece of infrastructure in the east part of St. John's, a new long-term care facility. It will have 461 beds. We are building a new one in Carbonear with 228 beds. We are adding capacity to Labrador City; we are adding capacity to Happy Valley-Goose Bay. We are adding capacity to smaller

areas such as Bonavista, Clarenville. We are adding capacity as well in Burin.

Mr. Speaker, I can tell you, we have made significant investments for people who need long-term services in Newfoundland and Labrador and we will continue to make those investments.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

So the minister is acknowledging we have a looming crisis, really. The need is getting greater. I would like to see the plan, Mr. Speaker, with details of how they are going to make sure the wait-lists end.

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I remember as a fairly new MHA, when I first came to this House of Assembly, there was a significant piece of work being underway by the Department of Health and Community Services surrounding long-term care and the needs of our aging population. It is a strategy that was released in 2012, Mr. Speaker. It is available on our Web site. I can provide her with a hard copy and documentation if she would like to have it as well. It was a good piece of work. It is a foundation of the plans for this government for us to move forward and deal with the needs of long-term care in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

I have read that document and it does not have the details I am asking for.

Mr. Speaker, we are told of a senior moved from his community in St. John's to a personal care home in Long Pond, out of reach of family members who are as old as he is, and community support.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: I ask the minister: What work is being done by the department to ensure that vulnerable patients are not isolated from family and community support?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I do not want to focus on any individual case and I do not feel it to be appropriate to talk about any individual circumstances that may face any Newfoundlander or Labradorian and discuss those on a personal level here in the House of Assembly.

I would advise the member opposite, if she ever took the drive from Confederation Building to Long Pond, as my friend opposite here can tell you, he does it every day, sometimes several times a day, it takes him about sixteen minutes to do it, Mr. Speaker. It is not a lengthy drive and it is part of the metropolitan, greater St. John's area, I say to the member opposite.

Mr. Speaker, as I said, we made significant investments for the people of this Province. We have made significant investments in health, and particularly for the needs of our aging population. We are making great strides in doing that, and we will continue to do so.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

Some residents of Deer Lake are deeply concerned with the rising water table and constantly flooding properties. They believe that there is a fault with the Deer Lake Power Canal that diverts water along the affected area that is –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MURPHY: – leading to severe mould problems for some and flooding properties to other residents.

Does the government know about the problem, and what are they doing to address this?

MR. SPEAKER: The hon. the Minister of Municipal and Intergovernmental Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, the member spoke to me on Thursday, I believe. He sent me an e-mail. We had a conversation in this very House where I confirmed for him I was looking into the matter.

Not only that, Mr. Speaker, I had a meeting with the Town of Deer Lake council on Friday and their staff, discussed the issue, confirmed that it is indeed a municipal issue that the town is well aware of, and the town is in regular communications with the residents that are affected.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. MURPHY: Thank you, Mr. Speaker.

While some consider this to be a municipal matter, this may require a lot of money for the municipality to fix it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MURPHY: Will government step in with assistance to both the municipality as well as the residents there to investigate the Deer Lake Power Canal situation?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Municipal and Intergovernmental Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I had a productive discussion with the members of Deer Lake council on a number of issues on Friday when I was there to make a capital works announcement. On this particular issue, given that I had correspondence with the member, had a conversation with him about it hours later in this very House of Assembly, I had a discussion with the town council –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. KENT: – the town council acknowledged the issue and said that if residents have concerns that they wish to discuss, then Mayor Ball and members of that council are more than prepared to continue the dialogue with those residents.

The questioning today is rather surprising given the conversations I had with the member on Thursday.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's East, for a quick question.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MURPHY: Mr. Speaker, I would like to know if they are communicating with the residents. I keep getting e-mails, including this morning, from residents who are concerned. They are not hearing a word. I wonder when they are going to talk to the residents there about this situation.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Minister of Municipal and Intergovernmental Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: I would encourage the Member for St. John's East to give Mayor Ball a call. I am sure he would be happy to answer his questions.

MR. SPEAKER: Yes, the time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

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

I give notice of the following private member's resolution moved by me, the Member for Virginia Waters:

WHEREAS Newfoundland and Labrador communities face very real challenges due to population decline and population aging; and

WHEREAS the Province can no longer rely on employment alone to successfully compete and attract and retain skilled workers needed for growth in a global environment; and

WHEREAS the significant economic, social, and cultural contributions of newcomers to our Province are well recognized; and

WHEREAS international migrants, including immigrants, temporary workers, and international students will continue to play an increasingly important role in helping to sustain and grow a diverse and prosperous future; and

WHEREAS Newfoundland and Labrador has among the lowest newcomer attraction and retention rates in the country;

THEREFORE BE IT RESOLVED that this House of Assembly urge government to implement a worker recruitment and protection act similar to Nova Scotia and Manitoba, which would require an employer registration process as well as a licensing requirement for companies and individuals recruiting foreign workers.

This is seconded by the Member for The Straits – White Bay North.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Opposition House Leader.

MR. A. PARSONS: Pursuant to Standing Order 63.(3), the private member's resolution just entered by the Member for Virginia Waters is the one to be debated on Wednesday.

Thank you.

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 provincial funding and support for an arms'-length advocacy group is needed in order to promote, protect, and ensure full citizenship rights for Newfoundlanders and Labradorians with disabilities; and

WHEREAS the Coalition of Persons with Disabilities (COD-NL) has advocated for persons with disabilities in Newfoundland and Labrador for nearly thirty-five years; and

WHEREAS people with disabilities across the Province rely on COD-NL to navigate and access support services, educate the public, and provide outreach; and

WHEREAS long-term sustainable funding for COD-NL should be a key building block in the Province's strategy for the inclusion of persons with disabilities; and

WHEREAS federal and provincial funding cuts continue to threaten COD-NL's capacity to provide important advocacy, public education, and outreach activities;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reinstate funding cut from the Coalition of Persons with Disabilities Newfoundland and Labrador in 2013 and provide a long-term sustainable funding arrangement for COD-NL.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is a petition I presented previously in the House of Assembly and it looks like this one has residents of the Province entirely from the community of Peterview. We have received petitions from members of the public from all across the Island.

I would like to point out, Mr. Speaker, that this Wednesday, May 14, at 7:00 p.m. in the great, historic District of St. John's North, the annual general meeting of the Coalition of Persons with Disabilities Newfoundland and Labrador is taking place at the Fairfield Inn & Suites on Kenmount Road. That is this Wednesday, May 14, at 7:00 p.m. I have had the great privilege of attending that AGM since I was elected to the House of Assembly and I have certainly run into other members on both sides of the House there.

I do note that the first year prior to the funding cut to COD-NL, there were full-page advertisements in there from the former Premier of the Province, from the former Minister of

Advanced Education and Skills, and even the member whose district their office was located in at the time, all congratulating COD-NL for their great work, their advocacy, and so on and so forth. Then before the dust had settled on all of those congratulations, the funding was cut from the organization. They were struggling to survive and find even a place to keep their files and have a telephone. So I encourage government to reconsider that decision.

MR. SPEAKER: Order, please!

MR. KIRBY: Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Carbonear – Harbour Grace.

MR. SLADE: 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 humbly sheweth:

WHEREAS the communities of New Ferolle, Shoal Cove West, and Reefs Harbour have always relied on the fishery as a means to earn a sustainable income; and

WHEREAS the main employer for these three communities has been a seafood processing plant located in New Ferolle; and

WHEREAS this plant was seized by the Government of Newfoundland and Labrador as a result of mortgage arrears; and

WHEREAS the Government of Newfoundland and Labrador then permitted an outside operator to operate the plant, but that operator became insolvent and closed; and

WHEREAS the Government of Newfoundland and Labrador then sold the plant to another operator for the sum of \$1 and has not operated the plant but instead has stripped most, if not all, of the equipment from the plant instead of operating it;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to find a local

operator for this plant so that people can go back to work.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I brought this petition here once before and I am bring it back here again now. Basically, what the people in that area would like is to go to work. I call upon government, of course, to try to get an operator for that plant in New Ferolle. The people over there deserve it.

Thank you, Mr. Speaker.

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

MR. MURPHY: Thank you very much, Mr. Speaker.

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

WHEREAS consumers and businesses in Newfoundland and Labrador pay some of the highest automobile insurance rates in the country; and

WHEREAS part of the recent increases in automobile insurance rates is due to uninsured automobile coverage, which could increase by 329.3 per cent in 2014 for taxis and limousines insured by the Facility Association; and

WHEREAS consumers may see an increase in taxi fares and limousine rates as a result; and

WHEREAS consumers insured by the Facility Association could see their own auto insurance rates increase partly due to uninsured drivers;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to establish a procedure for insurance companies to co-ordinate with police, highway enforcements officers, and the Motor Registration Division to remove unlicensed and uninsured vehicles from our Province's highways.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I went to a meeting of taxi drivers, I think, it was some three weeks ago now who are really quite concerned about what is happening with their insurance rates.

Mr. Speaker, the proposal going before the Public Utilities Board right now, the third-party liability increase they are asking for right now is 50 per cent for the Facility Association in a residual market. For accident benefits, we are talking about 294.3 per cent or an extra \$235 to a driver, and for an uninsured automobile, 329.3 per cent.

Mr. Speaker, these increases that are proposed and gone before the Public Utilities Board are, in one word, outrageous. We are at risk as consumers ourselves of being tagged with the possibility of increases particularly for uninsured automobile coverage.

We know every day in the news we are hearing about it, that police are hauling in various vehicles that are unregistered and finding in some cases that these are uninsured. The unregistered part I can see, where there is a way for Motor Vehicle Registration to co-ordinate with the police; it is the uninsured part that we are talking about here when we are talking about uninsured vehicles.

We have a possibility here that we can get good co-operation from the insurance companies to co-ordinate this. I know in conversations with my own insurance company and with other insurance companies on the outside they are not required under the law to report that to Motor Vehicle Registration. So the question here being asked by taxi drivers particularly is if the uninsured question can be addressed here by government and co-ordination brought on part between government and the various justice officials, then obviously that part of their insurance rates would not be impacted.

Mr. Speaker, I leave that to the House of Assembly to determine. I am told that I am going to be getting a few of these petitions in the next couple of weeks, so I will stand and talk about high insurance rates as they deal commercially when it comes to taxis and

limousines but not only that as well to the consumer in general.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Mount Pearl South.

MR. LANE: 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 humbly sheweth:

WHEREAS there are extreme overcrowding issues in St. Peter's Elementary and Mount Pearl Senior High, a direct result of poor planning by the Department of Education; and

WHEREAS the solution imposed by the English School Board to deal with this now crisis situation will have a devastating impact on many students, families and teachers in Mount Pearl Senior High, Mount Pearl Intermediate, St. Peter's Elementary and Newton Elementary; and

WHEREAS there are other less disruptive solutions which can be introduced to alleviate this overcrowding issue including capital investment as a preferred option as well catchment area realignment.

WHEREAS the school board was not provided with the financial flexibility by the Minister of Education to explore other more suitable options;

WHEREAS the government has intervened in board decisions in the past such as in 2005 when Bishop Falls, reversing the closure of the Leo Burke Academy – during a by-election, I might add;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to intervene in this matter, commit appropriate resources to the English School Board, and instruct them to develop more suitable options.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is one petition I have, of many, and there are many more coming in. I actually had a message from a parent in my district this morning who has several of them signed. This issue is not going away. We have a situation in Mount Pearl where as a result of neglect over the years by the school board – the then Eastern School District – there was poor planning, and we saw all the specialty spaces at St. Peter's Elementary, all the specialty spaces at Mount Pearl Senior High, get chopped up into classroom space as the population grew.

Now we are to a point where both of those schools have all their specialty spaces gone. We have kids, for example, at St. Peter's Elementary who are eating lunch at their desks while they are doing gym class and music in the cafeteria. They have lost their resource library, they have lost their computer room, and the solution being brought forth is not going to change that. As a matter of fact, next year that same problem will still exist at St. Peter's, and now they are talking about chopping up Newtown Elementary and losing some of their specialty space as well.

Mr. Speaker, this was a poor decision, and it was brought upon by the fact that government did not provide any financial flexibility to the board to make these decisions. Certainly, we are calling upon the government to have a change of heart, to provide that opportunity for the school board to come up with more suitable options for our students.

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 Mealy 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 will continue to bring this petition forward. It is a huge issue; it crosses many sectors in the district. It is really stunting the growth in many ways; 95 per cent of the Province we know is connected, but of the 5 per cent that is not, that includes an awful lot of my district. I am still asking for a list of where the 5 per cent of communities are that are not connected. I still have not seen that list, Mr. Speaker.

Tourism is huge. We are just coming into the tourism season. We are in a technological age. People go into a region now and they expect to be able to stay in contact with people, and for many it is even doing business on the road.

More importantly than that, yes, we need the tourism, we need whatever ways we can to generate revenue into rural areas, Mr. Speaker, but there are things that we could be doing in health care. People should be able to sit in front of Skype now and see their specialist here in St. John's and save money if that infrastructure was there.

We spend a lot of money trying to entice professionals into the community, many who want to continue their studies through distance education but basic things like streamlining – and because of the ten communities that we say have Internet are actually maxed out, have exceeded capacity so this prohibits them. Businesses not able to do something like use a

simple Interac debit machine without putting their own booster on.

Mr. Speaker, I heard from hotels last week that are missing business because they are not able to get on and reply back to e-mail of tour groups that want to come into the region and want to stay with them. It is a very, very serious issue, one that is certainly negatively impacting my area. I will continue to stand and lobby for this service. We cannot wait until 2016, until two years. We want to know what is the interim plan, what is being done right now.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

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

WHEREAS the residents of Burgeo, Ramea, Grey River, and François of the Province of Newfoundland and Labrador must use Route 480 on a regular basis for work, medical, educational, and social reasons; and

WHEREAS Route 480 is in deplorable condition, such that the shoulders of the road continuously wash away and there are huge potholes in the road; and

WHEREAS the condition of Route 480 poses a safety hazard to residents and visitors to Burgeo, Ramea, Grey River, and François; and

WHEREAS the Department of Transportation and Works is responsible for the maintenance and repairs in the Province; and

WHEREAS the local division of the Department of Transportation and Works does make periodic repairs to this route but these repairs are only temporary patchwork and this road needs to be resurfaced;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of

Newfoundland and Labrador to support the users of Route 480 in their request to have Route 480 resurfaced.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I was just going to stand up today and talk about the state of this road because it has been in a deplorable condition for some time. Yesterday we had a very serious situation when we had another washout on this road. The road closed and people were not able to get back and forth.

We had people who were looking to get out of town so they could go and have surgeries. I actually heard from people who work for the ambulance service calling and concerned about what could happen. I had seniors calling me. This is beyond the usual calls you get from people whose vehicles have been damaged and have to pay for the cost because this road is not fit. The good news here is the local employees of Transportation and Works attended to it and got the situation taken care of so that people could go back and forth.

We are still speaking on a greater level. When it comes to these decisions that are being made, this road is not fit. It is in a deplorable condition, yet there is absolutely nothing getting done besides the usual patchwork. People keep sending me pictures of their cars taking terrible damage. Again, they are being left to hold the bag because there is no money going into this district. I guess it is just located in the wrong spot.

I am putting it out there. There are a lot of people who have to travel over this road. People have to take a ferry to get there in many cases, if they are coming from François, if they are coming from Ramea, or if they are coming from Grey River. When you get up there and you cannot get back and forth. This is the second washout, the second summer, and we are still seeing the same thing. People are not getting the same quality of roads that they should as elsewhere. I am going to continue to make this an issue.

Thank you, Mr. Speaker.

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

MR. KING: Thank you, Mr. Speaker.

As per Standing Order 32, I move, seconded by the Minister of Environment and Conservation, that we move to Orders of the Day.

MR. SPEAKER: It has been moved and seconded that we now move to Orders of the Day.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion Carried.

Orders of the Day.

Orders of the Day

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

MR. KING: Thank you, Mr. Speaker.

First of all, I move, as pursuant to Standing Order 11, seconded by the Minister of Child, Youth and Family Services, that the House not adjourn at 5:30 today, Monday, May 12, 2014.

MR. SPEAKER: It has been moved and seconded that this House do not adjourn today, Monday, May 12, at 5:30 p.m.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

Just for clarity, I understood I probably should do them as two motions that is why I split them up.

I move, Mr. Speaker, seconded by the Minister of Fisheries and Aquaculture, pursuant to Standing Order 11 that the House not adjourn at 10:00 p.m. today, Monday, May 12, 2014.

MR. SPEAKER: It has been moved and seconded that this House do not adjourn at 10:00 p.m. this evening, Monday, May 12.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

Now, I am going to move to item 10 on our Order Paper.

I move, seconded by the Minister of Environment and Conservation, for 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 amendment 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 the House on May 8, 2014.

MR. SPEAKER: All members have heard the motion.

The hon. the Government House Leader, speaking to the motion?

MR. KING: Yes, Mr. Speaker.

I think, with leave, I am speaking quickly for both of the Opposition parties just to provide a very quick explanation here. The Members Resources' Rules were amended a short while ago by this House unanimously. It came to our attention that there was a typographical error with respect to two particular districts, the one for Lake Melville and Labrador West. The motion we are bringing forward today simply fixes the error and honours the intent of the motion that members of this House voted on several weeks ago.

MR. SPEAKER: All members have heard the motion.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

Under Motions, I am moving to Motion 5.

Mr. Speaker, I move, seconded by the Minister of Municipal and Intergovernmental Affairs, to ask leave to introduce a bill entitled, An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies, Bill 14, and so move that the bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Municipal and Intergovernmental Affairs shall have leave to introduce a bill, An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies, Bill 14, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 14, and that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Municipal and Intergovernmental Affairs to introduce a bill, "An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies", carried. (Bill 14).

CLERK: A bill, An Act To Establish And Implement A Province-Wide 911 Telephone Service For The Reporting Of Emergencies. (Bill 14)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: On tomorrow.

On motion, Bill 14 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Advanced Education and Skills, to ask leave to introduce a bill entitled, An Act To Amend The Student Financial Assistance Act, Bill 16, and that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Advanced Education and Skills shall have leave to introduce a bill, An Act To Amend The Student Financial Assistance Act, Bill 16, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce such bill?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Advanced Education and Skills to introduce a bill, "An Act To Amend The Student Financial Assistance Act", carried. (Bill 16)

CLERK: A bill, An Act To Amend The Student Financial Assistance Act. (Bill 16)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: On tomorrow.

On motion, Bill 16 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Child, Youth and Family Services, for leave to introduce a bill entitled, An Act To Amend The Revenue Administration Act And The Tax Agreement Act, 2010, Bill 17, and that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Finance and President of Treasury Board shall have leave to introduce a bill, An Act To Amend The Revenue Administration Act And The Tax Agreement Act, 2010, Bill 17, and the said bill be now read a first time.

Is it the pleasure of the House that the minister shall leave to introduce Bill 17?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Finance and President of Treasury Board to introduce a bill, "An Act To Amend The Revenue Administration Act And The Tax Agreement Act, 2010", carried. (Bill 17)

CLERK: A bill, An Act To Amend The Revenue Administration Act And The Tax Agreement Act, 2010. (Bill 17)

MR. SPEAKER: This bill has now been read a first time. When shall the bill be read a second time?

On tomorrow.

On motion, Bill 17 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Fisheries and Aquaculture, to ask leave to introduce a bill entitled, An Act To Amend The Fish Processing Licensing Board Act, Bill 18, and that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Fisheries and Aquaculture shall have leave to introduce a bill, An Act To Amend The Fish Processing Licensing Board Act, Bill 18, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 18?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Fisheries and Aquaculture to introduce a bill, "An Act To Amend The Fish Processing Licensing Board Act", carried. (Bill 18)

CLERK: A bill, An Act To Amend The Fish Processing Licensing Board Act. (Bill 18)

MR. SPEAKER: This bill has now been read a first time. When shall the bill be read a second time?

On tomorrow.

On motion, Bill 18 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

At this time I call under Second Reading Bills, Order 4, second reading of a bill, An Act Respecting Public Interest Disclosure, Bill 1.

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

MS C. BENNETT: Mr. Speaker, it gives me great pleasure to rise in this House to speak to Bill 1, seven years in the making, and certainly exciting for the people of the Province to finally see this legislation on the books here at the House of Assembly.

The provincial government promised to create this legislation to protect employees who want to report what they consider wrongdoing. That promise came after a 2007 review of the Province's Legislature by Justice Derek Green, and the promise came before the 2007 provincial election. In his report from the review, Green recommended a law under which public servants, without fear of reprisal, could disclose others' improper or unethical behaviour.

In the 2008 Throne Speech, government committed to introduce the whistleblower protection legislation that same year, after appropriate consultation had taken place. In 2009, former Premier Danny Williams reiterated his government's position and promised to create the legislation.

In May, 2012, Justice Minister Felix Collins said there were problems with the legislation elsewhere, the Province had looked. He also said he believed "...the existing legislative

regime in Newfoundland and Labrador may provide adequate protections for government workers." My question to the minister today, Mr. Speaker, would be, why has it taken seven years for us to get to this point where this legislation is going to be enacted?

As recently as last Monday, I have had a situation where I had an individual seek counsel from me as an MHA on a circumstance related to their employment and are concerned as to how they might go about resolving that. While this whistleblower legislation, assuming it comes into effect in July, would have applicability to this individual, certainly based on the dates and the lack of clarity around situations prior to July of 2014, this individual does not have clarity. We have seven years where individuals who have worked for the provincial government in a variety of ways do not have clarity on how they can provide feedback, concerns, and questions in a way that does not put them at risk of retaliation.

The bill itself has four basic problems. There is no internal review process. There is lack of proactive disclosure. The release of documents to authorities in the past – the Office of the Citizens' Rep has denied under certain circumstances those documents being released in the past, which has made circumstances difficult to be resolved.

The biggest question from my perspective comes down to the issue of the dates and the fact that this legislation promised seven years ago really will have little effect on feedback, concerns, questions, information that may need to be discussed, may want to be discussed over the last number of years. It would seem to me, and appear to me, that if this government had been serious about the whistleblower legislation when they announced it years ago, they certainly would have been making sure they were acting in a principled way, providing an opportunity for employees to give feedback where appropriate.

I think the dates in particular provide some concern to government employees who may feel that the dates do not allow them to go back under a certain period of time and talk about things. Whether it is in a certain department, whether it is a conversation they were part of, that they do not really know what to do with.

The fact that there is no internal process does not allow the individual to be able to go to their direct supervisor, their direct boss, or somebody who has the authority and should have the authority inside government in the management team to be able to deal with the situation that the employee brings.

This is quite the contrary to what I have seen in the private sector, and certainly it would require a more open process to allow internal resolutions to happen on a more eased basis. If you are an employee who works outside of a driving distance from the Office of the Citizens' Rep, certainly phone conversations are much more difficult to have if you are looking and seeking advice then it would be to have a face-to-face conversation. This legislation certainly makes it difficult for individuals to have a face-to-face conversation at a time when it is important, a time of undue stress on an individual and an employee.

The issue that was spoken about in this House last week around retrospective versus retroactive I think is a very meaningful one. I am at a loss to understand, as I said earlier, why a government that committed to people, promised to people this legislation, would feel the need or feel it was in its own best interest not to implement legislation that allowed for everything that needed to be disclosed by employees to be disclosed prior to the implementation of this legislation. That the simple act of changing the language and allowing retrospective to be used, it would have certainly enabled those employees to make that change.

We also have a number of areas in the act that I believe need to be reviewed. Certainly, making sure we have dual remedy and internal complaints investigation is one area where there is an opportunity to improve the bill. The whistleblower should be protected from reprisals when they are making good faith complaints internally, as well as going to the Citizens' Rep. An individual who speaks to their direct manager, their direct support, whoever is providing coaching and counselling and feedback to that individual should feel comfortable speaking to their direct supervisor.

I ask the question: Is there a need to amend the regulation section to give authority to set up an internal complaints review system?

Wrongdoings to which the act applies – this bill may need to be amended to apply to wrongdoings that occur subsequent to October 9, 2007, not the day the act comes into force, as per section 4.(2).

When you think about the list of exemptions and things that are not applicable around Cabinet confidences that are exempt to access, whether it is Cabinet records; memorandums; discussion papers; agendas; minutes; records used; records created by a minister; record created during the process of developing and preparing a submission to Cabinet; discontinued Cabinet records; official Cabinet records; supporting Cabinet records; discounted Cabinet records. All of these items certainly exclude a significant area of work that public sector employees work in and provide an opportunity, if you had a situation where we had dual reporting processes, you could certainly look at situations where somebody could report to their direct supervisor possibly around some of these particular areas that have been exempt.

When an investigation is not required and the terms of when an investigation is not required, there may be a need to add certain conditions for when an investigation is not required in the act. This would include things like the alleged person who committed a wrongdoing is deceased, resides outside of Newfoundland and Labrador, or is in such a mental condition as to be unable to respond in a meaningful manner; subject matter may also have been otherwise heard or adjudicated by another public body or, at the time of the disclosure, before another public body was empowered to hear a rule on the alleged wrongdoing. So there are some requirements to make some adjustments there, I believe.

When an investigation is not required might also include that if criminal activity is reliably alleged, the Citizens' Representative shall refer the matter to the appropriate police force for further investigation, without disclosing the name of the whistleblower, unless the disclosure is found to be erroneous or made in bad faith.

Again, I refer to the date of July of this year, when we have situations, as I mentioned earlier, that I am dealing with in my office right now of an individual who has concerns and questions and is at a loss as to how to resolve those through an internal process, because there is not one that is available, or now the external process is not available to them until post-July. Certainly, it is very concerning and frustrating and does not inspire confidence for this particular individual in this government's desire to act in good faith under the whistleblower legislation.

There is reference in the act around the annual report. As the bill now says, an annual report must be tabled within fifteen days; however, if the House closes before the fifteen days of being received by the Speaker, within eight, for example, it must be tabled before the House closes. If the report is completed and provided to the Speaker between the two sessions, it must be tabled within three days of opening. That certainly is a concern based on the history that this House has had in the last number of years around when the House closes, and there could be a situation where the reports would not be available to be reviewed.

One of the things that Justice Green, if you go back to his report, certainly made clear is that he felt the information needed to be disclosed in the House of Assembly in a way that allowed those people who were elected by the people of the Province to act in the best interests of the people of the Province. He wanted those discussions to happen here and I would assume the same would happen around discussions in this annual report.

Protections of the employee: Somewhere in the bill – is this the best place – there must be sanctions against individuals who are guilty of taking a reprisal against a former employee. New Brunswick has made this recommendation and by doing this it shows reprisals will not be tolerated. One of the certainly challenging things for an individual who steps forward bravely to talk about a potential wrongdoing, concern, or conflict they feel is how do we protect that individual, not only from reprisals from their boss or their direct report, but also from their peers? That legislation and recommendation that has been changed in New

Brunswick certainly is worthwhile for us to take a look at.

Complaints to the Labour Relations Board: The organization that employs the person found guilty of the offence at the time of the offence was found to have been committed is deemed to be liable for the wrongdoings of the offender and shall be jointly and severally liable of such wrongdoings, as well as any penalties imposed or remedies ordered. Certainly those changes would ensure that the right person pays for the infraction, for the misjudgement, for the situation that was not handled in the best interests of the people of the Province and in the best interests of government.

This particular piece of legislation, the minister has said, is based on four pillars: employees may disclose serious wrongdoings, the Office of the Citizens' Representative would be involved, there will be anti-reprisal protection, and the Labour Relations Board will hear complaints and award remedies. Again, I go back to my comment earlier about no internal process. It seems quite inconsistent with how a best-in-class organization would want to operate, assuming that is what this government wants to operate in its employee relations, is a situation where you have a lack of a mechanism inside government that allows for an internal disclosure process. Many of these situations that arise can be handled internally, assuming that you have good discipline, good systems, and good communication amongst management and front-line staff that allow for those discussions to happen.

When you take those discussions out and you force them into a third party, then you restrict the employee's ability to have an open and frank discussion with their managers. You also limit and restrict the manager's ability to act in good faith on what might be a small infraction that could be handled quickly, efficiently, and in the best interest of the people of the Province.

I would ask the minister if he could provide clarity on how, in the absence of an internal process, employees and managers will be functioning together when there are situations that need to be handled on a timely basis, and how taking those situations outside of a normal work discussion into the Office of the Citizens'

Rep, which may be required, how that will improve employee productivity and help improve situations where things can be resolved in short order.

There is a need for continued discussion and dialogue on this particular bill. It has been a pleasure to rise here today and speak to it.

I think the act and the discussions we have had over the last number of days around this, certainly some key themes would include concern about why a date of July. As government has said, they are an open government now, one that is operating in the best interests of the people of the Province. It would seem to me that if that was a commitment they wanted to make that they would back this up with a commitment under the whistleblower, which they promised in 2007.

With that said, I thank, Mr. Speaker, for the time.

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

MR. HEDDERSON: Thank you, Mr. Speaker.

I am very pleased to be on my feet today to talk about – I believe looking around that I might have got up a bit prematurely. I am looking down the row at the member.

AN HON. MEMBER: Go for it.

MR. HEDDERSON: I am looking at the minister and the minister says: Go for it. I apologize to the member for Bonavista down there.

Mr. Speaker, I am so anxious to stand up and talk about Bill 1, a bill regarding Public Interest Disclosure and Whistleblower Protection Act. This is a bill that has been in the making for a fair amount of time. When you look at Bill 1, in any session, you look at it as an important initiative that the government feels quite serious about, obviously, to name it as Bill 1, and to see that it is the right time to do the right thing and to put forward a significant piece of legislation.

Mr. Speaker, I am delighted to be able to get up and have some words on what I believe to be a

very solid bill. I commend the minister for putting together a great deal of research and comparative analysis to bring forward a bill that I would say will stand the test of any complaints; complaints from the Opposition, complaints from the Third Party, complaints from outside parties as well. These complaints are very necessary in a debate, Mr. Speaker. I am sure the minister is listening attentively as the speakers on both sides of the House get up and talk about this particular bill.

I will say, Mr. Speaker, this is a case where government has certainly listened to the people of the Province on an issue that is very important to them. It is not something that was taken lightly because whistleblower legislation – even though it is, I believe, in six or seven jurisdictions, it is relatively new. By doing some good comparative analysis, hopefully we, as a jurisdiction, will not go down a road that some others have gone down and run into significant difficulties.

Mr. Speaker, significant difficulties with whistleblowing means that individuals who came forward were not given the protection they thought they would get. So, as a government, you want to make sure that what probably happened in some other jurisdictions is not going to happen in this jurisdiction, because of the seriousness of the nature and the intent of what this bill is putting forward.

Again, Mr. Speaker, any time is a good time to do the right thing. We said as a government that we would do this legislation, and, Mr. Speaker, I am standing here as part of a government that is moving forward with it. From what I am hearing from across the way, especially from the Third Party, there are a lot of good things they see in this legislation, one they have anticipated for a period of time and very hopeful that this bill will take care of the intent.

Mr. Speaker, what is the bill? The bill talks about an independent mechanism for the disclosure and investigation of wrongdoings in or relating to the public service and protect employees who make the disclosures from reprisals. That is always the danger. You see a wrongdoing and you have to judge for yourself whether you want to put yourself on the line so

to speak. In many cases you are putting yourself on the line with regard to employment.

You are working in a particular area with a particular group of people and you have to make the judgement as to whether or not you are going to be the one who would bring forward some type of wrongdoing, knowing full well that you are probably going to have to suffer some reprisals for doing so. It is not as simple as saying: No, that is not going to happen. It is the right thing to do. It is about justice and so on and so forth; because, as all of you know in this Chamber, this is Newfoundland and Labrador and, believe it or not, a very closed community in a lot of ways.

Even within government departments, in the larger government, a lot of people know each other and if there is a wrongdoing in some of these units or some of these offices, it will become quite obvious. Even though you say you can protect, I think it would be quite obvious to who might be the one who is bringing forth that disclosure. So it is very, very important that we have tight legislation which makes sure everything is done, everything that is possible is done so the identity of that individual is not known.

I would say to you, Mr. Speaker, that is going to be a tough job, a very tough job. I am satisfied that this legislation is going as far as it possibly can but it is not as simple as black and white. Again, we must, as a Chamber, look at all aspects of this bill and make sure it is what we think it would be.

Now, the scope – and the scope is line departments or public bodies. That is what this is all about. As a government, we have an obligation to protect the employees who fall under our jurisdiction, our responsibility. Of course, you would hope that we are doing what we believe is the right thing for our employees and you would hope in private business they would look at having similar mechanisms as we do in government.

We also know, for example, that Memorial University does have really robust whistleblower protection. We are satisfied everything has been done in that academic community because it is a little bit unique, as we as a Province are unique.

When you have an academic community, that too lends itself to making sure you are doing the right thing, because you have a closed community, and a large community, when you look at Memorial University.

Having said that, there is always an opportunity for that public body to avail of this legislation. At some future date, if something is brought to the attention of government or to Memorial, that their protection does not match up with what has been legislated, we hope, in this particular bill.

The scope is our line departments, our public bodies. The intent is to uphold the integrity of the public service. I have been around government now for, going on any number of years and have been very much involved in at least six departments.

MR. JOYCE: (Inaudible).

MR. HEDDERSON: I look at the Member for Bay of Islands, I am not saying I am here too long, but I am here long enough to have had some great experience with some of the departments. I am sure he is nodding as well, in saying that I have met some tremendous individuals who are dedicated to public service in Newfoundland and Labrador, who are intent on making a career out of it. Whether it is in Transportation and Works, whether it is in Intergovernmental Affairs, in any number of departments that I was there.

The integrity of the public service is so, so important. We must as a government, as a Chamber here, do everything we can to uphold that integrity. The way to do it is to make sure the people who work in government or any associated bodies, that we give them the protection and the opportunity to make sure that they feel very, very comfortable and protected as they would move forward with what I believe to be very, very difficult decision makings and judgements. That is to look at wrongdoing within your department, for example, and go forward.

The pillars have been mentioned, and every bill has to be based on strong principles. The first one, and the most important one, is disclosure without fear. That is sort of all right for me to stand here and say to the public employees out

there that this bill is going to allow you to go forward without fear. I am in a real world, and I know that if the decision is made to go forward with disclosure, regardless of what kind of protection we have in this bill, there will be apprehension, and there will be someone who perhaps feels uncomfortable. The principle is that we have to do everything that we can in legislation to allow for that employee to make the right decision, not only to make the right decision but to do it in a manner which allows him or her to be able to move forward.

The second pillar – I like the aspect of the independent investigation. I fear I differ. I know the member who stood just before me on the Opposition talked about the two aspects: the internal as opposed to the external. I think the seriousness of this particular disclosure calls for complete independence.

I know that there are some cells, some units, within government where you would have a half-a-dozen people and it is very, very difficult for one of those six, for example, or one of those four, or one of those seven who have worked together very closely perhaps for a period of time – it is so difficult for an employee to just turn around and go to one of them, in many cases, what they consider to be their family and talk about a particular wrongdoing of a third party or of the party themselves. That is why we are introducing this. If it is anything less serious, I am sure that they could probably work it out amongst themselves.

This calls for an independent where you can step out of where you are, go to a place where you are going to get total independence, assessment, advice and so on and so forth. That is most important because of the seriousness of the nature of this wrongdoing.

It is not going to be a trivial thing, I can tell you that, as someone who sees something they need. This one stream or this one mechanism, that is where I would be. I think in other jurisdictions they found that would be the best route to go. Not only that, but that independent mechanism is our Citizens' Representative.

I have already heard that gentleman talk about how they are prepared for this, how they are looking forward to this, how they do have right

now, they feel, the resources to deal with this. What better place and what better office to deal with this very, very sensitive matter of an employee within a certain unit or department talking about some wrongdoing that they have witnessed that they need to have addressed?

Thirdly – and let's be honest; as much as you have the independence of the Office of the Citizens' Representative, as your outside the work situation, there is an investigation that takes place. Let's be honest if you look at the numbers that are used, a small section here, a small section there, it might become quite obvious and, in many cases, it will of who the whistleblower is.

Once that happens then, just by the very fact that there is knowledge of it there may be in some indirect or direct reprisals against that individual. It is all right to say that we will protect you, but we cannot give 100 per cent guarantee; nobody can. If the identity becomes obvious, there may be individuals or an individual who within that work unit will look for reprisals. It might be a look. It might be some verbal communications that would suggest abuse.

It is also very important, if that is there, the pillar is if that happens there is somewhere else that the individual can go for further protection. Of course, you have to look for a second independent body, and the labour council would be again an independent body who knows how to deal with labour-related matters, as this would be, and could address the necessary compensation, action plan or whatever that is required to allow this individual, this public servant, as someone who has talked, who had the courage, because it is going to take courage. I do not care what it is, I do not care what type of wrongdoing or whatever, it takes a lot of courage for somebody to stand up and say: This is not right. The labour council can then, as an independent body, assess the situation and make sure what is necessary to be done is indeed done.

Of course, Opposition parties and government parties, no matter who we are or on what side of the House, guess what? It always comes down to the details. That is where we have to look. I like the detailed part of it because there is a single disclosure process that eliminates

cumbersome administration and paper trail. You have one independent office dealing with this, and from what it is to where it should go. Basically, it eliminates that discomfort and that apprehension an employee might have in having to go to their supervisor, their director, or whoever. I like, again, the independent body in the Office of the Citizens' Representative as well as the Labour Relations Board.

I think there are seven provinces and the feds who have this legislation in place. I think we, as a government, have done enough of the comparative analysis to know what is best for this Province of Newfoundland and Labrador. Is it exactly the same as all other jurisdictions? No, and I would not want to be, I say, Mr. Speaker – I would not want it to be.

Our population is not a great population of 500,000-plus people, but I believe we as a government have done a good job in making sure we are as a jurisdiction doing this, but secondly that we are taking the best we have seen across this Nation, federally and provincially, and incorporated it into a bill. I believe we have cut the cloth to fit the job.

We are focused on wrongdoing, not routine operational or HR matters. That is obvious, I think. When you are dealing with HR, we have unions and so on, and we have this, that, and the other thing, but we are focused where we did. As I already pointed out, MUN is exempted because we believe their program takes care of it. We do know that Cabinet confidence is again protected, that hallmark of democracy that obviously allows our Cabinet to function in a democratic manner in which they should. The accountability – I know some are questioning the accountability. When I look at the Speaker and the Chair and know that this Legislature has mechanisms that would insist on reports being brought in and made public in the most opportune way, I am very, very comfortable.

Mr. Speaker, in closing, I certainly am very supportive of this bill. I know that both Opposition Parties believe in the principles that we are putting forth. I would encourage them to continue to bring forth their concerns. Because in the end, we want, as we do with all of our legislation, it to be the best in not only this Province of Newfoundland and Labrador, but we

as a government would want it to be the best in the country.

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: I believe, Mr. Speaker, we set the table and it is up to us here in this Legislature now to go forward with what I believe to be a very important initiative from this government. We have listened and we have acted. Here is Bill 1; take it as it is.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Verge): I recognize the hon. the Member for St. John's South.

MR. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, I do not think there is any argument from anybody on either side of this House that whistleblower legislation is needed. It is a long time in the making. It was promised several years ago by government and I think everybody will be happy to see the day that whistleblower legislation is finally brought into effect. There are some concerns with it and I will get into that, but I will say that whistleblower legislation is certainly a long time in the making and long overdue.

After years of waiting, we finally see the legislation brought to the House of Assembly. There has been some debate and I think some very good suggestions by members on this side of the House on how this legislation can be improved.

Public servants have wanted this for a long time, Mr. Speaker. I know in 2007 House of Assembly employees were protected under similar legislation or clauses as a result of Justice Green's report, but public servants have wanted this particular legislation for some time. Public servants know that there is wrongdoing from time to time within government, either at the departmental level or politically and they want to see an ability to be able to inform the public of when a wrongdoing is taking place.

If that had happened, Mr. Speaker, maybe what happened back in the early 2000s where we

needed to see Justice Green come in and make the changes here in the House of Assembly, maybe that would not have happened. Because there were bureaucrats who obviously understood and saw that there was some wrongdoing and that needed to be corrected. So, it is needed. Public servants now want the same protections and the same rights that certain members of the staff of the House of Assembly currently have.

I do have some questions, and I know that based on this legislation we are going to potentially see an increased workload for the Office of the Citizens' Representative, but we do not see any increase in the budget in the Office of the Citizens' Representative for an anticipated increase in workload. If there is work referred to the Office of the Citizens' Representative, is that going to be covered under a special warrant? It will have to be. We will have to bring a special warrant to this House to cover any additional work that their office cannot afford to undertake because they have seen no increase in this year's budget.

That is one example, and I know that we are still deliberating and debating the Budget, Mr. Speaker, but it is certainly one example where we could see an improvement to this legislation by means of increasing the budget for the Office of the Citizens' Representative.

The act comes into force on July 1, Mr. Speaker. So, clearly, what you have is April 1 is the new fiscal year, you have all of April, all of May and all of June that the Office of the Citizens' Representative would not see an increase in work; but as of July 1, you have nine more months that the Office of the Citizens' Representative could potentially see an increase in workload.

Mr. Speaker, if a member of the public service were to blow the whistle to the media, for example, rather than making a written complaint to the Office of the Citizens' Representative, would they be protected? I am not clear under this legislation. In fact, I do not think they would under this legislation. It does not specifically outline that, but I do not think they would be protected under this particular piece of legislation if they were to speak with the media.

So is that something intentionally that the legislation has left out? Are we trying to discourage members of the public service from speaking to the media if there is a wrongdoing? Do we want them specifically to go in writing to the Office of the Citizens' Representative?

Mr. Speaker, the Citizens' Representative is not required to investigate complaints that are considered frivolous or vexatious, and they say that such complaints could damage the reputation of those being named. So, safeguards will be needed to ensure that reputations are not damaged unnecessarily.

If somebody has a beef with a manager, a director, a deputy minister, or a minister, for that matter, they could make a frivolous complaint to the Office of the Citizens' Representative. We do need to ensure that if such a complaint is made, that those who are in positions of authority are protected, if it is proven and if it can be shown that is a frivolous complaint, that the reputation of somebody is not damaged simply because somebody has a beef with them. We need to look at the legislation and we need to ensure that the legislation is a little bit stronger in those regards to ensure that we do encourage people to come forward, we do encourage people to make the complaint if they see a wrongdoing, but we also need to ensure that people are protected against frivolous complaints or vexatious complaints.

Mr. Speaker, clause 4 of the act only applies to wrongdoings that occur after July 1 of 2014. What about issues that happen prior to July 1, 2014? I will give you a prime example; we are talking now about Humber Valley Paving. I am not going to say that I have evidence that could be brought forward, but that is something that has been hotly debated back and forth across this House. There are different opinions on that particular issue, so it is a fine example. If this legislation comes into force, it comes into force July 1. Something such as Humber Valley Paving, if a public servant is aware that there is a wrongdoing with that cannot come forward with it.

There are other cases, Mr. Speaker, where public servants would not be able to come forward if they have a concern or a complaint of a wrongdoing that happened within government

prior to the July 1, 2014. What about ongoing issues and events that have taken place prior to? It does not protect anyone who makes a complaint about something that happened prior to July 1, 2014.

I think that is a weakness in the bill. I think that is somewhere that we could look at improving this bill, Mr. Speaker. I would say that we should look at putting in place going back to when the legislation was promised, ensuring that as of the time the legislation was promised, people have the ability to come forward and say that something happened, something went wrong within government. We should amend that, Mr. Speaker. The act should also apply to any reports of wrongdoing which take place after this comes into force. We do not provide any post facto blanket amnesty for events that happened prior to.

Mr. Speaker, under clause 8, disclosures must be signed. There is no provision for a valid anonymous disclosure or complaint. While I understand to a certain degree the need for that, at the same time, on the same token, the other side of it, there is perhaps at times a need for an anonymous complaint because of somebody's connection to the person they are complaining about within a department or the sensitivity involved. I would say that is something that should be looked at, whether or not it was overlooked. I think we should look at and maybe put in clauses that would say under certain conditions an anonymous complaint may be made.

"The identity of an employee making a disclosure" – under the current legislation that is being proposed – "shall be kept confidential to the extent permitted by law and consistent with the need to conduct a proper investigation." There is no absolute guarantee of anonymity. That is the concern with what I am raising, the fact that there should be certain cases, certain conditions clearly outlined where an anonymous complaint can also be made.

Mr. Speaker, you look at solicitor-client privilege here, the act authorizes the disclosure of "information or documents that are protected by solicitor-client privilege." There is a concern here as well. It provides a very broad protection and exemption of text reviewed by government

lawyers giving what I would call blanket protection to legal documents covered under solicitor-client privilege. Therefore, the same problem as Bill 29 and associated rulings where we see under Bill 29 there are certain things protected because government consider them to be client-solicitor protected.

Under clause 14(2) "An investigation shall" – and this is an important word, shall – "be conducted as informally and expeditiously as possible." Essentially, the legislation forces investigations to be conducted informally; it could perhaps weaken an investigation because it is an informal investigation. It does not permit any other option to require the investigation to be a little more formal, shall we say. There will be lots of unrecorded conversations if it is informal; no evidence to put forward should something be found to be truly wrong and the complaint that was brought forward substantiated. I am not sure if I am comfortable with the fact that they should be conducted as informally as possible, leaving no paper trail at all in the event that a complaint is deemed to be a very legitimate complaint.

Mr. Speaker, clause 15, the Office of the Citizens' Representative might refer the matter to another agency, if that agency is deemed to be more appropriate; for example, the Commissioner for Legislative Standards, if it relates to a member of the House or a minister. Depending on what the Office of the Citizens' Representative deem to be appropriate, they may refer that to the Commissioner for Legislative Standards.

Again, we do not see any increase in the budget or funding for the office of the commissioner's interest or legislative standards. If a complaint were referred there, depending on the magnitude of the complaint, the level of investigation that would need to be carried out, the type of work that would need to be done, there would have to be an increase in the budget for the Commissioner for Legislative Standards, but there is nothing here.

Mr. Speaker, the Office of the Citizens' Representative merely makes recommendations in this report. Those recommendations would go to a department or to the deputy, or to the person involved. If nothing is done, they merely

make another report; send off another report to the same individual. So, I have to wonder whether or not the act lacks teeth in that regard.

There seems to be no consequences for a public body or an individual if the Office of the Citizens' Representative makes a recommendation and that recommendation is not carried through. If there is no action on that recommendation, we see nothing done as a result, what happens then? There are no provisions laid out in this legislation to identify what the next steps are.

Mr. Speaker, clause 19, "When making recommendations, the citizens' representative may request" – again, may as opposed to shall – "the appropriate department or public body to notify him or her, within a specified period of time, of the steps it has taken or proposes to take to give effect to the recommendations." The concern here is the fact that they may. This really, in my opinion, should be shall, because if they may request the appropriate department or public body to report back, that does not mean they have to. It does not even mean the Office of the Citizens' Rep has to make that request.

I think there are some areas of this that could be strengthened. We all like the fact that there is whistleblower legislation. It is something the people of the Province have been looking for, that the public service have been looking for, that members of the House have been looking for, and it is something that was promised, Mr. Speaker, several years ago.

I do not think you are going to get any complaints on the fact that this legislation is on the table, but there are some areas in this legislation where there are concerns, there are weaknesses in the legislation, and we would certainly like to see that legislation improved, Mr. Speaker.

Thank you very much.

MR. SPEAKER: The hon. the Member for Bonavista South.

SOME HON. MEMBERS: Hear, hear!

MR. LITTLE: Thank you, Mr. Speaker.

I am delighted to rise in the House today to speak to Bill 1, this very important piece of legislation. I have listened to some of my colleagues speaking to Bill 1 and how important this piece of legislation ties into the workplaces and employees within the workplace.

This government is very serious about Bill 1. We recognize how important Bill 1 is to the workers of Newfoundland and Labrador.

In relation to some of the comments made from some of the members on the opposite side, they realize how important this piece of legislation is as well. It looks like we all feel the same way. That a piece of legislation like this Bill 1 is certainly going to make a difference in relation to employees and how they feel about actually bringing forward a concern in the future.

This legislation represents a great step forward towards increased openness and transparency in government by ensuring that those who work in the public service can freely report legitimate wrongdoing or gross mismanagement of taxpayers' dollars, misuse of government assets or other types of serious and significant wrongdoing that could be occurring within our public service.

I am going to speak about other jurisdictions in Canada, places where whistleblower legislation has been brought forward, Mr. Speaker, and how it ties into what we are doing in this Province of Newfoundland and Labrador. An employee can feel free to make these types of referrals under this act without fear of reprisal. When I was part of the briefing, I picked up some very key points in relation to this piece of important legislation. I would like to commend the department officials from Justice and Municipal Affairs in doing an outstanding job and giving us a great briefing so we can come to this House of Assembly and speak on this very important piece of legislation, Bill 1.

I would like to take this opportunity to highlight the experience of other jurisdictions in Canada and how this legislation compares. Newfoundland and Labrador will be the seventh Province to introduce whistleblower protection legislation as currently Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan,

and Alberta, as well as the Government of Canada has such legislation in place.

We are not the first, and yes, we did take a little bit more time. Also, by taking more time, we can make changes on behalf of the workers and the workplaces of Newfoundland and Labrador to make improvements, Mr. Speaker. That is what we are intending to do with this piece of legislation.

This bill largely echoes many of the major provisions found in the legislation of other provinces, like I said, but we believe it has improved on the very important aspect of this type of legislation. Mr. Speaker, in consulting with other provincial colleagues across the country, we have determined that Newfoundland and Labrador's whistleblower legislation will be differentiated from all other provinces by the existence of a single disclosure route. The use of such a method means that all complaints of wrongdoing are solely reported to and investigated by the Citizens' Representative.

The difference is significant, Mr. Speaker, as our provincial colleagues advised us that the commonly used dual disclosure route represents two key challenges. First, the dual disclosure route requires the investment of a significant amount of time and financial resources, particularly with regard to ensuring consistency across all departments and public bodies and the provision of ongoing training to employees tasked with receiving and investigating disclosures. Secondly, the public service employees may be unwilling or hesitant to disclose information regarding wrongdoing to a supervisor or chief executive without assurance of protection.

Mr. Speaker, it is for these reasons that the Government of Newfoundland and Labrador has decided to use a single disclosure route to the independent Citizens' Representative so that employees in the public service may freely report legitimate concerns of wrongdoing, in keeping with the act, without fear of reprisal and receive clear and consistent guidance when they do so. In addition to this, Mr. Speaker, the Citizens' Representative and the employees of that office are already well trained in such matters, thereby limiting any additional financial burden on the Province – and this is an issue that

the Opposition highlighted in relation to the cost and so forth.

With regard to the definition of wrongdoing, the legislation is the same as that of other jurisdictions in Canada. Within the proposed bill, a wrongdoing is considered to include any act or omission that is considered an offence under provincial or federal law regulations; an act or omission that creates a danger to the life, health, safety of a person or to the health and safety of the environment that may be considered outside the dangerous characteristic of their job; gross mismanagement, particularly of taxpayers' dollars and public assets; advising someone to commit a wrongdoing as outlined in the act.

Mr. Speaker, the types of discipline to be administered to an employee who has committed a wrongdoing as outlined in this bill is similar to that of most of other provinces in Canada that have this type of legislation. An employee who is found to have committed wrongdoing is subject to disciplinary action, such as termination of employment as well as any additional legal punishments. Again, with respect to what is required when a person makes a disclosure under this legislation, the content of that disclosure is similar to jurisdictions all across Canada. In that disclosure there must be a written proposal, include a description of wrongdoing, include the name of the person alleged to have committed or to be about to commit the wrongdoing, reinforce the date it occurred, and indicate whether the information was previously disclosed and a response received.

Mr. Speaker, another important feature of Bill 1 is that it not only authorizes the Citizens' Representative to provide advice to accept disclosures and discuss the conduct of the investigation, but it also allows him or her to facilitate resolution of matters informally. This is another aspect of this legislation where we are aligned with the other jurisdictions and by taking more time to actually evaluate and consult with other jurisdictions, this allowed improvement to this piece of legislation that is very important to us all in this Province.

We feel it is very important to allow for informal resolution mechanisms while at the same time

ensuring that the formal procedures exists. By allowing this flexibility, the Citizens' Representative can make the determination as to how best to proceed in these matters.

Mr. Speaker, provinces with this type of legislation use various entities to consider complaints related to reprisals. This proposed bill will designate and empower the Labour Relations Board as the entity to handle such complaints here in the Province of Newfoundland and Labrador.

Some provinces such as the provinces I mentioned earlier, and in particular Alberta and Saskatchewan, investigate reprisal complaints similar to disclosures; however, in Newfoundland and Labrador, the Labour Relations Board possesses numerous tools to rectify complaints and, therefore, offers the most appropriate means for dealing with reprisal complaints.

Mr. Speaker, I have highlighted just a few of the main components of this very important bill so as to demonstrate that we are not only building upon that which has been established in other provinces, but we are also being innovative in our single disclosure process.

I listened to the member earlier, the Minister of Municipal Affairs and who is responsible for this legislation. I listened to some of the answers and comments that he made and I am delighted to be able to stand in this House and speak to this bill, such an important bill, and support this bill. A bill that will go down in history as an important bill to all workers, to the Labour Relations Board, to employers, and to work sites all over Newfoundland and Labrador.

We believe, as a government, that we proposed a strong legislative framework for public interest disclosure and whistleblower protection for the employees within the public service of Newfoundland and Labrador.

The act contributes to increased accountability and integrity within the public service at a minimal cost and ensures that the Government of Newfoundland and Labrador continues to work towards being more open and transparent. This government has definitely listened to the people of the Province of Newfoundland and

Labrador in relation to this very important bill and how we should introduce the bill and include legislative framework that is very important to the work sites in Newfoundland and Labrador.

I would like to take a minute just elaborate a little bit more in relation to the Labour Relations Board and how it ties into the legislative framework of Bill 1 that is being discussed in the House of Assembly as we speak, Mr. Speaker. Like I said, it is a delight to be able to get up and have a discussion on this very important bill, Bill 1. Some of my colleagues on the other side are actually shaking their heads and agreeing that this whistleblower legislation is very important, and I definitely agree. I agree and it is encouraging. I will continue to speak on important pieces of legislation like this in the future as it ties into the Province and how important the type of work and commitment this government is actually doing on behalf of the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. LITTLE: I am certainly delighted, Mr. Speaker, to be part of a government who listens to the people of Newfoundland and Labrador, will continue to listen to the people of Newfoundland and Labrador, to be able to bring in whistleblower legislation at a time in our history, and to know that this legislation is an improvement in relation to what legislation has been brought in, in other provinces than Newfoundland and Labrador. I am certainly proud to be able to stand in the House and make that comment, and this government will continue, like I said, to listen to the people of Newfoundland and Labrador.

This bill vests significant authority and responsibility in two key independent offices: the Office of the Citizens' Representative and the Labour Relations Board. Successful impartial implementation of this legislation is being largely placed within the mandates of these entities. Mr. Speaker, this translates into key accountabilities for each of these offices and we have faith and trust that they have the skills and abilities to effectively implement this legislation.

The Office of the Citizens' Representative is well positioned to provide advice, accept disclosures, and investigate wrongdoing within the public service as outlined in Bill 1. The office already provides a Province-wide Ombudsman service on behalf of the citizens of this great Province. The office was established back in 2002 and is an independent office of this House.

Mr. Speaker, the primary work of the Citizens' Representative is to accept complaints from citizens who feel they have been treated unfairly with respect to their contact with government offices and agencies. The Citizens' Representative and his or her staff mediate citizens' complaints where informal mediation is not possible. The office can undertake an impartial and unbiased investigation, and this is important – an impartial and unbiased investigation.

This act will provide for the Office of the Citizens' Representative to act as the single independent body which will accept disclosures and investigate wrongdoings in the public service. The office will be given the power and the responsibility to conduct this work consistent with the powers and authorities contained in the Citizens' Representative Act, which is already in fruition.

Mr. Speaker, the House of Assembly Accountability, Integrity and Administration Act already names the Citizens' Representative as the investigator for public interest disclosures related to the House of Assembly. Therefore, the office is currently responsible for a role similar to that in the proposed Bill 1 legislation and is well positioned to take on this broader role.

The Citizens' Representative and the staff of that office have been in contact with other jurisdictions as well to ensure they stay on top of trends and best practices across the country as they carry out their work related to public interest of the House of Assembly in Newfoundland and Labrador. Mr. Speaker, it is very important that we provide legislation like Bill 1 to the people of Newfoundland and Labrador.

I would like to conclude. My time is up. I can speak on this bill for another probably sixty minutes or so, but time is up. I commend my colleagues on this side of the House for taking such great leadership.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

I recognize the hon. the Member for Carbonear – Harbour Grace.

SOME HON. MEMBERS: Hear, hear!

MR. SLADE: Thank you, Mr. Speaker.

It indeed gives me a great pleasure to stand here today on Bill 1, the Public Interest Disclosure and Whistleblower Protection Act. Mr. Speaker, this piece of legislation that Danny Williams promised in the 2008 Throne Speech to bring in during his term in office, but that promise was broken. That promise came after a 2007 review of the Province's Legislature by Justice Derek Green. In his review report, Green recommended a law under which public servants "without fear of reprisal, [could] disclose others' improper or unethical behaviour."

Former Premier Williams promised at a campaign stop in Carbonear on October 6, 2007, "Williams pledged that his government would implement whistleblower laws in the first session of the legislature after the election. 'We'll get that on at the very earliest opportunity'". This is what was said, "The very first session of the House that we have, that's something we'll have a look at."

MR. LANE: Seven years ago.

MR. SLADE: Seven years ago, Mr. Speaker, I might add.

Of course, we have called for this legislation numerous times, as well as NAPE, but the same government members who sit here today supported Justice Minister Felix Collins when he said: it will not be enacted until we are perfectly comfortable that we have the best piece of legislation moving forward that we can get.

MR. SPEAKER: Order, please!

I remind the hon. member that it is unparliamentary to refer to sitting members of the House by their full, proper name. You can refer to them by their district or their portfolio that they hold.

The hon. the Member for Carbonear – Harbour Grace.

MR. SLADE: Anyway, Mr. Speaker, I do apologize, indeed.

Mr. Speaker, it took seven years to implement this piece of legislation. It is long, long overdue. Mr. Speaker, we are looking at this in a very favourable light. I am sure there are some changes, some tweaking on it I am sure needs to be done.

Mr. Speaker, the only thing about it, and I have to say this, is this piece of legislation looks an awful lot like the whistleblower legislation in New Brunswick. So, I am kind of concerned about that part of it.

Mr. Speaker, government's inactions on this were condemned by a group call FAIR, Federal Accountability Initiative for Reform, which promotes integrity and accountability within governments across Canada. So, again, it is about making people accountable. We are certainly glad to see that part coming across here.

If I may, the overview of the legislation, there are four pillars. Employees may disclose a serious or significant wrongdoing without fear or threat of reprisal. The Office of the Citizens' Representative will have power and authority to receive and investigate allegations of wrongdoing and publicly report findings. Three: anti-reprisal protection for employees who disclose wrongdoings. Four: the Labour Relations Board to hear complaints and award remedies including reinstatement for reprisals against whistleblowers.

Now, Mr. Speaker, at no point in time should anybody who sees something of a wrongdoing, should have anything said to them or anything else. How are you going to get people to come forward if they are not allowed to do just that.

As I said, Mr. Speaker, Newfoundland and Labrador is the seventh Province to enact whistleblower legislation. This is following Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, and Nova Scotia.

Mr. Speaker, I would just like to add to that note. The Province of Newfoundland and Labrador, there are wonderful people in this Province. We have some of the smartest people around, who sit around these tables in this House. I do not understand; why can't we – as the Province of Newfoundland and Labrador - why can't we be leaders instead of followers? That is what I would like to add. We have so much talent in the Province.

The Member for Harbour Main is over there having a little crack at me, Mr. Speaker, but I am pretty tough and durable. Since I came here I have a skin on me as thick as an alligator. I would just like to say that, Mr. Speaker.

Whistleblower, why is it important? Many public service scandals have come to light in Canada over the past several years. A few notable examples are: the tainted blood scandal in which 60,000 Canadians were infected with Hepatitis C, many of them fatally; the gun registry scandal, in which the program with a budget of \$2 million spent \$1 billion without authorization or reporting of the cost overruns. I could go on and on. Any time, like I said, this kind of stuff goes on, the public has a right to know and it would be great for this to be recognized.

Mr. Speaker, if one were to blow the whistle to the media, for example, rather than make a written complaint to OCR, would they be protected? It seems not. Is this the way to control people speaking out? People have to be given that protection. Of course, with this bill, Bill 1, it does exactly that: it gives them somewhat protection.

When I went over to look on clause 8, disclosure must be signed. I take note on the bottom part of this, there is still no guarantee of anonymity. That concerns me a little bit. When people are prepared to come out of their comfort zone and to do the whistleblowing, at all points in time they have to be protected, Mr. Speaker. It is just not right.

Mr. Speaker, there is nothing in this act that authorizes the disclosure of information or documents which would disclose the deliberations of Executive Council or a committee of Executive Council, or information on documents that are protected by solicitor-client privilege. You cannot disclose deliberations of Cabinet. Justice staff indicated this is not quite the same as Cabinet confidence.

Can the minister flesh out how deliberations of the Executive Council differ from Cabinet confidence? It has to be well defined on exactly what this piece of legislation does and how they deal with the different issues after this bill gets Royal Assent. I am sure every issue would not be taken care of in that bill.

Mr. Speaker, OCR merely makes recommendations in the report, and if nothing is done, they make another report. There seems to be no teeth to the legislation; there seem to be no consequences for a public body that does not act on recommendations made by OCR. Again, what I have just reflected on is they are going to have to make sure, of course, that each and every scenario is addressed to make this bill something really worthy, and make the people in the Province of Newfoundland and Labrador very proud that they have this bill.

Mr. Speaker, in clause 19, “When making recommendations, the citizen’ representative may request the appropriate department or public body to notify him or her, within a specified time, of the steps it has taken or proposes to take to give effect to the recommendations.” Maybe there is some wording that needs to be tightened up in this bill instead, like say shall. It is just small things, but it is important things to people who are going to be out there. At all points in time, we have to make sure they are always protected.

Mr. Speaker, administration and the effective date – the Minister Responsible for the Office of Public Engagement will administer the act with any regulations. The act will come into force July 1, 2014. It applies to employees in the public service, government departments, and public bodies such as Crown corporations, school boards, Workers Compensation, and CNA. I take note that MUN is not included in

the act since it is covered by its own whistleblower legislation, which is fine.

Mr. Speaker, if we are to put some teeth into what we are doing here, I think probably that it would have to go back. This is only from this period on. If you took it and moved it back to when it was first talked about, I think it would be a much, much better piece of legislation than it would be right now under that piece of information there.

Mr. Speaker, I am just going to go on another little bit. To “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 to protect those persons who make those disclosures from reprisal. The act is not intended to deal with routine operational or human resources personnel matters. I can probably understand that part of it, Mr. Speaker.

Wrongdoing is a definition consistent with other jurisdictions: an act or omission constituting an offence under the act of the Parliament of Canada; an act or omission that creates a substantial and specific danger to life, health or safety or persons, or to the environment, other than a danger that is inherent in the performance of the duties and function of the employee; gross mismanagement, inclusive of public funds or a public asset; knowingly directing or counselling a person to commit a wrongdoing, Mr. Speaker.

Mr. Speaker, the public body means– and when I go to this, there needs to be some clarity put to it, “a corporation, the ownership of which or a majority of the shares of which is vested in the Crown,” Nalcor or Hydro corporation, “a corporation, commission or body, the majority of the members...” are appointed by LGC, then LC, NLHC, Workers’ Comp, PUB, RHA, Legal Aid Commission, CNA, school boards and school districts are. So, I am not sure that certain groups are not – I guess it is probably because they are considered to be sort of out there on their own or arm’s-length of government. Again, Mr. Speaker, I do not know where all of that is coming from.

Mr. Speaker, disclosure is where an employee reasonably believes there is a wrongdoing

committed or about to be committed and may disclose to the Office of the Citizens' Representative – single disclosure process, disclosure of OCI only, unlike other jurisdictions of the HOA/AIA, no internal disclosure to the head of government departments or a public body, disclosure shall be in writing and shall be signed by the person making it, may not disclose information or documents which would reveal deliberations of Cabinet or those protected by the solicitor-client privilege.

Mr. Speaker, when the investigation is done and the Office of the Citizens' Representative – does the act apply to whistleblowers at that point in time? I am just trying to bring some sense to the legislation.

Anyway, Mr. Speaker, I am not going to take up any more time. It was a pleasure speaking to it. Certainly, there are different parts in the legislation that we tend to agree with, and of course, there is also some there that we do not agree with, so hopefully there will be amendments to this particular bill.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Minister of Justice.

MR. FRENCH: Thank you, Mr. Speaker.

It is certainly a privilege of mine to get up after listening to some of the people across the floor get up and speak to the whistleblower legislation, as it is commonly known in the House. I heard a couple of things talked about earlier that I am hoping to reference over the next couple of minutes.

I am not sure how long I will go on for, but there are a couple of points here that I believe is very, very important to make, and something that obviously the Justice department did quite a bit of work on this. Many of the officials in Justice have worked very, very closely with the office of OPE. I guess the idea of this being in OPE is that it fits perfectly with what OPE stands for – not only in this Province in the country, but

certainly internationally. So, Mr. Speaker, this piece of legislation certainly fits in there.

I think it is important, I notice that some of the criticism that has come from the hall, across the way, it has been about the length of time that it has taken. Yes, Mr. Speaker, we have taken quite a bit of time with this; we have watched it in several other provinces, how the legislation unfolded. We have even learned from some jurisdictions who have had a lot of trouble with this legislation and has not been up to par. So, we believe we have the best of it here. Many of the people who have viewed it have said the same.

It was interesting as I sat here and I was listening to the Member for St. John's South and he was talking about the time that it was taking and so on. I have to highlight it for the people at home. The Member for St. John's South was actually the Minister of Justice in 2007 when this was crafted and talked about, when Justice Green brought down his report, Mr. Speaker.

So, if the hon. Member for St. John's South was so concerned at the time, and so concerned about the timing and so concerned about the legislation, well, as Minister of Justice at the time he would have certainly brought this forward, but obviously he did not. So I have to point that out, Mr. Speaker.

MR. OSBORNE: A point of order, Mr. Speaker.

MR. SPEAKER (Littlejohn): The hon. the Member for St. John's South, on a point of order.

MR. OSBORNE: Mr. Speaker, this legislation, the same as the safer communities and neighbourhood legislation, as the other side of the House knows, when a bill is introduced there is a process it has to go through, and that hon. member knows –

MR. SPEAKER: There is no point of order.

The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. FRENCH: Mr. Speaker, I was going to let it go at that, but now I have to point it out and explain this a little further. Picture this now, the hon. member was the Minister of Justice from, I think it was January, 2007 to October, 2007.

AN HON. MEMBER: (Inaudible).

MR. FRENCH: Now, Mr. Speaker, I just heard the hon. Member for St. John's South threatening me, deciding that if I did not sit down he was going to get me down. I look forward to the hon. member's comments. I sat and listened to him patiently. Now it is my turn. Unfortunately, because of our rules of order and the way this House operates, now it is my turn to get to say the things I want to say.

SOME HON. MEMBERS: Hear, hear!

MR. FRENCH: When the Member for St. John's South gets up here and grumbles about this government being a long time bringing this legislation forward, and when the hon. member himself was in charge of this legislation and was the one who was supposed to bring this forward in 2007, Mr. Speaker, then he better expect to get retaliation. That is the point I was trying to make for our listeners at home.

Before I go on too much longer on that, I thought it was important for people to see what people can say sometimes, but there are other things that should be pointed out. That is why had to highlight the fact that the hon. member was Minister of Justice for that period of time and he had ten months. He could have easily brought this forward, Mr. Speaker. I had to point that out for our listeners at home.

Mr. Speaker, there is one thing about this piece of legislation. It brings out two important pieces, and I would like to touch on the explanatory note of the bill because I think that explains it the best. It is usually the place I go when I want to see quickly –

MR. OSBORNE: A point of order, Mr. Speaker.

MR. SPEAKER: On a point of order, the hon. the Member for St. John's South.

MR. OSBORNE: Thank you, Mr. Speaker.

I want to give the member a history lesson. The promise was in the Blue Book of 2007. Mr. Speaker, I was the Minister of Justice up to and including that time, not after. I was taken –

MR. SPEAKER: There is no point of order.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Minister of Justice.

MR. FRENCH: Mr. Speaker, I was into the explanatory note, but the Member for St. John's South, his skin is a little thin today for some reason. Usually he has skin on him like tapping leather.

I have to address that again, Mr. Speaker.

AN HON. MEMBER: (Inaudible).

MR. FRENCH: He is making insults now, Mr. Speaker. This is what you get.

Now I have to point something else out. He reiterated it was a promise in the Blue Book of 2007, and he is absolutely right, but our Justice wizard of the day, Mr. Speaker, was the Member for St. John's South. He was leading the Justice file at the time. He was the one who was coming forward with Justice initiatives for our Blue Book because he believed in them, Mr. Speaker, but if he is going complaining about time, he should have brought them to the House at that point. He was the Minister of Justice. He was responsible for whistleblower legislation.

Mr. Speaker, I just say to the hon. member, I do not mind him getting up and speaking, obviously everyone has a right to speak in this House about any piece of legislation, but he had better point out, he should point out to the viewing audiences we have across this Province that he was here as Minister of Justice and could have easily brought this forward, but he refused, Mr. Speaker, he refused.

SOME HON. MEMBERS: Hear, hear!

MR. FRENCH: However, Mr. Speaker, this is a government that is bringing it forward. It is a great piece of legislation, Mr. Speaker.

I would like to speak from the explanatory notes because when I am reading bills, that is one of the places I go often is the explanatory notes because it is usually very simple. It does not get into the details of a bill but it lays it out very clearly. In this case, Mr. Speaker, this bill does two things very clearly, “provides 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...”

Mr. Speaker, it is quite simple, if somebody working in the public service sees something they believe is illegal then they have every right to bring it forward, and they can do so without fear of reprisals, without fear of losing their job, without fear of being demoted and so on. I would just like to go on and explain a little bit over the next ten or fifteen minutes for the people here in the House and certainly give my opinion on the bill and where it is. I certainly, as I said from the start, believe it is a very good bill.

Mr. Speaker, when you are in politics and when you are forming legislation, and you are in government, or you are in Cabinet, or you are on this side of the House certainly, when you see others, in particular – obviously, there are political sides to any debate and you have strong political opinions on one side of the House in favour of one party or the other party. On this side you will have the same thing.

When you get independent people, people who are not political – they are not into it for politics. They are actually independent officers. They cannot be political. Even if they wanted to be political, they cannot. They are independent officers of the House who have the best interests of the residents of Newfoundland and Labrador in their interest. Their first and foremost interests are the residents of Newfoundland and Labrador, including the people who work in government and in these buildings.

I thought it appropriate for me to start out by quoting Mr. Fleming, who spoke to this bill and certainly will be a very important figure in this bill. Obviously, he is going to be the one, if you have a complaint his office is where you will go.

Mr. Fleming is in that chair and, I might add, doing a great job.

Mr. Speaker, to quote Mr. Fleming, this is what he said recently. Actually, it was a CBC news post on May 6. I just wanted to quote Mr. Fleming because I want to remind everybody in the House, and people listening, that this is not political. This is a gentleman who is an independent officer of this House. He has no skin in the game for this party or that party, or anybody. However, like I said, he looks after the interests of the people of the Province.

This is what he said. “I think it’s a good day for the public service... really, the best model in the country in terms of prosecuting or investigating complaints of wrongdoing,” said Mr. Fleming. There is the independent officer. This is what I would call third party endorsement, and there is nothing like it when you see an independent officer looking at this legislation in great detail and going on to say that.

He goes on to say, “...this allowed for time to look at what the rest of Canada was doing...” To paraphrase, he was saying that even though it took a little bit longer, what it did was give this Province time to look at what was happening across the country. That is exactly what we did. You will find in some jurisdictions, there were a couple of jurisdictions that had a lot of trouble with this legislation. They had a couple of real bad situations and bad circumstances; however, even the provinces that have done it recently in the last year or so have learned quite a bit. I think Nova Scotia may be the last one, if I recall correctly. Nevertheless, Mr. Speaker, they did very, very well on it.

Mr. Speaker, something else that Mr. Fleming goes on to say is this information will be confidential. You have to sign the legislation to bring it forward, but it is confidential. Mr. Fleming and his office will hold that information. They will not be out sharing it, fearing that there will be reprisals come against them. That is between that person and, obviously, Mr. Fleming in this case, who will go on and look at it.

Mr. Speaker, so you can go forward and present your case to the Citizens’ Representative, then if by chance there is some reprisal that comes

against you – if you have a director, a deputy minister, an ADM, a political person, or a Cabinet minister, a backbencher, or somebody who sits next to you, or somebody who does not like you, and because of that some harm comes to you, whether you do not get a promotion in a position, whether somebody tries to remove you from a position, regardless of what it is, then you have a chance to go to the Labour Relations Board, another quasi-judicial group totally independent of government and totally independent of the bureaucracy and the leadership in the bureaucracy. They do absolutely their own thing, and from that, from the Labour Relations Board, they will be able to lay out exactly what is to happen. They can order the person to have their job back; they can order that they move desks. Whatever they order, the government will have to obey by, whether that is leadership in the government, whether that is political people, whether that is a division, or whatever the case. Now we have two very independent groups, not only enforcing the issues, but also protecting the people who come forward. That is certainly very, very important.

A couple of things have also come up, and I have heard the Opposition say this, that they did not want single entry and that they wanted some form of double entry. I see where they are going. Where they are going, I guess, is that if you have a problem with your supervisor and you are in government, you can, okay, skip the supervisor or your director and go to your ADM or your deputy minister. If you were to do that, I think, personally, and we believe on this side, the potential for something to negatively happen to the person who is bringing that forward is highlighted. You have more potential to have something bad happen to you for coming forward, which is protecting the interests of the citizens in this Province.

That is why we have the third party totally separate from the confines of a division, or even a department, or even in government. The third party is much better with the single entry certainly than it would be having multiple entries. One of the things we talked about is confidentially. Obviously some people might want to bring it forward and would not want to be talked about in the lunchroom, if you will. This makes sure that happens, Mr. Speaker. I

am certainly supportive of that single-entry system.

Mr. Speaker, another thing I wanted to talk about – and the member for Carbonear – Harbour Grace brought this up, and I thought I would just address it. One of the things that he talked about was bringing things to the media and he talked about that you would be controlling people speaking, so people would be in fear of speaking out. One of the things we have to be cautious of, and I know members opposite are of the same mind, and I am sure we all agree in this House that we all do not get along all the time, so when you are making a statement about someone it is a pretty serious allegation. Can you imagine someone being wrongfully accused of something foolish – it could be something foolish or it could be something very, very serious – without an investigation? You could go out to the media and make an accusation about one of your co-workers, one of your bosses, or one of your employees and that could not be true; however, it would be publicized throughout the Province.

Mr. Speaker, you have to have protections for that. If there is wrongdoing, then the Citizens' Rep will follow that through right to the bitter end. The Member for Carbonear – Harbour Grace talked about how this is secret and no one will know.

I just wanted to point out and I am just trying to highlight some of the things. This is not meant to be any other way than that. I just wanted to highlight some of the things that the Citizens' Representative has to do, Mr. Speaker. It is not about hiding at all, quite the contrary. First of all, the Citizens' Rep is required by law to table a report in this House every year. That is something he has to do under the act. There is no grey area; he has no choice but to table that report.

That report includes a number of things. It includes the number of inquiries the man or woman received, the number of disclosures received, the number he has acted upon, the number of investigations that have commenced and are ongoing, and the number of recommendations the Citizens' Representative has made. He will go in and in this report he

will say what he has told other departments he wanted to do.

He also has to say whether that public body has actually acted on his recommendations. That is hardly a closed shop. That is laying it out there. That is laying it out every year how many he has had, what he has said for them to do, and if they have complied.

What are the other things? Let us assume that something really, really bad happens. God forbid, knock on wood, nothing like that ever happens. Let us say something really did happen, so much so that the Citizens' Representative of the day decided this is big stuff, this is really bad, and this is really something. He has the right then under his or her discretion – the office has the right – to publish a special report dealing specifically with that one incident.

For someone to say this is a secret process, nothing could be further from the truth. Quite the contrary, it is a very open process. That was the idea of the legislation to begin with. That was why we came forward with it. It was time; it was needed. The public wanted it, and we were listening to the public in bringing it forward, Mr. Speaker.

Mr. Speaker, the other thing he has to do as well, of course, is that office, the Citizens' Representative Office, also has to in a timely manner provide all the employees with what this is all about. So when this comes into force, it is acted upon in the coming weeks, this goes through the House of Assembly, it is signed off, and then it will come to pass. The Citizens' Representative will then go out and explain to all the people who work in these governing bodies how it works. He will let everybody know how this works and how they can maneuver through it should they ever be put in that position.

Mr. Speaker, my time is coming to a close, but I just wanted to address one other thing before I sit down. One of the other things the Opposition has pointed out is: We do not want it to start tomorrow; we would like for it to go back in time. Now, there is no necessary fear in going back in time, but the problem is that all legislation is in to the future. If you pass the

legislation today, today it is in effect and it moves on for years and years to come until someone in this House decides to get rid of the legislation. If you were to entertain the idea of going back, where do you end? Where do you go back, a year? Do you go back two years? Do you go back five years? Do you go back ten years?

I remember first when I was elected, Mr. Speaker, I was actually in the House and I had a meeting with a constituent and it was an issue that went back twenty years – almost twenty years. When I started to look into it, and unfortunately for the poor gentleman, it never did work out in his favour because many of the people who were involved had been retired from government. When I tried to do my minimal investigation, many of them had retired. In some cases, some of them had passed away, so it was very difficult to go back.

Memories fade obviously when you are working in a place like this. The notes you would have would certainly be current. You cannot go back and expect people who are retirees to keep a logbook of information for years and years to come. It is not unusual, and for anyone to make the claim and make the spin that we have to go back, nothing could be further from the truth, Mr. Speaker. That is just the way legislation works in this House and once it is acclaimed we move on.

Mr. Speaker, on that note I just want to say I think it is a great day that we are hopefully coming to the end of passing this legislation. I think it will benefit the people of this Province and in particular the people who work for the Government of Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Thank you, Mr. Speaker.

I will stand and have a few words on this here, on the whistleblower legislation. I just find it strange the Minister of Justice – and I was smiling as he was criticizing the member over

here, talking about when he was in government and talking about why didn't he bring stuff in? Mr. Minister, I just wish the whistleblower was brought in a year ago when the people from McIver's were suffering because they could not get a \$15,000 grant because some of them told me – I spoke out against the West Coast Training Centre therefore –

MR. FRENCH: A point of order.

MR. SPEAKER: The hon. the Minister of Justice, on a point of order.

MR. FRENCH: (Inaudible) chuckle here, Mr. Speaker, because if he talks to the people of McIver's he will find out they got the grant months and months ago.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: There is no point of order.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Member for Bay of Islands.

MR. JOYCE: Actually, they got it early April. Thank you for cc'ing me, though, because I embarrassed the government so much. Thank you.

I say to the Premier also, when you talk about whistleblower legislation and when you want to talk about people and why you need it, Mr. Speaker, it is a prime example in McIver's. I can tell you, when you speak to the people in the department, they talk about if you never spoke up out in Stephenville, you would have gotten your \$15,000. If you want to talk about whistleblower, that is why I would like to see some of it retroactive.

I am glad McIver's got it. I am glad I embarrassed them, Mr. Speaker; I am glad no one got fired because of it. That is a great reason we need whistleblower, how people are being denied because of other influences in government.

I just speak about the hospital in Corner Brook, Mr. Speaker, if there was whistleblower. We

mentioned here about it being retroactive for a while back, back to when the government first announced it in 2007. We talk about all the misconceptions put out there in Corner Brook about the hospital, how there were even notes sent around that you cannot speak up about what is being said and what is being done. We hear one public statement after the other of what is being in the hospital, but when you go into the functional design with the people who are actually – and when I said this here before, the functional design committee never met for almost two years but they were not allowed to publicly say it. They were not allowed because they were not protected under any whistleblower legislation.

I had to stand in this House of Assembly for a year-and-a-half or two years saying it is not true, saying that yes, they did meet, and yes, they are almost completed, Mr. Speaker, the functional design of the hospital, knowing full well it was not. The people who cared about the patients in Corner Brook, the management at the West Coast hospital, would not speak up because they were scared of being reprimanded or fired. That is why we were looking at bringing whistleblower retroactive. That is why.

When the commitment was made back in 2007, Mr. Speaker, everybody was happy. Yes, we need it, because there are wrongdoings happening in government. It is sad to say – we are all human – it does happen, but we need to protect the people who are going to stand up, Mr. Speaker.

When this legislation was brought in, make no bones about it, it was done dragging them by the heels. If you look at statements from the former Minister of Justice, dragging their heels, saying no, we are not going to bring it in. No, we will not be. There is no need of it; everything is working fine.

When you talk about the government wanting to stand up and tout about whistleblower, you have to realize, Mr. Speaker, they were dragged into this here by their feet, by their heels, because of public embarrassment. The former Minister of Justice stood in this House, and I heard him say on numerous occasions – no, it will not be brought in. Guess what? It is in here.

That is what Oppositions can do. That is what we can do as an Opposition. We can make government aware of issues that need to be brought into government, Mr. Speaker.

I say to the Minister of Justice who is listening attentively over there on this: You wonder why we want to make sure that it is done right, if there is anybody in this Legislature, if anybody in this Province of Newfoundland and Labrador wants to know why we need to do it right, Mr. Speaker, look at Bill 29. We were vilified over here on Bill 29, Mr. Speaker. We did not know what we were talking about. It was not going to happen, Mr. Speaker. A few members over there said we are just fear mongering, we are just totally fear mongering, we do not know, and everything we are saying is not true. Guess what? When they finally put the knife in the former Premier, got rid of her, guess what? They all had a different opinion on Bill 29.

What do you think of that, Mr. Speaker? I know you would never change your mind on a bill like that, Mr. Speaker, but they changed their mind on Bill 29. Every one of them over there stood up and voted for it. Every one of them over there thought it was the best thing since sliced bread, but once the former Premier was ousted, they all stood up and said no, we are going to send it out now and we are going to have it revisited because we do not think it is the best thing right now, Bill 29. That is why we need to show some flaws in this bill.

I am not saying bringing whistleblower legislation in is a bad thing. I think it is a great thing. There are a lot of good things in this bill, I will be the first to say that, but there are changes that we can make that will make it stronger. If we do not make it stronger, Mr. Speaker, we can also educate the public on what the bill actually entails.

I understand fully that as we move on in years that there are going to be changes to the bill; there are going to be changes that are going to be brought up that are going to enhance the bill. I understand that. We all understand that. Please, Mr. Speaker – and if anybody wants an example look at Bill 29, why we need and we made so many amendments to Bill 29 and they were all voted down. Now they scrap Bill 29

and have a committee out now to look at Bill 29 because it was the wrong thing to do.

That is why instead of looking at what the Opposition is stating as just always bad, always criticizing, look and see what good points are there to improve the bill. That is what this Legislature is all about, to improve the bill.

I understand we are going to have fun with it sometimes and I know we are going to play politics, and I understand that, Mr. Speaker. I teased the Minister of Justice about McIver's. The Minister of Justice wants to do the best he can for the Province of Newfoundland and Labrador; I know that deep down. I am sure he realizes that I fight for the District of Bay of Islands and I am concerned about the people of the Bay of Islands and Newfoundland in general.

We play politics, that is fine, but I would never, ever question his ability and his thought to try to improve things for the people of Newfoundland and Labrador. We differ on different approaches, on how things happen, that is fine. Personally I feel we all, as legislators, want this here to work, and work properly.

When we make some amendments and when we make some statements here, just do not take it, throw it down and say they are no good. Think about it; logically put them in the system just to see if this would work, can this work, would it enhance the bill. This is our role here as government. This is our role as legislators, Mr. Speaker, is to offer friendly amendments, give some drawbacks that are in bill, and see how we can help to improve the bill.

That is why we all need to voice our concerns, and voice our opinions. Some may be fruitful, they may get into legislation, and some may not. Every legislator here, every person here is bringing them back ideas that we are hearing from our constituents. That is what we are supposed to do, Mr. Speaker.

Just because we stand up and offer some suggestions, that does not mean we are totally against whistleblower legislation. That does not mean we are totally against it because I am not totally against this piece of legislation. I will say it honestly upfront.

Mr. Speaker, if you were here – and you were – for the five or six days that we had on Bill 29 that we were vilified, that we were told that no, we are just fear mongering. Everything that happened was going to happen and was not going to happen. We were just out playing on people's emotions and people's fears. Now we have Bill 29 scrapped and have it sent out to a committee. Mr. Speaker, not everything people in the Opposition say is incorrect; it is just not.

Let's look at it from a different approach, I say to the government. Let's look at some ways we can improve the bill for the citizens of Newfoundland and Labrador. Let's look at some ways we can say together that we made improvements to this, Mr. Speaker.

Mr. Speaker, I am going to go through for the first little while the overview we got, the briefing from the Department of Justice on this. I am going to go through the overview of it and go through some of the points. Each point has its own merit. There are going to be some suggestions that are going to be made to some of these points, and there are going to be some you agree with totally because there are some good ideas in this bill. I will be the first to say it.

Mr. Speaker, in the overview of the legislation there are four main pillars. Employees may disclose a serious and significant wrongdoing without fear or threat of reprisal. Well, I understand the intent. We all know human nature; we all know how human nature works and how it operates. If we know someone is trying to embarrass us, if someone is trying to, for some personal reason, intimidate us, trying to make us look bad in front of our superiors, or trying to assassinate your character, I understand the Citizens' Representative should not look into that. I understand that. I understand that totally, but when you look at serious threat or reprisal, it is hard to protect somebody.

I want everybody out there in this Newfoundland and Labrador – and I do not care what government it is. It could be the current government, this government, or any government. There is no 100 per cent guarantee that a person can be protected if they go and make a complaint, Mr. Speaker – not 100 per cent. We have to ensure that is diminished to the best of our ability. It has to be to the best of

our ability because we know once a complaint is made and once it is followed up on, there is going to be an investigation done, probably in the department. If it is done in the department, then people have to be asking questions. Who made this accusation? Who made the complaint? Fingers start pointing.

Mr. Speaker, what happens a lot of times is people point fingers at the wrong person. There may be reprisals from the person who actually made the complaint and others who never made the complaint but may be in just the line of fire. People in their own natural state of paranoia may start lashing out at other people.

Mr. Speaker, I am not sure how we can get without fear or threat of reprisal. If you go to the Labour Relations Board it becomes public, it becomes very public. Mr. Speaker, as we all know, human nature itself, there are always ways you can intimidate somebody without breaking the law.

As Parliamentarians, as legislators, we have to ensure we diminish that as much as possible, but I would never, ever say that any government should 100 per cent guarantee anybody that their identity cannot be done – in a lot of cases it will be, no doubt. No matter what government it is, you cannot guarantee it. I understand that government here is trying to make it very hard for whistleblowers to have any negative impact on their accusations if they are with merit.

The next one, the second pillar of the Department of Justice: Office of the Citizens' Representative would have power and authority to receive and investigate allegations of wrongdoing and publicly report findings.

Mr. Speaker, I know the minister went and spoke on this earlier, is that if there is extra funding for that office. I understand also that there is no request made yet – and I am sure I am correct on that. There is no request made yet, Mr. Speaker, because you do not know how many complaints the office is going to have. I understand that, I appreciate that.

Is there any way we can make a commitment – and I am not even sure if the House of Assembly could do it, it may have to be made through the Speaker – that if there is a need for extra

funding, that the funding will be in place? I know we are looking at down the road, Mr. Speaker, if there is a need – there may not be a need. I will be the first to admit that there may not be a need. It is not proper to put it in the legislation that the Office of the Citizens' Representative is going to investigate these whistleblower complaints, and a year later, a year and a half later, he says I do not have the resources.

Now, I am not saying that will happen, but I think we have to try to find some way to ensure, through this House of Assembly, that if he makes a legitimate claim to the House, through the Speaker, that we – any government, and we all support it – that he does have the resources to follow through. Mr. Speaker, if we do not do that and we keep the office at the same level, and we do not make the commitment that, yes, we will follow through to make sure you have the resources, what we are doing, we are saying: Yes, okay, we can have so many complaints a year, deal with it the best way you can.

What happens then, Mr. Speaker? If it does – again, I am just bringing up what ifs, because it can happen. It very easily it can happen. This is something I want government to think about, Mr. Speaker, to put in their information to say: How can we make this better? How can we handle that if it arises, because it will arise?

If the Office of the Citizens' Representative, Mr. Speaker, is at its maximum now, and we are getting complaints – some of them will take a lot of time to do an investigation. Some may need their own special investigator because of the time complexities of the investigation and the circumstances. That is something I ask the minister, that if you can find some way to put a mechanism in place to ensure that if it is needed and it is proven to the Speaker, to the House, that, yes, they do need it, that the funding will be there for the resources. That will make it much easier to support the bill.

Mr. Speaker, I heard the Minister of Justice talking about every year the Speaker has to put in his report once a year. What happened in 2011 when the House never sat that November? Then we have to wait until fifteen days after the next sitting of the Legislature. I do not know if there is some way we could put a time limit in,

that if the House does not sit in that period of time, there is some way through the Speaker it can be released to the media. That is another concern a few people have brought up. That it can extend beyond – once an issue gets beyond a certain date, then people are waiting for the conclusion of it. People are waiting for the final report, but if you have to wait for the Legislature to open it may be extended a bit longer than usual.

That is something I will ask the minister also, if there is any way to put in legislation that may help to ensure that the reports are put in a timely manner into the House, especially when you are dealing with someone who is going out on a limb to try to ensure that everything is running properly in government. It is a major risk for them. It is a concern for them.

Then if the report gets dragged out, Mr. Speaker, people are saying: Well, why are they holding on the report? Why don't they release the report? Why don't they do it so I can clear my name? Especially if a person goes to the Labour Relations Board, if for some reason, through harassment, through demotion or not getting a promotion, Mr. Speaker, it is very fundamental that if someone gets exonerated in public, then they feel that what they did was worth it. It will make other people come forth knowing they are protected and the report will be made public.

Mr. Speaker, anti-reprisal protection for employees who disclose wrongdoing; I said this in the first main pillar, Mr. Speaker. We can put in all the safeguards we like, but it will happen – it will happen. This is incumbent upon the Minister of Justice and the Minister Responsible for Labour Relations to ensure we have all the protections in place for the workers. It is very difficult to do it, but we have to ensure it. If we can do it, like I say, if they can make a complaint to the Citizens' Representative, and then if it is kept confidential, it is a greater possibility of not having reprisals.

If it is not kept confidential, as we know how things get out and sometimes in the civil service, the anti-reprisal protections, Mr. Speaker, have to be such that we can ensure, and this is something I asked the minister also to look at somehow, not only ensure because of the allegation, once the allegation is made, but in the

future. What happens, and it can happen very easily, is if someone does make a complaint, they may have the report done, they may find the wrongdoing, and in four to six months everything is fine; but after the four to six or seven months you have to try to correlate that back for making the complaint. It becomes a bit more difficult. I am not sure how the minister can try to make laws that would help out and have it documented in such a way that even after a certain period of time.

Mr. Speaker, I will get on the fourth one, and I will get another time later in committee to speak: the Labour Relations Board to hear complaints and award remedies including reinstatement for reprisals against whistleblowers. We have to ensure the Labour Relations Board does have the materials and they do have the power to do this without delay.

Mr. Speaker, I will be back in Committee to speak on this and I just thank you for the time to speak on it.

SOME HON. MEMBERS: Hear, hear!

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Environment and Conservation, that we adjourn debate at this time.

MR. SPEAKER: It is moved and seconded by the minister that we adjourn debate.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

With leave, I would like to give a notice of motion that was forgotten earlier on the Order Paper.

AN HON. MEMBER: By leave.

MR. SPEAKER: Leave.

MR. KING: Thank you.

Mr. Speaker, I give notice under Standing Order 11 that I shall move that the House not adjourn at 5:30 p.m. on Tuesday, May 13, 2014; and further I give notice under Standing Order 11 I shall move that the House not adjourn at 10:00 p.m. Tuesday, May 13, 2014.

MR. SPEAKER: It is moved that the House does not adjourn at 5:30 p.m. on Tuesday, May 13, 2014 and it is also moved that the House does not adjourn at 10:30 p.m.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Government House Leader.

MR. KING: Thank you.

Mr. Speaker, at this point in time I call from the Order Paper, Order 4, second reading of a bill, An Act Respecting Public Interest Disclosure, Bill 1.

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

MS DEMPSTER: Thank you, Mr. Speaker.

I am just going to take a couple of minutes, Mr. Speaker, to go on the record speaking to Bill 1 as well, An Act Respecting Public Interest Disclosure. We see that, "This Bill would enact the Public Interest Disclosure and Whistleblower Protection Act. The Bill would 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, we know we have been a long time waiting for this act. We see it was an election promise since 2007, seven years ago. One of my concerns, and a concern of many, is that we have been talking about this for seven years. Why has this not been retro? Anything that has happened up to July 2014, there is nothing that can be done about that. That is very concerning.

We have been hearing a lot about Humber Valley Paving. I would be remiss if I did not mention that. If there is anybody within the governing bodies who would like to talk about some of the things or their involvement, they are not protected to do so under that file where there is a lot of concern and the spotlight is on right now, Mr. Speaker. This is only dealing with it going forward from July 2014.

I do think whistleblower legislation, a long time coming, is going to serve a very important role in rural areas. In the district I represent, we have a lot of unique situations I believe are different than around other parts of the Province. I am going to mention several.

I think about Transportation and Works. I will use an example where we have clusters of employees who stay in little camps. They all exist under the same roof and they are there for turnaround periods of time. Mr. Speaker, a lot of times when you are a long, long way from main offices, supervisors, and things like that, you can see things that are going on around you, but you are sharing camps with those people. You might see wrongdoings, but up until now they were not going to speak out because there was no mechanism. There was no process in place. These people needed to know that their jobs were protected. In many cases in rural communities, if you are fortunate enough to have a government position, you might be the only one who is bringing income into that household. Those provisions were not there before.

I can think of a situation, Mr. Speaker, back three or four years ago where one person was so concerned about things that were going on that they finally did report. When it came in and it was investigated, it was really, really unfortunate that there was this tension. Somebody came in, they sat at the kitchen table in that camp, and one by one they interviewed

people. Just like my colleague from Bay of Islands was referring to, fingers started to be pointed and this is the kind of thing that prevents people from coming forward when they see wrongdoings all around them. At the end of the day, all of us pay the price for that when there is a mismanagement of public funds and things like that.

For that reason, I am really happy to see this in place. It may encourage more workers who are in rural communities and rural areas, if they see wrongful misdoings going on around them. It might encourage them; however, there is something wrong with the process, Mr. Speaker, right now, the act we are debating here with no internal process. I am thinking right now the Office of the Citizens' Representative is here in St. John's, so internally somebody would go to their manager and then that manager would go to his manager. I do not know how that is going to work.

Do we know how much more resources are going to be put in place? What about the extra funding? Do we know the cost? We probably do not know on a go-forward basis because this whistleblower legislation is just being brought in right now, Mr. Speaker. Certainly there is room here with this piece of legislation for amendments to come down.

The other thing, Mr. Speaker, is the time frame. I had a look through the act and I cannot see when somebody finally gets the courage to come forward and voice a concern they have or identify something that is a wrongdoing how long this is going to be hung up in the system. Obviously, sometimes it takes a lot for people to come forward. They maybe cannot have confidence in the system that they are going to be protected in their job. The quicker this is dealt with, the better for all the parties involved. I believe we need to see some kind of a time frame around that.

I mentioned transportation workers in particular, Mr. Speaker, and the unique circumstances many of them are in, working in clusters and alone in my district. I also want to mention the importance of whistleblower for people like nurses and nursing staff in our community clinics. We have protocols in place. We have policy. When somebody gets sick, often there is

a Twin Otter that has to be dispatched and has to come. There is a flight medical specialist team. There is work all the nurses have to do to follow protocol. The ambulance workers come. All of this happens in very remote areas. Sometimes protocol is not followed; sometimes lives are on the line because protocol is not followed. Those three or four people who are working in that community clinic might be very aware something was not followed right; yet, can I risk speaking out and lose my job? I am in a small isolated community; where am I going to find another job? Not to mention the fact that I would be remiss, Mr. Speaker, if I did not say it is a very small community and the people that you might be blowing the whistle on are the same people that you line up and get your groceries with on Saturday night. It is a little bit different than an urban area.

So we are going to have to try this bill. We are going to test it once it comes in. People will need to know that it is very confidential and that they are going to have to take time to build up their confidence in coming forward.

Also, I want to mention the teachers. There are a lot of issues in rural communities. We have many schools that have double grades and now we are getting into triple grading classrooms. The Schools Act had some amendments last fall about bullying. I think it is wonderful any time that we can bring down new legislation that is going to protect people from bullying, but again my concern around that was I did not see where there were any extra resources attached to help that being implemented in small schools where teachers are already very maxed out.

We know that we have teachers who see things that are going on around them, not only teachers, administration; but, again, everybody is there concerned about their job and sometimes they have felt that it is easier to turn a blind eye and move on. Hopefully, this whistleblower – we have been hearing people from all four corners of the Province that have been waiting for a long, long time – seven years – for this piece of legislation to come in. So we know that people are happy. They have been waiting for it. It is what we need. I believe that everybody, Mr. Speaker, will be better off in the workplace once this legislation is brought in.

We know that it is critical for employees to feel confident in the process. Again, I take it from a rural focus. It is very important when you are living in small communities and you have to work to with these – and many of them, Mr. Speaker, are family and related to each other, so they need to know that protection is there for them.

We are anticipating, Mr. Speaker, there is no doubt, that there will be an increase in the Office of the Citizens' Rep workload. We do not know what their budget increase will be.

Mr. Speaker, we see that this comes into force in July, yet we did not see any new money in the Budget. So I look forward to hearing what some of my other colleagues have to say on that; that is just some of my areas of concern.

I will just run down through, Mr. Speaker, looking at the legislation, the four main pillars. We see that in this whistleblower legislation employees may disclose a serious and significant wrongdoing without fear and threat of reprisal or retaliation. It is absolutely necessary; everybody needs to know in the workplace. That will only make the workplace a better place by bringing in this whistleblower legislation.

The Office of the Citizens' Representative will have power and authority to receive and investigate allegations of wrongdoing and publicly report the findings – publicly report the findings. Again, Mr. Speaker, we see that this just moves us more in the direction of transparency and accountability. It takes us back to the taxpayers' dollars of those publicly-funding employees. Really, it is your money, it is my money, and like my colleague, the Member for Carbonear – Harbour Grace often says, it is the people's House, and it is about managing that properly. So, again in the interests of transparency we are moving in the right direction with this whistleblower legislation.

Anti-reprisal protections for employees who disclose wrongdoing – people are not going to come forward if they feel that there is going to be repercussion for them. We already know that is why we have been calling on the whistleblower legislation for a long time, and we

have been waiting for this promise since 2007; it has been on record. The Labour Relations to hear complaints and award remedies, including reinstatement for reprisals against whistleblowers. So, hopefully, Mr. Speaker, with some of these pillars that are in place, it will encourage people to come forward and we will hear publicly what the findings were of the investigation.

Mr. Speaker, to “provide a mechanism for the disclosure and investigation of wrongdoings in or related to the public service that an employee believes may be unlawful, dangerous to the public or injurious to public interest”. Again, sometimes you might have a case where an employee knows that his buddy is helping himself to a bit of gas at the end of the day there and no one is around to see that. That is not injurious, yet that is mismanagement of funds. It is important for them to know that they can speak out and be protected. When I referenced the clinics in particular in the remote areas and all of the policy that has to be properly in place because lives are in the balance there that is where we would look at the injurious and the danger. So I am glad to see that a number of different areas are covered off here to protect those persons who make disclosures.

We see, Mr. Speaker, that the act is not intended to deal with routine operational or human resource personnel matters, and we would hope that there are already processes in place right now to help people deal with that. It is very important as we go forward that within the various departments people are educated, that they have the knowledge on what they can come forward with and what they cannot. There needs to be some PR around this whistleblower once it is brought in.

The definition, for example, of wrongdoing. We know it is consistent with other jurisdictions, and it is important to have consistencies there. It is important again for the people who might want to come forward and utilize the protection of the whistleblower act, important for them to have that knowledge on exactly what is entailed. We know that wrongdoing is defined as an act or omission constituting an offence under an act of the Legislature or the Parliament or Canada. We know that a wrongdoing could be an act that

creates a substantial and specific danger to life, health or safety of persons.

Mr. Speaker, I am really looking forward to what is going to come out of this act once it is implemented. It is very, very important. I believe that by bringing in whistleblower legislation we are only going to be moving to make the workplace better for everybody, and people are going to feel safer in the workplace. Hopefully, we are going to have a stronger handle on the public funds. Right now all of us – maybe – know of places and situations where there is mismanagement of public funds and public assets, but the people are just turning a blind eye because up until now there was no protection there.

We know that a wrongdoing is anyone who knowingly directs or counsels a person to commit a wrongdoing as set out above. Mr. Speaker, we know that the people protected here would be government departments and public bodies. Memorial University is not because I believe they have their own.

Mr. Speaker, there are lots of issues on the go right now with the College of the North Atlantic. As the provincial critic for Advanced Education and Skills, every single day I am receiving a broad gamut of e-mails, people that have concerns around the College of the North Atlantic, people who are very concerned with what is going on in some of the classrooms between instructors and students. It is anything but professional. Also, right now we see cuts coming down and we are not sure how far reaching that impact is going to be. We are being told that they are being made based on labour market information, but we already know that labour market information is very outdated.

There are a lot of concerns around things with the in-depth, publicly-funded education system within Newfoundland and Labrador. This piece of legislation will not help what is happening right now because, again, sadly this does not come into effect until July.

I can only hope that once Bill 1 is passed that people will find the comfort level to come forward and as a result of them coming forward and identifying shortcomings and wrongdoings within the system that we will end up with a

better system. Once we have a better system, that serves to benefit everybody as we go forward.

Education is a very key area. Mr. Speaker, Nelson Mandela always said education is the key with which we can use to change the world. Therefore, our publicly funded institutions, we need to know they are being run as absolute, clean, above board, professional as they can be, not where instructors are feeling the pressures and stresses so much that they are going in and raising their voices at students. Then, as a result of that, you have students quitting. Then it is like a circle, they are unemployed and they do not have an education and they are coming back around. So I can see where whistleblower legislation will certainly move to improve areas like the publicly funded college system.

Mr. Speaker, one of the other points under disclosures that I noticed was an employee may request advice from the Office of the Citizens' Representative when considering making a disclosure. I think this was very, very necessary because somebody might have something in their mind and they are not sure: Do I go and disclose that or do I not? Is it noteworthy? Maybe it seems a big issue to me but it is not. Because that provision is there, maybe after the employee has gone out and sought the advice of the Office of the Citizens' Representative they may decide they are not going forward. Maybe there will be another plan of action. Maybe they will just go to their supervisor and hope that it will be dealt with that way.

One of the things that did concern me a bit is that they may not disclose information or documents which would reveal deliberations of Cabinet or those protected by solicitor-client privilege. There are some things here that are still going to be covered; some things here that are still going to have a black mark. We are not going to know what those are, Mr. Speaker.

Overall, I am very happy to see that Bill 1 is finally on the table. Whistleblower legislation is finally being brought in, and that the Office of the Citizens' Representative will investigate disclosures received under this act. We are being told the wording in this bill states that the investigation will be informal and as expeditious as possible. Again, we do not know the time

frame. We do not know the extra resources that are going to be allocated to this, but I believe that the timing is very, very critical.

Just like we have often heard the term in the justice system, delayed justice often means denied justice. When something is brought forward and it is a very big deal right now, maybe if it is not dealt with right away, in six months' time people may not see the relevance and the importance and why that was a big issue at that time. I think, Mr. Speaker, that is something that is going to have to have a close eye kept on it as we move forward. I am pleased there is a bill that is going to ensure a right to procedural fairness and natural justice for all of the people involved.

Why is it so imperative, Mr. Speaker, also, for this act to ensure the right to procedural fairness and natural justice for all persons is because we also have to be mindful of the fact that we may have people come forward, pointing a finger at someone, and maybe that person was not guilty. That is why it is necessary for this process to be carried out in its full entirety because sometimes somebody might be finger pointing and that person did not necessarily do the wrong, so it would be wrong for them to be labeled that way.

We know the Office of the Citizens' Representative is not required to investigate where disclosure would be appropriately dealt with via another procedure or act, like if too much time has elapsed, if it is frivolous vexation, not in good faith, or not enough particulars provided. That is good, because, Mr. Speaker, we would not want this to become a cumbersome process and be held up with things that are not important or would not fall under the details of what would be considered the whistleblower of the person and there are other procedures, back to things that are operational or things that are of human resource in nature. We see that the Office of the Citizens' Representative may refer disclosure back to a department or a public body if the matter can be more appropriately resolved internally.

Mr. Speaker, I am happy to see Bill 1 come on the table and I am happy to speak to it. I believe there are some improvements that need to be made to the bill and we will work with that on a go-forward basis.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. the Minister of Municipal and Intergovernmental Affairs speaks now, he will close the debate.

The hon. the Minister of Municipal and Intergovernmental Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

It is great to rise again to speak on Bill 1 and close debate in second reading. I want to thank hon. members for participating. We had, I think, over a dozen members on each side of the House participate in the debate. There is obviously lots of interest because this is a new and very significant piece of legislation for the public service employees of this Province. I am very pleased to see there is such a great level of interest and I look forward to further discussion as we move into the Committee phase of the debate as well.

While I have an opportunity to close second reading, though, I would like to use that time to address some of the concerns that have been raised and some of the questions that have been raised. Of course, what I do not get to in the short amount of time I have, we will be able to talk more about it at the Committee stage as well.

Mr. Speaker, our decision to move this legislation forward will address the gap that currently exists in this Province with respect to mechanisms that are available to employees who have knowledge of serious wrongdoing that they wish to disclose. This legislation will afford them protection from reprisal when doing so. It is further evidence, as well, of our commitment to doing what we said we would do in a past Blue Book. It demonstrates our commitment to open government, ethical conduct, and integrity within the public sector.

Mr. Speaker, during this debate, members opposite questioned the length of time it took to develop this piece of legislation. That was a criticism that I anticipated. We have used the

last number of years to consult with other jurisdictions, to watch this legislation evolve in practice in other jurisdictions, to ask questions, to determine an appropriate disclosure process for this Province, and to ensure that the anti-reprisal provisions provide efficient and effective protection tailored to meet the needs of our public service employees here in Newfoundland and Labrador.

We have also been reviewing and researching best practices, and we have learned and gained valuable insight not only from other jurisdictions across Canada but also from our own Citizens' Representative. He currently has a similar role under the House of Assembly whistleblower legislation. He has also been monitoring and consulting with his colleagues across the country about best practices that exist in this area. That has been helpful to us as well and it has certainly informed our process.

Once this legislation comes into force on July 1 of this year, we will be the seventh jurisdiction in the country to implement whistleblower legislation. After the news conference that was held to announce this legislation, the Citizens' Representative was quoted as saying that this legislation represents the best model in the country. Mr. Speaker, this signifies that this legislation is fully endorsed by our independent Citizens' Representative. It highlights the fact that we took the proper time to do the due diligence required to ensure that this legislation is robust and meets the needs of our public service employees.

Some members have also questioned the rationale behind moving forward with a single disclosure process. So I would like to share with you why exactly we are going in that direction. With respect to the single disclosure process through the Citizens' Representative, there are significant benefits for employees. One of our objectives with respect to this legislation is to uphold the integrity of the public service by ensuring a transparent and effective process for disclosure of wrongdoing.

The single disclosure route is considered the most efficient and effective process which will allow all employees to make confidential disclosures to one independent office. That office is equipped with the skills, the expertise,

and the training necessary to conduct investigations in a fair and an impartial manner.

Employees will likely feel more comfortable with this process, given that they therefore will not be required to disclose internally within their own office or organization. We chose not to go with a dual disclosure process as that would involve internal and external disclosure, and would increase the need for new resources to be allocated for the administration of the disclosure and the investigation process. This, for instance, would require all government departments and public bodies to provide ongoing training, as well as up-to-date policies and procedures. It would also require a high level of impartiality in order to conform to the principles of procedural fairness. I think this would be tough, if not impossible, to achieve on an ongoing basis. Other jurisdictions have struggled with this approach, and we have learned from those other jurisdictions.

Under our recommended approach, employees, including supervisors, managers, and executives of the public service, will be informed with respect to the process and protections set out in the Public Interest Disclosure and Whistleblower Protection Act. They will have full and they will have complete information to make a decision on how they should proceed in the event that they become aware of wrongdoing in accordance with this act. The Office of the Citizens' Representative will ensure that employees have access to the information they need to understand the legislation, and also understand the roles and responsibilities of all parties and the implementation process as well.

Mr. Speaker, the Office of the Citizens' Representative is a single office that is independent of both the political process and government administration. The office will receive inquiries; it will conduct investigations, as outlined in Bill 1. This will strengthen the comfort level and contribute to enhanced confidentiality for employees who make or are considering making a disclosure. If there is wrongdoing within the public service and our employees have awareness of it, we want it exposed and we want it investigated. We also want our valued employees to be protected during that process, and that is what this bill is all about.

It is obvious that some employees may be reluctant or uncomfortable with disclosing significant wrongdoing if they have to do so internally to a supervisor or a deputy minister or a CEO, as would be the case if we utilized the dual disclosure process. We want to facilitate disclosures of legitimate wrongdoing in a safe and supportive environment. That is the core and fundamental premise of this bill. It is a critical component that we believe to be one of the essential components of this legislation, and it is what makes it unique from other jurisdictions.

With regard to Cabinet information – I know, Mr. Speaker, that has arisen several times during this debate – there is a requirement to protect the confidentiality of Cabinet proceedings, and that is a cornerstone of the Canadian system of government. These documents are protected by convention, common law, and legislative provisions as well. This is a principle that has been widely recognized by Canadian courts.

Democracy works best in our system when Cabinet ministers in charge of government policy and decision making are free to express themselves around the Cabinet table without reservation. The essence of the principle of Cabinet confidentiality is therefore to protect the collective decision making of ministers whereby ministers discuss issues and arrive at decisions.

It is important to note that New Brunswick, Ontario, Manitoba, Nova Scotia, Saskatchewan, Alberta, the Government of Canada, all jurisdictions that have whistleblower legislation in this country, also include this protection in their whistleblower legislation.

It is expected that employees who have knowledge of Cabinet information would also be aware of the expectation that this information is protected and not subject to disclosure. Additionally, the Office of the Citizens' Representative is knowledgeable about this issue and will provide advice accordingly.

Mr. Speaker, not only does this legislation enhance the integrity of the public service in Newfoundland and Labrador, but it has built in accountability measures to the public. The Citizens' Representative may refer a matter to the Auditor General, if he or she thinks that it is

more appropriately investigated under the Auditor General Act. The Citizens' Representative may also refer a matter back to a department or a public body if it is more appropriately resolved internally. This allows the Citizens' Representative to make informed decisions based on individual employee situations and needs and ensures that matters receive the most appropriate response.

The Citizens' Representative, as has been pointed out a number of times during debate, is required to prepare an annual report, not only prepare it but table it in this House, outlining the number of inquiries received under this act, the number of disclosures and the number acted upon and not acted upon. The number of investigations undertaken also has to be reported, the number of recommendations made, and whether departments and public bodies have complied with the recommendations.

Whether there are any systemic problems that contribute to the issues, any recommendations for improvement that should be considered, all of that will be encompassed within the reports that the Citizens' Representative will not only prepare but table in this House of Assembly.

The Citizens' Representative will also have the authority to publish special reports, which I think really addressed a couple of the concerns that have been raised during debate. If he or she deems it to be in the public interest and consistent with the scope of his or her functions and duties outlined in this act, the Citizens' Representative has the authority to publish special reports at any time. This includes the publishing of a report related to an investigation of wrongdoing under the act.

Through this debate we also discussed the issue of when this legislation will come into effect. Mr. Speaker, it is important to note that no other jurisdiction provided for retroactivity when their acts came into force, and there is good reason for that. Wrongdoing that is ongoing prior to the act coming into force and continuing after the act becomes effective can be disclosed. There is no question about that.

With respect to the comments made about retroactivity, I provide the following explanation. Generally speaking, legislation

does not include retroactive or retrospective clauses. Retroactive application of legislation is usually found in financial and tax provisions. It would not be appropriate, from a legal perspective, in this legislation that we are debating here in the House.

Mr. Speaker, I would also note that with respect to wrongdoings prior to this bill coming into force, those matters can still be investigated under a number of pieces of legislation. They can be investigated under the Criminal Code, the Environmental Protection Act, the Occupational Health and Safety Act, the Personal Health Information Act and the House of Assembly Accountability, Integrity and Administration Act. Those acts have anti-reprisal protections as well.

Unionized employees are also free to make internal disclosures of wrongdoing and to receive protection through their collective agreements. I think that is another important point to raise that addresses some of the concern that has been expressed during debate.

As well, we are all aware that the Auditor General, under the Auditor General Act, can review a matter any time there is a financial issue; therefore, there are existing avenues for serious wrongdoings to be addressed. We recognize that there are still gaps and we need to address those gaps, and that is why this whistleblower protection legislation is so important.

Mr. Speaker, questions have been raised about who is covered by this legislation and why it only applies to public service employees and not those in private sector. Well, this act is intended to protect the public interest by ensuring that wrongdoings related to the public service are disclosed and investigated. This whistleblower legislation is about public accountability and integrity of the public service for those involved in the delivery and management of public services and programs and the management of public funds and assets.

Private sector companies can certainly choose to adopt whistleblower policies to increase the integrity of their organizations and to facilitate disclosures of wrongdoing and protect employees who make those disclosures and I

would certainly encourage them to look at this act as a model for their own policies.

The act is intended to protect the public interests by ensuring that wrongdoings related to the public service are disclosed and investigated and employees are protected from retaliation if they choose to disclose. Mr. Speaker, this legislation does not require employees to disclose wrongdoings. It enables employees to make a disclosure and to feel assured that they will be protected from reprisals if they choose to disclose.

Mr. Speaker, I also wish to address the issue raised about why an employee would not be protected from reprisal action if they disclose wrongdoing internally to a supervisor or manager. The reprisal protection that was contemplated in this act is being provided to assure employees that if they make a disclosure, they are protected against reprisals as outlined in the legislation.

Mr. Speaker, a question also arose about whether or not this legislation covers municipalities. No, municipalities are not covered by the application of the act. This again is consistent with other jurisdictions in Canada. Municipalities, however, may choose to 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. I would certainly encourage municipal governments to look at that, as the minister also responsible for Municipal and Intergovernmental Affairs.

Another point that has been raised relates to the discretion provided by the Citizens' Representative to choose not to investigate if it is believed that too much time has passed between when the matter occurred and when it is reported, and that the investigation of that would serve no purpose. Mr. Speaker, I want to advise that while this bill was being drafted we certainly considered the pros and cons of including a specific time frame, and that I know has been suggested by members opposite.

For instance, Nova Scotia's act requires that disclosures of wrongdoing must be made within twelve months of an employee becoming aware of the matter. We considered including such a

provision, but we determined that allowing the Citizens' Representative to make that decision was the preferred option. It allows the Citizens' Representative to accept and investigate legitimate disclosures whenever it is felt there is a useful purpose for doing so, no matter when the employee becomes aware of the issue and reports it. We believe this facilitates and supports disclosures of any wrongdoing that occur and allows the Citizens' Representative to make case-by-case decisions on investigations rather than ruling out investigations due to the date that an employee becomes aware.

There could be a valid reason for an employee making a decision to delay making a report and we want to ensure those reports can be accepted. This is not ambiguous or vague; it is discretion that is being provided to the Citizens' Representative, which we believe and which the Citizens' Representative believes is critical.

Mr. Speaker, we have a lot of information to share with our employees so they understand this legislation from start to finish. In the coming weeks, we will ensure that all public service employees have access to information about this legislation. The Office of the Citizens' Representative will issue a news release and provide detailed information on its Web site within the coming weeks before the act comes into force with a complete update regarding this new legislation and what it means for public service employees in the Province. The Office of Public Engagement, together with the Office of the Citizens' Representative, will ensure comprehensive employee awareness efforts and education are in place.

Mr. Speaker, I see my time is winding down. I urge all hon. colleagues in this House to support the legislation we are proposing here. We all acknowledge, on both sides of the House, that we have a competent, professional public service. This government values their significant efforts, which on a daily basis benefit the residents of Newfoundland and Labrador. We really believe this legislation is the right approach in ensuring the integrity of the public service and ensuring that it remains strong. The citizens of this Province can rest assured that every opportunity to report wrongdoing is available to our public service employees.

As the Citizens' Representative stated just a week or so ago, this legislation represents the best model in the country. While it admittedly has taken some time to prepare this legislation, it is important that we get it right to ensure it meets the needs of our public service employees for many years to come.

Mr. Speaker, again, I thank all hon. members for participating in debate during second reading. It was an informed and spirited debate. I look forward to clarifying various points that may be raised during the Committee process.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is it the pleasure of the House that the said bill now be read the second time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act Respecting Public Interest Disclosure. (Bill 1)

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

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

MR. KING: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act Respecting Public Interest Disclosure", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 1)

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

MR. KING: Thank you, Mr. Speaker.

Given the time, I move, seconded by the Minister of Education, that the House take a recess for supper and return at 7:00 o'clock.

MR. SPEAKER: This House now stands in recess until 7:00 p.m.