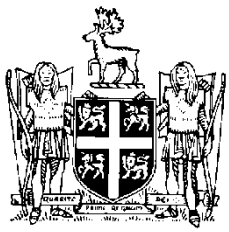

Province of Newfoundland and Labrador

FORTY-SEVENTH GENERAL ASSEMBLY

OF

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HANSARD

Speaker: Honourable Wade Verge, MHA

Tuesday April 28, 2015
(Night Sitting)

The House resumed sitting at 7:00 p.m.

MR. SPEAKER (Verge): The hon. the Government House Leader.

MR. KING: Thank you, Sir.

I call from the Order Paper, Order 2, second reading of a bill, An Act To Provide The Public With Access To Information And Protection Of Privacy. (Bill 1)

Thank you.

MR. SPEAKER: Resuming debate on Bill 1.

The hon. the Member for Humber East.

SOME HON. MEMBERS: Hear, hear!

MR. FLYNN: Mr. Speaker, I stand to announce, I guess, my support for Bill 1 this evening.

AN HON. MEMBER: I thought you were going somewhere else.

MR. FLYNN: No, I enjoy the district I am from very much.

I think the real winners in this debate and this new bill are the people of the Province of Newfoundland and Labrador, which is what this should all be about at the end of the day, but it is important I think to understand our past so we do not make the same mistakes in the future.

Someone once told me that if you do not know where you came from, how are you going to know where you are going? As a result of this and not being around when Bill 29 was being implemented at the time and put through the House, I was not here for that bill so I had to do a little research. The first thing I found out is that government has been out, since this legislation – which was presented by Clyde Wells – out patting themselves on the back for a great job on this bill.

I would like to remind the people opposite, and the government opposite, really they did not present to Clyde Wells and they really had no input into the design of this bill. It was actually the Leader of the Liberal Party who went and brought a number of motions forward and seen that they were adopted into this bill. That I am very proud of, not only from day 1 of Bill 29 – the draconian bill I think I heard someone say earlier – but the Liberal Party has stuck with this bill and saw the importance that the people of the Province should really be informed.

If we go back, why should we try to hide information from the very people who pay the taxes, who pay government to operate daily, who pays my salary and all of your salaries? It is not something we should really be proud of, Bill 29, and how it was passed.

I think the other interesting thing that may come to light over the coming months is what was hidden behind Bill 29. I think the future will determine what was hidden from the people of this Province under Bill 29. I think the jury is still out on that.

One of our first bills was introduced in June, 1981. It became Newfoundland and Labrador's first Freedom of Information Act. It came under review a short time later, but at that time both government and Opposition members of the House noted that this legislation created an important right for the people of this Province. It established a statutory regime for citizens to access information in the records of government, in government departments, and in scheduled agencies subject to certain limitations if it did not cross the line from an individual perspective. I think it is important that we remind ourselves of why we should never try to hide behind a bill. We were elected to be the servants of the people of Newfoundland and Labrador.

In the first reading of Bill 29, it is from my research I found that thirty-five amendments – I am sorry, that was not in Bill 29. The first bill that was introduced for legislation for the Freedom of Information, the Opposition at the time, which was the Liberal Party, had introduced thirty-five amendments, and thirteen of these were accepted or somehow changed somewhat, but at least the government of the day saw fit that we should not protect and hide away from what is duly open access and open government.

It took almost four years for this legislation to come into effect and then get out into the

communities and make sure that everyone was aware of the content of that piece of legislation. If you might allow me to just highlight some of the openness and transparency in 1999, the Blue Book that the provincial government, or that the PCs ran on at that time. They said they would establish a new Freedom of Information Act to reduce the wait for information, and to ensure ministers actually provide the information requested where that information belongs in the public domain.

In 2003, Danny Williams said that the PCs will stand by their commitment to integrity, accountability, responsibility, and earning the public trust. Also in that book it states: A Progressive Conservative government will proclaim new Freedom of Information legislation which will include amendments that clearly identify information that should be in the public domain, including Cabinet documents, and will require full and prompt disclosure of the information.

The book goes on to say: released to the public every government commissioned report within thirty days after receiving it, indicate the action government will take on the recommendations within sixty days, and ensure prompt and public access to all government reports in a hard copy and on the Internet

We put forward, for your information, the identical amendment in clause 8 and it was never accepted when you rammed through Bill 29, so you were not open to any changes for Bill 29.

On December 15, 2005 the Province proclaimed the Transparency and Accountability Act. According to a government news release issued the act was to ensure greater openness, accountability of all government departments. According to the then Premier Danny Williams: We are committed to ensuring government is fully accountable to the people who have entrusted us to run the Province.

The question is at that point: Where did it go off the tracks? It may have something to do with Muskrat Falls. I do not know, that is just speculation on my part; but certainly, Bill 29 did not make it very transparent and became even more difficult to get information for the people who elected us to do a job.

I know some of the speakers repeated some of the information that I am about to present to you again, but I think it is important that we listen not only to the people of the Province, but experts in the field. When Democracy Watch, which is a national non-profit, non-partisan organization, and Canada's leading citizens' group advocating democratic reform, government accountability, and corporate responsibility – just let me pick out a sentence they actually said in that.

They said: Everyone should care. Secrecy is a recipe for corruption, a recipe for waste and abuse of the public. The strongest governments have weaknesses and these weaknesses and loopholes are always exploited when government wants to hide, abuse, waste, and enter into corruption. If you do not have a strong, open government, law and enforcement systems will have high penalties for keeping excessive secrets and we will have a bad government that will abuse people, communities, and a waste of people's money. So I think it is fairly clear what experts in the field had actually thought of Bill 29.

The access fees, which have been dropped in the new bill, are something like the big game licence fees that the government just introduced. The fees could increase – specifically processing fees which jumped by 66 per cent – from $15 an hour to $25 an hour to actually access you own in information that belong to the people of this Province, Mr. Speaker.

Newspapers Canada quoted, and I am quoting from them: Bill 29 which amended Newfoundland and Labrador's Access to Information and Protection of Privacy this spring came in for popular criticism in Newspapers Canada annual National Freedom of Information Audit. Newfoundland and Labrador tightened its grip on information with new amendments that will make records harder to obtain. They said that the biggest setback came in Newfoundland and Labrador with the passage in June with the amendments to ATIPPA. The bill went further than the Cummings report had recommended, creating several new ways for the

government to refuse processing for access requests.

So all of these are quite significant because you have out there again the leading people watching over us, the Democracy Group, you had newspapers really calling us a Province with laws that were even stricter than some of the remote islands down in the South Pacific.

As I stood here this week and listened to some of the government members make arguments of why this bill is so important, I had to tap myself on the head and wonder are these the same people who actually sat up and tried to justify Bill 29. Because back when Bill 29 was introduced on June 9, 2012 the then Justice Minister said that the cornerstone of the Access to Information and Protection of Privacy Act, ATIPPA, is openness, transparency, accountability, and all of our government is committed to this important piece of legislation, Mr. Speaker.

Then the same minister went on to say this would modernize our legislation. He claimed the bill was based on consultation, research, and the best practice across the country.

As I listened to members opposite, I was kind of shocked to hear that the same people now fighting to have Bill 1 introduced and passed certainly had no argument back a few years ago to try to ram through Bill 29. The then Municipal Affairs Minister argued that the public actually does not have the right to know, everything will be on the table and every day up for scrutiny, not only of the Opposition but scrutiny of government. Imagine that, taking our tax dollars and we should not let the public scrutinize what they are actually paying for.

The same minister went on to say: I firmly believe in it because we are and have been the most transparent government Newfoundland and Labrador has ever experienced since 1949. Both the Justice Minister and then the Government Services Minister, who is now Premier, talked about receiving countless – countless – numbers of Access to Information requests somehow blocking up government.

Collins put the number – I withdraw that. The minister at the time put the numbers in the thousands. The Premier at the time was a little bit more vague: You know, they make countless and countless requests for information. Believe it or not, Mr. Speaker, when the research was done by CBC, there were 581 requests to all public bodies and for the preceding year there was even less: 579. That certainly is not the thousands as the minister talked about at the time.

Then in June 2012, the Premier said, "Mr. Speaker, I am going to tell you, this is not a bad piece of legislation. Is this tightening up some of the processes that occur? Yes, it is, but it is for the right reasons, Mr. Speaker. It is for the right reasons." Well, I am glad the people of the Province saw the light because, truthfully, this was a bad piece of legislation. I am glad that the people of the Province of Newfoundland and Labrador spoke up, saw this piece of legislation for what it was, and that was to hide information from the residents that we are elected to serve.

Mr. Speaker, before concluding on the official secrecy act, I would like to suggest to the members opposite that maybe the lesson that we should learn from this – and sometimes when the Opposition brings forward suggestions in changing a piece of legislation so we do not have to go back and spend the millions of dollars that this piece of legislation truly, if it was totalled up, would have to spend, just maybe, sometimes the Opposition has suggestions to bring forward and it would be worthwhile for the government to listen to them sometimes. If you would look at the presentation that our leader made to the commission that drew up the articles that we are about to pass tonight or tomorrow or the next day, you will find that our leader was the one who brought forward most of the suggestions that was actually in the new legislation.

I know some of the members on the other side are saying, now right; but, Mr. Speaker, the information speaks for itself.

AN HON. MEMBER: (Inaudible).

MR. FLYNN: It was something like that, Mr. Speaker. I am glad you recognize the power the Liberals have.

Thank you very much.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. FLYNN: Well, that is why, Mr. Speaker, we have to know where we came from. We have to recognize the mistakes that we have made in the past and, hopefully, as a lesson from this moving forward, when an Opposition Party brings in suggestions, changes to a piece of legislation, just sometimes we may have a better solution than you did.

Democracy is, at the end of the day, here. It is not about me and it is not about you; it is about the people of Newfoundland and Labrador, people who we were elected by and people who we are asked to serve. So, mistakes are expensive, and it is more than $1.1 million for this report; but, at the end of the day, hopefully we have it right, and this time we can move forward with an open, transparent government to serve the people of Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Member for Mount Pearl South.

MR. LANE: Thank you, Mr. Speaker.

I am glad to have the opportunity this evening to speak to Bill 1, a bill to amend or to repeal, I guess, is the word, Bill 29. Mr. Speaker, as has been said by some of the members opposite, I voted for Bill 29 and I have no problem in saying it. I notice some of the members over there did not want to say it. They did not want to say Bill 29. They talk about the previous bill, that bill, and so on, but it was Bill 29. So we are quite clear: Bill 29, Bill 29, Bill 29. That is what we are talking about, and I voted for it.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: Now, Mr. Speaker, I honestly believe –

MS PERRY: (Inaudible) Hansard.

MR. LANE: Yes, and I say to the Member for Fortune Bay – Cape La Hune, we can look at Hansard, absolutely. I am not afraid to look at Hansard at anything I have said, and I hope that you feel the same. I hope you feel the same because what you say is recorded and we have to be held accountable for what we say in this House of Assembly.

I went to the microphones over a year ago and I was accountable to the people. I indicated at that time that Bill 29 was a mistake, but I am going to say it again right here in the House of Assembly. I am going to say Bill 29 was a mistake. Unlike members opposite, who some have been hinting around it, some have not spoken at all, some have spoken to it in a very flippant manner, as I would say, I have no problem in saying I was wrong for voting for Bill 29.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: I will be accountable to the people of Mount Pearl South for that decision. I will be accountable to the people for that decision. The people of Mount Pearl South will determine – or Mount Pearl – Southlands –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LANE: – or wherever it is to. The people will decide whether or not they accept my unequivocal apology for voting for a bad piece of legislation. I am man enough to stand up here and say it, and I will challenge the rest of the members to do the same.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: Now, Mr. Speaker, I honestly believe there is nobody in this House of Assembly –

SOME HON. MEMBERS: Oh, oh!

MR. LANE: We are getting all the heckling now because I guess they just cannot take the truth. They cannot handle the truth.

Mr. Speaker, when I look at the operating of the House of Assembly and all members, I honestly

believe in my heart that everybody on all sides of the House, they were elected in their districts and they wanted to do what they felt was the best thing for the people who elected them. They honestly believe that.

I really think the members over there quite sincerely, most of them at least – I think they quite sincerely believed at the time that Bill 29 was the right way to go. I think they were convinced it was the right way to go. I have heard some innuendo about the fact that perhaps there was this big conspiracy theory out there that there was this master plan to hide all kinds of information from people.

If such a master plan existed, I can tell you I was not aware of such a master plan. I cannot speak for what might have been discussed at the Premier's Office or the Cabinet Table, because I was not there. So I cannot speak to that, I have no idea. I can only speak as a member of caucus. I was not aware of any kind of plan like that and I believe the –

MS PERRY: (Inaudible).

MR. LANE: The Member for Fortune Bay – Cape La Hune is going on again. She cannot take it; she does not want to hear it.

AN HON. MEMBER: She cannot handle the truth.

MR. LANE: She cannot handle the truth.

I honestly believe the Member for Fortune Bay – Cape La Hune, like myself, like other members who were in the backbench at the time; I think we really believed we were doing the right thing. We had our briefing, and from the information we had, we felt we were doing the right thing.

Now, it is a funny thing that happens I think when you are in government, you are in that group, and you tend to get inside of a little bubble. You get inside of a little bubble. There is this concept – I think some members might have heard of – it is called groupthink. It is a concept of groupthink. You convince yourself that what you are doing is right. Then you convince everybody within that group that what you are doing is right.

Quite often anybody who would be contrary to that, you would view those people as: oh, that is just the Opposition. They are just trying to make political brownie points; or, you hear some of these people who are bloggers or people in social media: oh, that is just these people, they are against everything. They have nothing better to do but complain about everything that happens. That is the mindset you get into. I think you can fall into that trap, and it certainly happens when you are involved in partisan politics and in a party system with a whipped vote and with that type of situation.

Now, having said that, I am not suggesting that anybody –

MR. SPEAKER: Order, please!

I have given the member some leeway here, but second reading is about the principle of Bill 1, and I would ask you to make your comments relevant to the principle of Bill 1.

The hon. member to continue.

MR. LANE: Thank you, Mr. Speaker.

Mr. Speaker, as I was referring to how we got to Bill 1 and Bill 29, I think when we look at that concept and that decision-making process and so on that happens you kind of get tunnel vision. Mr. Speaker, as a result of that I voted for it, other members voted for it, and I really believe and I know many –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LANE: I know, obviously, all of these members and I have nothing but the utmost respect for most of them. Mr. Speaker, I can say to you, I really believe they thought they were doing the right thing. Obviously, they were not listening to what the people had to say.

Now, after it was passed, I think we were hearing loud and clear what people had to say. One member mentioned, oh, I was not bombarded with calls and emails, and I was not either. I was not bombarded but I was getting some calls, some emails. Certainly, some of the people that you would hear some of the – what

is the word I am looking for? The strongest feedback – I am trying to be nice – was probably from people you did not even know, they were not from your district and so on, so maybe you sort of dismissed it.

I was not getting bombarded by people in the district but I was getting feedback, and I know other members over there were getting feedback too. They absolutely were getting feedback. I know there are members over there who wished they had not voted for Bill 29. I know there are members over there who wished this had gotten reversed sooner than it did; but, at the end of the day, Mr. Speaker, it is being done. Now we have Bill 1, and I am glad we have Bill 1. I am glad we have an opportunity to now do things the right way, put in legislation that makes sense for the people.

The other thing, Mr. Speaker, before we got to Bill 1, when Bill 29 was enforced, I do not know if we all thought that we would see all of this redacted information like we saw at the time, and when we heard about stuff that was frivolous and vexatious.

I can remember one of the ministers standing up in the House of Assembly and telling a story – it was in Hansard. I think it was the former Member for Conception Bay South, talking about this particular person who owned a piece of Crown land up in Triangle Pond, or up there somewhere. He put in a request, he wanted to know: Who owns the piece of Crown land next to me? They did their work and they told him who owned the piece of Crown land. Then he said: Who owns the piece of land on the other side of me? Then he said: Who owns the piece of land across the street? Who owns the piece of land across the road?

As he described it at the time, there had been something like sixty or seventy requests from one person wanting to know: Who owns this piece? Who owns that piece? He had no real purpose other than curiosity I suppose. At one point, he said in the story, this gentleman, apparently, must have lost all the information he had. So request number forty or forty-five was: I want to do an ATIPP on myself. I want you to tell me everything that I have asked for the last forty-five times because I lost it.

That was the story he told. When we were talking about that example – absolutely. I said, do you know what, this makes sense. There needs to be some kind of mechanism put in place to deal with those types of – that is definitely frivolous. There should be something there to deal with that.

There were other examples that were given about people making some of those requests, and it made sense. There were a lot of things that made sense.

I think we all realize that it is important to protect personal information. We have seen where there have been privacy breeches and so on that have occurred, and the chaos that causes. So it is important that we protect information.

We all realize it is important if we are trying to do deals with oil companies or companies that want to do mining operations, or whatever the case might be, but there is commercially sensitive information that has to be protected. We all realize that. So we talked about that. I agreed with that as well.

There were a number of things here. I think even former Premier Wells indicated there were a lot of good things here, but there were also a lot of things that he said were not so good. There are things that were pointed out as things that we should have listened to but we did not listen to them. I do not think there was any kind of an agenda, that I am aware of at least, but as Bill 29 was applied, we saw all these stories coming forward of all this redacted information.

One of the other pieces certainly was this concept of the Cabinet Minister, or the minister in the department, being able to have discretion to determine what should be released and what should not be released. I think maybe the intent, as I understood it at that time, was that if there was any information that reasonably should have been released, it would be released. That was my understanding.

I think what ended up happening, in certain cases – not necessarily all departments and all ministers, but the sense I got was that there were certain departments and so on where they were taking the approach of give them nothing – give them absolutely nothing. Instead of saying look,

here is a bunch of information that someone is looking for, and all this is reasonable, but there is one part here that for good reason we cannot release. I think the approach that was taken was nah, give them nothing.

So, I think the intent, perhaps, of how things were meant to go and how these things actually got applied – whether it be by the minister or the deputy minister or whoever at the time, I think that made things a whole lot worse. I think it made it a whole lot worse. Of course, as time went on and we saw more and more requests for information, we saw more and more requests being turned down, more and more requests having to be challenged, more and more often people standing up with just binders full of blacked out paper and so on, I think we realized that perhaps what the intent was, that is not exactly what was happening.

I think it needed to be changed. I think that nobody on the other side is going to stand up and admit it. Sure they are not, but I think in their private moments they would acknowledge that there were problems with that legislation that was passed and it did not go down the way that they thought it was going to down. It was not implemented the way they had envisioned.

They were getting calls and concerns and so on, and long before this happened there was a will to make changes. At the time, it was driven then by the Premier's office and the former Premier, or two Premiers ago, driven by that office that they were not prepared to make any changes. They were not prepared to repeal, and they were not prepared to make any changes. I personally requested that we do it, that we look at making some changes and it was shot down.

I know there are other members over there who wanted to see it too, but it did not happen. Now, thankfully for whatever reason that the next Premier or the next interim Premier, Premier Marshall – former Premier Marshall – he decided, for whatever reason –

MR. KIRBY: One-and-a-half Premiers.

MR. LANE: Yes, one-and-a-half Premiers ago.

He decided that he was going to bring forth this Committee to look at changing the legislation because I think he realized that a mistake had been made. He acknowledged it and as a result we know what has happened. We know the public hearings, we know the outcry that came from the people, the academics, and the media and so on, and as a result we have seen this piece of legislation.

I believe this is a good piece of legislation; I really do.

AN HON. MEMBER: Long (inaudible).

MR. LANE: It is long overdue and it is a good start, but we have more things that we can do.

I am very glad to hear the Premier talking about all-party committees and all of that stuff. He is talking about it now. We were not open to that idea either because any time that anyone brought that up it was shot down, but the Third Party raised it and the Official Opposition raised the concept of all-party committee, for example, and I think, again, it is an important thing.

It is good that we are now finally going to do it. It is great we are going to do it. You do not realize it when you are on the government side unless you have been on the Opposition side. You really do not appreciate the concepts because I think that thought process that goes through your head is – I can remember Premier Marshall saying it himself: The Opposition has their say; government has its way.

I think that sometimes that gets carried over in the thought process of we are going to do what we are going to do anyway. Despite what you have to say, we are going through with it. As a result, every time the Opposition brings forward any concerns on a particular bill – we do not see the bill until the day before, generally. It could be two days before. Usually it is the day before. They give you a twenty-minute or a half-hour briefing, whatever the case might be, now all of a sudden we have to – while government has had lots of opportunity to study the bill, do the research and so on and bring the legislation forward, the Opposition does not have the opportunity so you have to try and scramble, go through it, try to figure out what they are trying to do and have some input as to whether you think it is good, bad, right or wrong, and so on.

Lots of times Opposition and the Third Party might have some good ideas of how you could change a particular clause or so on. It gets shot down; 99.9 per cent of the time none of the amendments, none of the changes, ever go through because it is this concept we are the government, we are going to do whatever we want to do, we do not care what you have to say, and we are not going to swallow our pride to say do you know what, we never thought of that – good idea. They do not want to say it. You cannot swallow your pride and say it.

So, having the all-party committee structure, which again I am glad the government is now looking at doing, at least that gives us an opportunity to have input from all sides. So that when you come to the House of Assembly to debate a bill, like Bill 1, we can say that we all had an opportunity to review it, understand it, have input into it, and make suggestions, meaningful suggestions, meaningful input, and meaningful changes. Then when we get to the House of Assembly, we do not have to fighting and arguing about everything all the time; but, quite often, when you talk about some of the debate and the heated debate that goes on or fighting and arguing, whatever you want to call it, it is simply because it is a case of here is the bill, we are bringing it through, we are passing it as is and any time anyone speaks about it oh, you are just complaining, you are just playing politics.

We have a role to play as Opposition members to bring these concerns forward. That is what we do and that is why it should work. So I am really glad to see that members on that side now have seen the light when it came to Bill 29. I wish more of them would stand up and acknowledge it and say I am sorry, I was wrong, I made a mistake, I think the people would appreciate it; but, nonetheless, they are making the changes now. I think they are good changes. I think that it is a start. I think there are other things that we can do to improve our democratic process, and I hope that government intends on going down the same path with other pieces of legislation and change the attitude and the arrogance that has prevailed for quite some time to change that and actually get up, represent the people, and do the right thing.

In this case regardless of the motivation, regardless of what people might say, they are doing the right thing, and I am going to do the right thing by supporting it because that is the right thing to do.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: Thank you, Mr. Speaker.

I certainly welcome the opportunity to get up here tonight and, as some members say, represent the district that I represent which is the historic District of Harbour Main –

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: – and bring to the debate, I hope, some good points. I am hopefully going to stay away from the clichés. I am kind of sick of the clichés about this that and the other thing because I think it is brass tacks that we should be looking at here, Mr. Speaker. I do not need anyone on the other side, I say to the member who was just up, to tell me – yes, that is right; you can shake your head, but you do not have to try to put words in my mouth. I have been here long enough to speak for myself and I do not need you to speak for anyone on this side, especially myself.

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: Mr. Speaker, I have been here as much as anyone in this –

AN HON. MEMBER: (Inaudible).

MR. HEDDERSON: Exactly. There is a member over there probably here longer than I have been.

I certainly know all about ATIPPA. I have lived through it. Yes, I was in Opposition and I did hopefully represent my district and the Province. When I spoke, I spoke with honesty. I spoke for the good of the people I represent. For anyone

to get up and suggest that simply because I voted for a particular bill, then I am not doing my job over here – because I did do my job. I did it on Bill 29 as the hundreds of other bills that I was a part of in bringing forward in this House.

Mr. Speaker, I will say I am not perfect and I have made mistakes. I will continue, perhaps, to make mistakes. I do own up to any mistake that I would make. On Bill 29, I say to you and I say to the people across me, I went forward in voting for Bill 29 because I believed at that time it was the best thing to do. Now, am I sorry for that? Absolutely not, because I stood on my feet and what I said I believed in, I worked on the advice that I was given, and I brought it forward.

I am not ashamed of that, Mr. Speaker. I say to the people of Newfoundland and Labrador that this bill – and I am supporting this bill. Who is to say in a couple of years' time someone will look back and say ha ha, there is a part of that bill that you did not understand, and look what it has done. If anyone thinks that this bill is going to solve all the ATIPPA problems, you have your head somewhere that you should not have it, really. I hope that is parliamentary, Mr. Speaker.

AN HON. MEMBER: (Inaudible).

MR. HEDDERSON: Okay.

So let's be honest. If you are asking for honesty, let's be honest because when we look at Bill 29, that is a small part of this bill that we have here today. That was an amendment of the original bill, Mr. Speaker.

If we had to just repeal Bill 29, we would not be doing our work in this House today. I realized, as time went on, that there is more to this than meets the eye. In Opposition, you did not see as much as we did in government because guess what? We were given the task to really bring ATIPPPA into this Province of Newfoundland and Labrador.

I was on the other debates, by the way, and put up my hand. The bill was passed back in 2000, whenever it was, and not proclaimed by the way. It was not proclaimed. There were all sorts of promise. We all stood up on both sides of the House and zip-a-dee-do, we are going to make everything transparent, you know those words, accountable and so on and so forth; but it was not until 2006, I believe, that we as a government brought in – now the principles basically have not changed. We wanted, on both sides of the House, Liberals, Conservatives and NDP, we wanted to make sure that what we brought in was going to do the job and that the ATIPPA was going to be robust, timely, and so on and so forth.

If anyone suggests that there was a conspiracy – oh, gees, we are going to do this and going to do that. It is not true. That does not happen because, again, this is the House of Assembly, we have the Opposition, we have the government – and as time went on, back in 1999, getting help from the EAs in government on the Opposition side, I was doing something in the wind because it just was not happening, could not get to them, getting information – do you know what we had to depend on? Someone slipping an envelope underneath our door – a brown envelope, the famous brown envelope; we could not get any information.

AN HON. MEMBER: Kevin said do not look to the past. That is upsetting.

MR. HEDDERSON: Oh no, I do not always listen to Kevin, I say to you. I do not always listen to him.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HEDDERSON: What I am saying, Mr. Speaker, what I will say –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Member for Harbour Main.

MR. HEDDERSON: As I was saying even though I am going back into the past, it is so important that we have a realization what we were faced with as a government when we came in in 2003, trying to make sure that we fulfill the commitment of transparency, openness, information sharing and so on; but it was not easy – implementation is a key to any piece of

legislation and there were difficulties. No doubt about it. I think this bill has addressed some of those difficulties in making sure that we have the proper training, making sure everyone is aware of what the definitions are and so on and so forth.

So there were growing pains. Once that bill was proclaimed in 2006, there were some growing pains. That led to the amendments in 2011. The big part of it was Cabinet confidence and to make sure, instead of just looking at the substance of the decision making and that sort of thing, it was extended to even look at factual information and so on that could have easily have been released. That was the crux of the whole matter. It went too far.

In Newfoundland we say too cute by half, and we paid dearly for it. The funny thing about it is the consultations before that amendment, I think nine or ten people showed up in all of the Province. It was a sleeper. It really was a sleeper. We brought the bill in. There was a great opportunity for consultation, but nobody turned up. So we bring the bill in. We dig in our heels. We get it passed. As time went on, the realization was the problem was not necessarily with Bill 29 – that was a catalyst that opened our eyes that we had to return to the original bill. I am glad we did.

If we just had to tackle Bill 29, you would not have the piece of legislation that you have before you today. You would have tweeted or twirped or whatever in the hell you did with those –

SOME HON. MEMBERS: (Inaudible).

MR. HEDDERSON: Yes, we would have extended to this, that or the other thing, but we would not get back to the crux of the matter which brought us, as a Legislature, as a government, closer to where we should be. I say closer because I am not convinced that we have hit it right dead on. Implementation will tell us that.

As well, people are still bringing up the money: the million-dollar bill. Okay, so was it $1 million this year or was it $1 million next year? Because it was going to be done next year; it was going to be carried out next year. Did we spend too much money on getting the Committee and giving them the mandate and the money to carry it out? I would hope that if it was delayed until next year that that would have happened anyway.

So we have the right people, we gave them the right resources –

AN HON. MEMBER: You should have done it right in the first place.

MR. HEDDERSON: Someone said, should have done it when?

AN HON. MEMBER: Right in the first place.

MR. HEDDERSON: That is right. That tells you how arrogant some people can be in thinking they have all the answers. We do not have all the answers. If you believe that, if you believe it, you are going to find yourself spiralling because we do not have all the answers.

I have seen enough of going back over legislation, some of the best legislation that I thought in the world. A piece of legislation is always, I guess, a project in motion. It is never, never static. Look at the changes that we have seen in this the twenty-first century.

Someone mentioned, and I agree – this is a bill. We were back in the twentieth century post - modern, but we are post-post-modern right now, and guess what? We have a piece of legislation that has caught up, and I hope kicked us a little bit ahead of the pack.

I might not be around, but this bill will be amended come another couple of years. Someone will get up or someone will put forward changes that will enhance the ability of this piece of legislation to do what it intended to do. The principles have remained pretty constant. It is the hope of everyone in this Chamber that we do have it right this time. Again, having said that, we have to be vigilant in the fact of following up and making sure that we continue to do it.

I say, Mr. Speaker, I am more than delighted to stand today; I am more than delighted with the debate. It is easy to get up and point fingers and

talk about this, that, and the other thing, and not allowed to go back over things. To the people of Newfoundland and Labrador, we did our job. We did not do it as good as was expected and we have made good on our promise to go back over it. That is why we are here today.

The Opposition want to take ownership of this. God love them, they need something perhaps, but nobody takes ownership of good legislation. When we pass this bill, we will all take ownership of what we did here today. I will be very pleased and proud if indeed it does go forward. I have not heard from any of the members opposite that there is any resistance to it.

We will wait for the Committee stage. Perhaps there are some amendments that will come forward that may enhance. I am sure we are all open to it. We have already seen some bills where amendments were accepted, enhanced, and brought out. So I think that as a government we are as responsive as any government, that we do make mistakes, that we do own up to those mistakes, and that we do move on.

I thank the minister for piloting this. Not only are we talking about that but we have also, as a government, had to be a little bit inward in looking at where we are. A lot of this ATIPPA information should never have to be 'ATIPPed'. We have made provisions now –

AN HON. MEMBER: (Inaudible).

MR. HEDDERSON: Yes, we have made provisions to make sure that it is. You can laugh about it. You can make a joke about it, I do not care. I am not talking to you anyway. I am not talking to you; I am talking to the people of this Province. That is who I am talking to.

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: You can jabber all you like, but I am telling the people of this Province that this government has responded.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HEDDERSON: People say maybe you can see through me, but I would be so glad to hear that because that means I am transparent.

I say to you, Mr. Speaker, I am absolutely delighted that I can stand in support of this bill, and that we can move forward with a bill that is going to stand the test of time and that will do exactly what all of us in this Chamber wanted it to do.

I will certainly leave it at that. Perhaps the debate will continue. I am settling in for the night anyway.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Member for Trinity – Bay de Verde.

MR. CROCKER: Thank you, Mr. Speaker, for the opportunity to stand here this evening in the House of Assembly and represent the constituents of the District of Trinity – Bay de Verde and speak to Bill 1, an act to repeal Bill 29, which was likely the most anti-democratic bill in the history of our Province.

In June 2012, the government introduced Bill 29. The government, members opposite, cheered and championed this bill. Just three years later and a million dollars of taxpayers' money, we now have the do over. Today in the House of Assembly we are debating Bill 1 that is simply an act to repeal Bill 29.

I remember, almost three years ago, sitting at home and watching the debate on Bill 29 and watching the members of the Official Opposition lead a filibuster that lasted for days on a bill that gained so much traction over that period of time of people who had serious concerns. I will go into some of the concerns as I go forward in my speech.

Three years, a million dollars later, and here we are. Mr. Speaker, I find it amazing how many times over the last twelve months that this government has seen the light. They saw the light on full-day Kindergarten. They saw the

light on MHA pension reform after our leader called for it last June. Now they see the light on reform of the House of Assembly, something that our leader has long been on the record for. They have also now seen the light on long-term budget planning.

Mr. Speaker, these are all things that our leader –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. CROCKER: It is a lot of light, absolutely. I say to the members opposite, it is a lot of light, but it is a light that our leader was first off the mark with. All of these initiatives that this government has proposed over the last twelve months are –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. CROCKER: I say to the hon. Member for Terra Nova, yes, these are some good ideas, but it was our leader who first came out with these ideas.

AN HON. MEMBER: It is good to see some light after DarkNL.

MR. CROCKER: Yes. Again, I say to members opposite, after last January and DarkNL, it does not hurt to see some light.

SOME HON. MEMBERS: Hear, hear!

MR. CROCKER: Ironically, Mr. Speaker, if we go back to DarkNL, it seems to me –

MR. SPEAKER: Order, please!

I remind the member we are debating the principle of Bill 1, and I would ask him to make his comments relevant to Bill 1.

The hon. the Member for Trinity – Bay de Verde.

MR. CROCKER: Thank you, Mr. Speaker.

Bill 1, Mr. Speaker, is a bill that is shining a lot of light on some of the issues of this government. I believe Bill 1 and the repeal of Bill 29 started in January of 2014, shortly after DarkNL.

If I could take a few minutes, Mr. Speaker, and look back at Bill 29 and how it affected Bill 1, the members opposite have been saying for the last few days about openness and transparency, and that is what led to Bill 29, which brings us back here today debating Bill 1.

Just last week, in reference to Bill 1, our government is developing Newfoundland and Labrador's first open government action plan. Bill 1 is the government's first open government action plan. So after twelve years, Mr. Speaker, this government has finally developed an open government action plan. It took twelve years to get to Bill 1.

We go back to the 1999 Blue Book where the Opposition of the day promised freedom of information. That was in 1999 and here we are debating Bill 1 today. The 2003 Blue Book again states: A Progressive Conservative government will proclaim new freedom of information legislation. Here we are, back to Bill 1.

In the 2011 election campaign: We will continue to demonstrate that our commitment to accountability is unwavering. Shortly after the 2011 election campaign, Mr. Speaker, we saw Bill 29 which leads here today in our conversation this week with Bill 1.

The government members back in June of 2012, as they talked about Bill 29, the former Justice Minister, on June 9 said: The cornerstone of the Access to Information and Protection of Privacy Act is openness, transparency, and accountability. Mr. Speaker, that is again what we are talking this evening with regard to Bill 1. Three years ago and we are still talking about it.

The minister of the day and the Government Services Minister of the day, today's Premier: You know, they are making countless and countless requests for information. Mr. Speaker, the people pay for us as elected officials to be here, it is their dollar, and they have a right to know how their money is spent.

Minister Davis said at the time it is a good piece of legislation, I say, Mr. Speaker. Today's Minister of Health said: This bill actually results in government's boards, agencies and other public bodies having the ability to release even more personal information than ever before. It comes back to a comment that the Member for The Straits – White Bay North made in his opening remarks to Bill 1 when he talked about the fact that the minutes of a public library meeting that he requested were redacted. Public library minutes were redacted. It was the era of black ink. Three years of black ink leaves us here tonight debating Bill 1.

When we went through the filibuster others said, Democracy Watch: It is a dangerous, undemocratic move that reduces access to public information. The Canadian Association of Journalists: "Government work – including information – paid for by the public belongs to the public." What we do as members, what we do as ministers, what we do as elected officials, the business of this House, the people's House, should always be open and transparent to the people of our Province, I say, Mr. Speaker.

There is a great importance to an ATIPP request because in a lot of cases it shines a light on the activities of government and the action government is taking for the citizens of our Province. There is a very important issue in my district and an important issue in a lot of rural Newfoundland and Labrador. I have stood in this House on several occasions and entered petitions on behalf of the people of my district with regard to cellphone coverage.

I will tie that to Bill 1 by talking about an ATIPP request that was filed on February 12, 2015 to the Department of Business, Tourism, Culture and Rural Development. The requester of this information was using the access to information laws to find out what the government of this Province had been doing with regard to cellphone coverage. It is very interesting.

The requester asks: "I am requesting, under the Access to Information and Protection of Privacy Act, any briefing notes regarding cellular coverage in Newfoundland and Labrador, since January 1, 2014." A simple request for information about what our government was doing with the concerns of our residents in rural Newfoundland and Labrador when it comes to cellphone coverage.

The government stands in their place day after day saying cellphone coverage is a federal responsibility. I never, ever heard anybody on this side of the House argue cellphone coverage being a federal responsibility. A bill like Bill 1 gives the people an opportunity to see what the conversation has been between the federal and provincial government when it comes to cellphone coverage.

The conclusion from the department from the ATIPP request: Be advised, that the subject of your request, cellular coverage in Newfoundland and Labrador, resides within the purview of the federal government and not the Government of Newfoundland and Labrador. Well, we knew that.

The very important piece of this ATIPP request, Mr. Speaker, goes back to this: "Through our search we have found no responsive records that directly address your request … ."

So this ATIPP request, Mr. Speaker, which comes back to what Bill 1 does, giving us access to information of government, paints a bit of a picture. It paints a picture of a government who stands and says cellphone service and cellphone coverage is the responsibility of the federal government.

So it is, but it is the responsibility of the Government of Newfoundland and Labrador to represent the citizens of Newfoundland and Labrador when it comes to dealing with the Government of Canada, Mr. Speaker, and they failed to do so. They have not been having conversations with the federal government with regard to cellphone coverage in our Province.

So, Mr. Speaker, that is the value of ATIPP requests when it comes to finding out what it is a government is doing with regard to representing its people.

Mr. Speaker, thirty-four days ago I stood in my place in the House of Assembly and asked a question about $40 million in business loans that this government have written off in the last ten years. The Minister of Child, Youth and Family

Services stood that day to a question from the Member for Virginia Waters and said: I will ask the officials in the department to gather the information and I will table the list in this House. Mr. Speaker, that was thirty-four days ago. We still have not seen the list.

The minister stood that day and told us that 71 per cent of those loans were from way back when – 71 per cent. So obviously, if the minister knew where 71 per cent of those loans originated –

MR. S. COLLINS: No, 91 per cent.

MR. CROCKER: Okay, the minister is correcting me. He said he knew where 91 per cent of those loans came from. Well, if he knew where 91 per cent of those loans came from, can he show us the information he had that day, thirty-four days ago?

MR. S. COLLINS: (Inaudible).

MR. CROCKER: I say to the minister –

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

MR. SPEAKER: Order, please!

The hon. the Government House Leader, on a point of order.

MR. KING: Thank you.

Just to offer some clarity to the member. The list in fact does exist. It is sitting with the Privacy Commissioner who is making a ruling on what information can be released and cannot be. As soon as that advice is provided, you will certainly be provided with what information we can.

MR. SPEAKER: Order, please!

There is no point of order.

The hon. the Member for Trinity – Bay de Verde.

MR. CROCKER: Sorry, Mr. Speaker; I thank the minister for that piece of information.

I am just going to take it one step further, Mr. Speaker. Maybe what we should be looking at, as a Province, as we debate Bill 1 tonight of access to information, is if we look at the model used by the Nova Scotia Department of Business. Mr. Speaker, if a company receives a loan in the Province of Nova Scotia from the department of business and rural development, that loan is automatically posted online for everybody in the Province of Nova Scotia to access and see where their money is being invested.

If the government has the confidence enough in a business to invest in it, they should have the confidence in that business to put it online so everybody can know where their money is being spent.

So, Mr. Speaker, back about a year ago when the former Premier Marshall talked about the establishment of a committee headed by Justice Wells and two others, it was quite interesting that our leader took the initiative to go and sit with that Committee and present recommendations to what he felt would be strong improvements that could be related to access to information in our Province.

I also would encourage people this evening who are watching to – there is a great library of information requests. You go to the government's website, you go down and you find access – Office of Public Engagement – and you go in and can see the questions that are being asked. Lots of times these questions are likely coming from the Opposition parties, journalists, and others in the general public. So, anybody at home who wants to see the type of questions and get an insight into what is happening inside of government, it is a great place to have a look.

I will come back to our leader's presentation to the review panel on July 22, 2014. We addressed the issues of Cabinet confidentiality. We suggested that section 18 should be replaced with a version similar to section 18 prior to Bill 29, Mr. Speaker.

We talked about – and the Member for St. John's West earlier this afternoon in the debate referenced one of the valuable pieces of Bill 29 was to protect the privacy of people in our

Province. I guess the Minister for Business, Tourism, Culture and Rural Development just issued a similar statement.

It is interesting to the fact that I was elected on the twenty-fifth of November, Mr. Speaker, and for my first month or six weeks as a member of this House, my staff had to go through a minister's EA in order to deal with an issue for a with an issue for a constituent. So my constituent would call my office, make a request to do something with a government department. We would first have to get that person to fill out an authorization form, get it back to us, we would send it in, and then we would deal with a minister's executive assistance. So, the executive assistant did not require authorization to talk to somebody's records.

Mr. Speaker, it is good to know that hindsight is 20/20 and many members of the government over the last couple of days have said they realized that Bill 29 was a mistake. We told them that three years ago, or our six members three years ago certainly told them that that day would come.

Mr. Speaker, yesterday afternoon the Member for Cape St. Francis stood in the House and said: My daughter went to Florida and she bought ten pairs of flip- flops, so I used to call her Ms Flip-Flop; and he suggested, for some reason, that members on this side of the House, or our, leader was flip-flopping. Well, I suggest to the minister if he bought ten pairs of flip-flops two years ago, see how many pairs he can go back and find. If he finds all ten, he only has to buy eighteen more and everybody in the government side can have a pair of flip-flops. Because, Mr. Speaker, from Bill 29 to Bill 1 has been a flip-flop by this government.

I congratulate them for the flip-flop because it was a flip-flop that needed to happen so that we could get a good piece of legislation that was written, I would say, by the Committee. I am glad the government is going to adopt the piece of legislation as it was written. I am glad to stand in my place either it be tonight or sometime next week or the wee hours of tomorrow morning and support the bill, because I do support the bill. I support the people of the Province having the ability to see how their tax dollars are being spent.

Mr. Speaker, on that note, I will take my seat and hopefully get an opportunity later this evening to ask some more questions.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. KING: Thank you, Mr. Speaker.

On behalf of the minister responsible, I will simply thank all members for their contribution to the debate and close second reading.

MR. SPEAKER: Is it the pleasure of the House that Bill 1 be now read a second time?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Provide The Public With Access To Information And Protection Of Privacy. (Bill 1).

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

MR. KING: Now, Mr. Speaker.

MR. SPEAKER: Now.

On motion, a bill "An Act To Provide The Public With Access To Information And Protection Of Privacy," 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.

I move, seconded by the Minister of Natural Resources, that the House do now resolve itself

into a Committee of the Whole to consider Bill 1.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider Bill 1.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Littlejohn): Order, please!

We are now considering Bill 1, An Act To Provide The Public With Access To Information And Protection Of Privacy.

A bill, "An Act To Provide The Public With Access To Information And Protection Of Privacy." (Bill 1)

CHAIR: I just want to remind all members as they begin in the Committee of the Whole tonight, we have in second reading been debating the principles of the bill; we are now debating the specifics of Bill 1, so I am trying to guide hon. members in their conversations.

Clause 1.

The hon. the Member for The Straits – White Bay North.

SOME HON. MEMBERS: Hear, hear!

MR. MITCHELMORE: Thank you, Mr. Chair.

I had the opportunity to start off in debate and I spoke quite extensively on Bill 1 the first time that I had the opportunity. I believe I had spoken for about an hour in the initial debate where I gave a broad overview and talked about the history, but I have to – in looking at Bill 1 and clause 1, which is comprehensive of the entire bill – look at the review that it was called five years before the requirement because of the widely expressed concern to the amendments to the legislation with Bill 29 in 2012. This was done two years ahead of schedule as well as by the statutory provision to review the ATIPP legislation.

The terms of reference that were given in the act were more user-friendly. The terms of reference stated, as to this bill which we are debating here, clause by clause at this point, would be simpler, cheaper, and faster and would provide a convenient, speedy, and less costly review and appeal process.

Looking at what is in this particular bill we see there are mechanisms in place that are made to make it more convenient for people to apply for access to information. We have seen there has been a removal of a fee. We have seen the days that have been applied have been twenty business day. We have also seen a reduction in some of the costs. When we get to the clause on cost, I will go in and ask some more specific questions and ask the minister for some clarification.

When we look at Bill 1, to ensure the independence and to prevent any influence or interference from government, what happened is the committee obtained an email and obtained network data through a private service provider. So we actually have confidence from a committee perspective with Clyde Wells, Jennifer Stoddart, and Doug Letto that when they compiled the information, when they did their statutory review, that it was free of government interference and influence to provide the draft bill that we have here.

This is not the government's bill, even though the government has tabled it in the House of Assembly. This was something that was drafted by the independent committee. These extra measures were taken by the Statutory Review Committee to produce Bill 1 to ensure openness and transparency and to make sure that during this process any oral presentations that were put

forward in the public hearings, and all written presentations, were to be made public. This is the way these things should be done, as we are debating this bill in the Legislature right now. It is all public. People can watch. People can read after the fact. Every piece of information we say is available to the public.

During that time there were sixty-nine Expressions of Interest from persons and organizations interested in making that representation. Eight of those were withdrawn, so there were sixty-one in total. Twelve Expressions of Interest from people living outside St. John's region, the Metro area, three of those were also withdrawn. There were three provided written responses, five wanted to make comments set out in the EOI, and two from outside St. John's actually spoke at the hearings.

None of the contributors were from Labrador, and the committee did not receive an Expression of Interest from any municipality, and nothing from the organization that represents municipalities. Although in the bill, municipalities will play a greater role in terms of what is going to be included in terms of access to information. From the briefing we were told that section of the act would be delayed because there would need to be further time for training for municipalities in Newfoundland and Labrador.

There were three sets of hearings held during the summer months, June, July, and August; 343 ATIPP coordinators in departmental offices, municipalities, and other public bodies in the Province. Only 122 of the 343 responded to the questionnaire sent by the committee. That is a response rate of 36 per cent.

The committee also reviewed other pieces of legislation across the country in terms of province, in terms of Westminister style, looking at New Zealand, looking at counterparts like the United Kingdom, looking at Australia, looking at Ireland, the Republic. When we look at the amount of work that was done in reviewing other pieces of jurisdictions, we see it has produced this document, this piece that has repealed much of the initial Bill 29 documentation that was implemented in 2012.

When the committee actually had open hearings, the Leader of the Official Opposition was the only leader to put forward recommendations that were accepted by the Statutory Review Committee. That is actually here in the bill that I will point out when we go through clauses, once we get off clause 1.

Statutory changes; the committee realized very early that it would be necessary to really undertake and overhaul the existing ATIPPA. They had to do that because it was so bad. Bill 29 was so regressive, it was not open, it was not transparent, and it was not accountable to the people of the Province.

When you look at the ATIPP requests, when you look at information that is in the Office of Public Engagement, a government that is saying it is championing open government and open government initiative but you are not going to get it until 2020, just batting things down the road rather than – when we look at, it is going to be future generations that will get this access to information.

When you look at open government and open information, you have to look at other jurisdictions and what they are doing and how information is made available, accessible, and how it is useable by people who really need it. Because information is only good if it is usable by people.

You can throw out all kinds of numbers, sheets of information and Excel spreadsheets, but if it takes more time to decipher and put together for any group, or any individual, business, or municipality to actually use that information to the benefit of the people of the Province, to either attract business, grow the economy, help non-profits, social enterprises, or make good decisions, if that information is not in a useable form like it is in places like British Columbia – British Columbia is a real leader in this with DataBC, and how you can deal with the different layers of information and how you can access and make good decisions.

What you see here with this government, more than a year ago when the Minister for the Office of Public Engagement got up in the lobby of Confederation Building with the Premier at the time acting like Steve Jobs and basically trying

to sell a product that you are an open government, and a year later where you have very little new information, you are not releasing more proactive data, very little that is usable, it kind of gives people an understanding that you are not really serious. You are more talk and not so much action.

There was a news release put out that there is more and more information, more proactive disclosure. I believe seven pieces of information. One of them was around the non-profit and volunteer secretariat. When you look at the census and you look at that information – and I encourage people to go to that portal, download the document, and you will find that it is the most useless piece of information when it comes to trying to find out or decipher anything about the non-profit secretariat.

The detailed information that would be given in questionnaires that government would have access to with the names of the organizations and things like that, that they would have access to, may be of some value. What the volunteer and non-profit secretariat would have, it would likely be of value to them, but what is put there publicly and what is made publicly available, it is no value to anyone in Newfoundland and Labrador. You can look at that information and try and decipher it. This is what we are talking about when we are talking about providing information. You can provide information, but if it is not in useable form, it is no good to absolutely anyone.

This is where the committee really suggested that there needs to be a number of changes to overhaul the existing ATIPPA, to address the issues that were raised by citizens, by organizations, as well as the commission. As a result, the Committee drafted this revised statute, Bill 1, that we are debating here tonight in the House of Assembly.

The benefits the Committee saw in drafting its own legislation that would repeal Bill 29, it would allow the Committee to express its recommendations and recommendations put forward by the Leader of the Official Opposition in user-friendly language that would ensure that Bill 29 would be repealed, and that it would enable the Committee to recommend specific recommendations.

I will get into that as we go through the clauses, some of the specific recommendations for statutory change. Whether it is looking at the powers of the Commissioner and the Commissioner's office that was stripped under Bill 29; whether it is talking about Cabinet confidences that were withheld; and what the Clerk of the Executive Council would have had when it came to stamping documents with that stamp. Anything could have been a Cabinet document. This piece of paper here, if they put down any note, it could have been a Cabinet document.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MITCHELMORE: Anything could have been looked at as a Cabinet document, or policy advice, or pieces of policy advice leading to Cabinet. Now we are seeing in this bill where they have been changing the legislation to make sure that things that are factual information and deciphering what it policy advice and what is not, that would be harmful – I will go into talking about things like the means test and how it was changed. If you had a three-part means test, if only one part was met, then the information was all withheld. That is now changed in Bill 1.

So I will get a chance to talk about these types of things as we go forward and debate in the clauses Bill 1. There are several; there are 137 clauses. They are significant because we are making significant changes. So, we should all have our say, we should all talk about the changes, the impacts, so people are clear and understand the legislation and how it can benefit the people of the Province of Newfoundland and Labrador.

Sometimes we do not spend enough time in matters like reviewing the public accounts, looking at the fiscal situation of the Province, and sometimes we do not spend enough debating bills. Even good pieces of legislation like Bill 1, people need to have clarity. People need to have understanding of what the changes are and how they impact their lives, and how we can have better governance in Newfoundland and Labrador. It is about being participatory, and that is what it is all about. It is about being

involved in this debate. I hope that other members will talk about the specific bill, the clauses, and contribute because that is how this Legislature works –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MITCHELMORE: – and works most effectively. It works most effectively when the legislation and Legislatures are participatory and that we have open dialogue, conversation, and that information is shared, discussed, and debated very thoroughly. What happened in this case, in this legislation, it took a full year from the time that the review was announced and the Committee put in place, to the bill that we got and the report when it was submitted – a full year. That was a long time when you look at the information and the process and the significant change, even though it was called two years ahead of schedule.

So with that information that was put forward and the bill itself, I made my points when I spoke for an hour about how regressive Bill 29 was, how it was not about being an open and accountable government. I am going to take some time to go through the clauses and talk about some of the changes that will happen. Maybe the minister, as well, who introduced the bill, will explain some of the changes.

I look forward to the dialogue this evening as we debate Bill 1 and continue the conversation and look forward to its passage in the Legislature in due course.

I will take my seat here and allow others to contribute to Bill 1.

Thank you.

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

MR. KIRBY: Thank you, Mr. Chair.

I am happy to get up and speak once again to this legislation, Bill 1. As I called it the other day the one million-dollar bill because that is what it took. I know there are probably people watching at home because we are sitting at night. It is not like the daytime, people have more of an opportunity to tune in. So for people who are watching at home, what we are doing tonight is we are debating Bill 1 which, as I said previously, effectively repeals the effects of Bill 29, which was the piece of legislation that was rammed through the House of Assembly in June 2012 that changed public access to information in the Province of Newfoundland and Labrador.

Of course people will remember there was an ensuing public outcry. The Opposition delayed the bill insofar as we were able. Then eventually government came to its senses. The former Premier, Acting Premier Marshall, called a review. That review cost $1.1 million to carry out.

Now, I was listening the other day when the Member for Terra Nova, the Minister of Child, Youth and Family Services, was speaking.

MR. LANE: Workers' comp.

MR. KIRBY: He is responsible for a number of other agencies as well, but I missed the first part of his talk so I just read it in Hansard, but I did come in towards the end. I was out doing some other work. He said if we were going to focus on this bill, that we should focus on the improvements, focus on what is being improved in the legislation.

I went out then, after we sat, and got a newspaper story that minister was quoted in because like the hon. Member for Humber Valley, the Leader of the Official Opposition, the Leader of the Liberal Party, like the Leader of the Liberal Party the minister also presented to the commission that reviewed Bill 29, the legislation, and made recommendations for the legislation that we are discussing tonight.

I wanted to go back and get that because it was really interesting. The title of the article was: Government engaged in clear 'abuse' of ATIPPA – that is the acronym for the Access to Information and Protection of Privacy Act. Government engaged in clear abuse of that piece of legislation. Abuse, that is the word that was used, not by me, but by the Chair of the commission that reviewed the legislation, the former Premier of the Province and the former Justice, Mr. Clyde Wells.

This says the minister's name – and I will not say his name but he knows what his name is in any case; he is the Minister of Child, Youth and Family Services. So, you are named in there, Minister. Some of the stuff it says here is very interesting. It says, Mr. Wells pointed out "… in the past, bureaucrats have claimed attorney-client privilege over documents that had nothing to do with legal advice."

People went in looking for information, whether it is journalists, members of the Opposition Parties, members of the public, just business people and people who have inquiries about land and other issues, and sort of rigmarole that they are snarled up in but they are trying to untangle because government bureaucracy and red tape is causing them some difficulty or another.

Basically, when they say bureaucrats in here I do not really think they are talking about public servants. They are really talking about the people who are at behest of the Cabinet, of the Premier's office, of ministers' offices, people who are doing their bidding. People who are doing the political job, whether it is ministers and their political assistants are basically claiming attorney-client privilege when there is no legal angle at all when it comes to what the person is asking for.

It was clear that this was being abused because, as Mr. Wells said, in the past – now this is before Bill 29 – the Information and Privacy Commissioner was able to review the documents. Of course, one of the things Bill 26 achieved was putting that beyond the view of the Information and Privacy Commissioner.

Before Bill 29, members of the general public would be able to ask for information from the Minister of Child, Youth and Family Services. The Minister of Child, Youth and Family Services, you would get a letter from that minister or from government saying: No, you cannot access the information because of solicitor-client privilege, attorney-client privilege because of some legal matter. Then, if the person was dissatisfied with that could appeal to the Information and Privacy Commissioner and they would have a look at it.

Well, what Bill 29 did was it took that out. So you could no longer go to the Information and Privacy Commissioner, you had to go to the court. You had to go to the court yourself. Just think about the irony in that. These things, a lot of them had nothing to do with a legal proceeding, with justice, the law, solicitor-client privilege. Then they are making you go to the court now, making you actually get involved in a legal proceeding, a judicial proceeding for something that has nothing to do with solicitor-client privilege.

As Mr. Wells said, having to get a document reviewed then you would have to go to court, which is an expensive process. A lot of people do not have the means to go get a lawyer or get somebody to do a pro bono or to get somebody else with a quasi-judicial qualification or what have you. On top of that, that process could take months. It could take years to just have a document reviewed to confirm whether or not solicitor-client privilege was something that would prohibit that person from getting access to information.

I will never forget this quote from Mr. Wells, and that is why I went and dug this up. He said: that sending people to the courts, an expensive and lengthy process just to have a document reviewed, it is like telling me that I can get a really good meal if I am prepared to go to South Africa to get it and incur all the costs to get there – more or less.

AN HON. MEMBER: Who said that?

MR. KIRBY: Clyde Wells, former Premier of the Province.

To go to court is just a massive climb for the average person looking for information.

We talked about that throughout the debate, the filibuster. We talked about how that was foolish. You were basically putting a roadblock between information that people are entitled to and the person. It is an absolutely ridiculous roadblock. Like I said, he likened it to you saying to me, I know a great meal you can have, all you have to do is fly down to South Africa and get it – 99.9 per cent of the population of the Province could not afford to do that.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. KIRBY: That is basically that.

This article is quite a good one by James McLeod. It has an amazing amount of information in it. It quotes the minister. The minister sort of seems like he is a bit taken aback by some of the questions that he is asked. He said he does not know, or he will check into it, or best case is wrong and so on.

Now this is the review process that reviewed Bill 29, the subsequent legislation, and all the brouhaha that ensued afterwards, the public outcry, the Leader of the Liberal Party saying right off the bat that the first thing he would do is see that a Liberal government would repeal Bill 29. This says: overwhelmingly, the people who showed up to present to the committee hearings – and they were held all around – have argued the current law, the law that basically came out of Bill 29, is restrictive. It allows the government to keep far too much information secret from the public. That goes back to what the Member for St. Barbe had said about the official secrets act.

Another thing we had said was about, more or less, the Clerk of Executive Council being able to certify documents as something that was confidential, a confidential Cabinet document, and any document. I am not necessarily calling into question that individual's integrity or even the integrity of the ministers of the Crown. What it really boils down to is that you cannot have that much discretion. You cannot have that much discretion to just take any document that you choose and say oh, no, that is confidential. Those are sort of state secrets and we have to keep that from public view. That is too much power for politicians to have, whether it is these politicians, or those politicians, or all the politicians across the other way – too much power.

Those are some of the things that were said. I have a lot more stuff to read. I have a page from the minister's briefing binder here that I am going to share later. I will read from that if I can.

I just thank you, Mr. Chair. I will get up again and speak to some clauses a little later.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for Burgeo – La Poile.

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

I am happy to stand here and speak to Bill 1 here in the Committee phase. I have had my opportunity in second reading to speak. I spoke fairly early on, so I have had the opportunity to listen to members on both sides of the House and their views and perspectives on this very important piece of legislation. I have no choice but to put my opinion on the record what I think about that. I think I need to do that because some people out there may watch at different times and they hear someone and they say that sounds good.

Again, given that I was one of the people who was here for the whole thing – you were here as well, Mr. Chair – and given that I was one of the eleven who filibustered this and ensured in some ways that this happened – because if we never filibustered it, I do not know if we would be where we are. What we have here in Bill 1, contrary to what the members on the other side delusionally seem to think – they did not do this out of the goodness of their heart or because they suddenly realized that Bill 29 was bad of their own accord. This was brought on by other factors. We have to get that clear.

Again, if I am wrong or somebody disagrees, I would invite the members on the other side to motion to me to sit down. I will sit down and they can stand up and tell me how I am wrong. The good thing about the Committee stage is that we can go back and forth, back and forth. It is really good during the questioning phase. Sometimes the members do not answer but at least we can put our questions out there.

I think we have to put it out there that this was not a case of oh, we realized that Bill 29 did not work out the way we thought it did and we realize that we have to do the right thing. This was forced on them. This was a matter of political survival, an expediency to make sure that they righted the wrong. I would like to take credit as one of the people, along with the

public, along with the media, that brought the attention to this that was necessary. Once they invoked closure on us and shut down this debate, we continued that over the months and years that followed to let people know about the draconian changes that Bill 29 brought.

One member on the other side – I believe it was the Member for Harbour Main, who I have a great deal of respect for – stood up tonight and said we thought it was the right thing to do. I am glad to hear that. I honestly do not think members would do something if they did not think it was the right thing to do, but my question is – and I am hoping somebody will answer – why happened to make you realize it was not the right thing? When did that light flash on? What happened? What specifically happened to tell you this was wrong? Because a lot of the things that have come up since you knew that week – you knew it that week. So, I would like to know.

The other part that the member referenced was we received advice. Again, I would like to know, and I ask this specific question – it is more of a Question Period type question – who gave you the advice? Did the former Premier give you the advice? Did the deputy ministers give you the advice? Did the bureaucrats give you the advice? Did the PC Party give you the advice? Who gave you the advice?

AN HON. MEMBER: Don Mills.

MR. A. PARSONS: No, I am not talking about the advice to change it. We know where that came from. Who gave you the advice back in June 2012 that you should do this? Because you are now saying – by evidence of the fact that we are tearing the guts out of what you did and changing it back to what we told you, you should do, was that bad advice?

I put that question on the record and members will have ample opportunity if they would stand up and tell me and tell the people who gave you the bad advice. Are you blaming someone for Bill 29 other than youselves? I would like to know that. I think that is important because the member said we did it on advice. I would like to know – and maybe we should do this under ATIPP; can we get a copy of the documents that went back and forth with the advice? The good news is that we will not have to pay for it now.

So those are serious questions. I put that out there. Everybody is standing up tonight saying we thought it was the right thing to do there because they do not want the impression out there that they knew it was bad and we are doing the people in. That is fair enough; but if that is the case, why did you do it? You had briefings – what was the explanation given to you to tell you to do it? Because the explanations that were given to us – and I can remember that meeting when we got our first briefing on Bill 29; in fact, I can remember one conversation with a member talking about the bill before it came in and saying you are going to take a few smacks at us but overall there it is.

There was some impression that they knew this was unpopular. That was already there, so I would like to get back to how this started. Tell us how this started. If you were given bad advice, do you know what I would say? I will forgive you for Bill 29. I will forgive you because if you got bad advice from the people in your department or the Premier's office, hey, there it is. If you got bad advice tell us, tell us who it is and maybe we can have chat with those individuals.

The other case is, Mr. Chair, is it that bad that you are going to throw somebody under the bus? Or are you going to take responsibility? Somebody told me once, they said it is not an apology if you use the word "but" in it. I am sorry but – that is not an apology. You are trying to explain what you did. In this case, I think there is an apology owed to the people of the Province for putting them through that.

In a lot of the cases – not every member, some members have not talked to this. Some members have gotten up – and I saw some members stand up and actually speak to the changes between Bill 29 and Bill 1. They referred to their notes and they spoke to the changes. Some members got up and tried to justify all this and tried to say well, we thought we had to do it. They are not quite there in taking responsibility.

In fact, I have to go back to the member opposite. Do you know what? He is the second

– I believe, I may be wrong – longest tenured member. He said nobody owns legislation. Nobody owns it. It belongs to us all. I can tell you I own no part of Bill 29. The people own no part of Bill 29. The media owns no part of Bill 29. Bill 29 rests with you. You may as well take credit because you brought it in, you forced it down our throats, you invoked closure, and you lived by it. All you have to do is say we were wrong.

I guess I am saying there are some members over there who are not quite ready to make that admission. Some are. Some are speaking to the changes and that is fine. Some are getting up and trying to justify it and then saying the arrogance of the members on the other side to talk about that. Well, do you know what? You cannot have it both ways.

The other thing is that if there was an ownership of Bill 1, one part of the ownership I would tell you now belongs to Clyde Wells and his Committee because they drafted it word for word. Clyde and his Committee, and I am sure they had drafts people and everybody else. That is good. That is why I trust this piece of legislation.

I have to speak to this now because they keep talking about how we bring up the money. You are going to have to spend the money. I guess what I am saying is you did not have to put us through this. One thing I will remind people – because they talk about well, you might bring up changes tonight and amendments in the Committee stage. I say, I do not know if there is going to be a need. I am sure there are going to be questions.

Our leader presented to Mr. Wells in committee and put forward our suggestions, and do you know what? A lot of them are in it. The interesting thing is tonight they are talking about bringing changes forward. We brought forward, in 2012, a number of amendments, a bunch of them, and you on the other side know that you turned down every single one of them. So please do not stand here tonight and say bring amendments and talk about how open and willing you are, when the fact is you had them suggested to you three years ago and you tossed them out.

CHAIR: I remind the hon. member his speaking time has expired.

MR. A. PARSONS: I will save it for my next shot.

CHAIR: The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Chair.

I would like to take an opportunity to thank members for their participation in the second reading debate. A large number of members in the House, I think the majority of members in the House participated in the debate, which is always healthy, Mr. Chair. I thank members for joining the debate in committee, which does, as members point out, give us a chance to ask questions, debate back and forth, clarify positions, and address whatever issues have arisen during debate. It is an important part of the process. I look forward to doing my best to answer whatever questions I can as they arise.

The Member for Burgeo – La Poile posed a number of questions or raised a number of issues. I will not attempt to try and respond to all of them in the nine minutes that I have left but I will touch on a couple of points because he did ask for a response. As I said, I will do my best to provide responses as the debate unfolds.

There was a question raised around: What advice did government get in formulating the bill that led to amendments of our Access to Information and Protection of Privacy legislation back in 2012? Well, from what I recall at the time – I was actually sitting in your chair at the time, Mr. Chair. I remember the debate very well for that very reason. I am sure some of the Table Officers would remember as well. There was a review conducted by a gentleman named Cummings.

Commissioner Cummings conducted a review of the ATIPP legislation which is required by our legislation to happen every five years. That review was done. There were a number of recommendations. They were reviewed by the Department of Justice, which was responsible for the Access to Information and Protection of

Privacy legislation at the time, prior to the existence of the Office of Public Engagement.

So it was reviewed by the department. That would have then resulted in a Cabinet paper, a Cabinet submission that would have been discussed and debated by the Cabinet of the day. There were briefings for caucus members, for members of the Opposition parties, and then the bill was ultimately debated in the House. The advice came as a result of the review that is a statutory requirement.

The member also asked: When did all these concerns arise? Well, lots of concerns arose during the debate. There is no doubt about that. Members of the Opposition passionately debated the bill and raised multiple concerns. We did listen to those concerns, Mr. Chair. We disagreed at the time. We had a very different view on approach at that point in time, but we did actively participate in that debate.

Following the passing of that legislation even more concerns arose. We have heard lots from members of the Opposition, no doubt. We have heard from members of the media and we have heard from a number of other groups and individuals as well.

Former Premier Marshall decided that we needed to act on all of that. He decided that instead of waiting for the five years to be up – which it would be now. Mr. Chair, 2015 would have been the five-year anniversary and it would have been the time for another review. He said let's do it a year early.

Instead of just appointing a Commissioner, which is what was done five years ago, let's go out and find the best possible expertise we can. People with a legal background; people with an ATIPP background, Access to Information and Protection of Privacy background; people with a background in journalism; people who understand how government works and why this legislation is so important, and what it practically means in terms of the day-to-day operations of government.

So we put together a panel of three experts who are well known and well respected. I think all members agree, from what I hear from the debate so far, that they did a pretty good job. They came up with legislation that is perhaps better than what we could have come up with on our own. It is legislation that is best in class. When it is in place it will be the best in Canada and among the best in the world.

That review was done early because we heard the concerns and we wanted to address the concerns that were out there. We do want the public to have confidence in our ATIPP legislation. We recognize that there were members of the media and there were members of the Opposition who had very significant concerns. As I said in second reading, I am pleased with the results of the review.

The financial issue has come up time and time again. It has already come up during committee tonight, and I respect that. The only thing I would remind hon. members, Mr. Chair, is that review is a statutory obligation. The review had to be done anyway. So we chose to do it a year early for very good reason. I think that was a wise decision and I think we are better off for it. We are going to have better ATIPP legislation as a result.

That review and that process that cost in excess of a million dollars had to be done anyway. Now, could it have been smaller? Could we have appointed a commissioner instead of the panel? Perhaps, but we wanted to do it right. Our goal was to have the best legislation anywhere in the country, and I think we are achieving that.

I wanted to rise and respond to those few particular points. Again, as we go through the various clauses of the bill, I will do my best to answer whatever questions the members have.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair, for the opportunity again to speak to Bill 1.

I listened to the Minister of the Office of Public Engagement. He brought up the Cummings

report and the statutory review that was done on Bill 29. I had not really planned on going on the Cummings report and the review and the amendments, but since the Minister of the Office of Public Engagement brought that forward maybe he will answer the question as to what the financial cost was to have Mr. Cummings do his statutory review that was done previously.

One of the points I wanted to make is that when the minister just talked he said: we listened. We had this statutory review that was brought forward. We went around the Province. We debated this in the House of Assembly. Well, if we go back to the Cummings report and the recommendations that were put forward, many of them were ones that were not listened to in the government or amended, or rejected completely. I will take some time now this evening to talk about those.

Recommendation 8 of the Cummings report was on fees. He recommended that the current fee structure in ATIPPA remain unchanged. So he recommended, back in 2012, that the fee structure remain unchanged.

What did government do at that time? The recommendation has not been accepted. Processing fees will be raised from $15 to $25 an hour to be more consistent with other jurisdictions. That is what they said. They are going to be more consistent with other jurisdictions so we are jacking up the fees. Despite this current panel and committee saying, that is not the case. We should not be raising fees. Revert to the old structure and eliminate fees in many situations and circumstances.

So who was right at that time? Was it the review commissioner, Mr. Cummings, and the current panel, or was it the government saying: no, we are going to raise the fees because it fits with the other jurisdictions in Canada?

At the time they stated that four hours of processing would be free of change to the applicant and that the other activities for processing would be charged based on the contemplation time for getting the information. Then fees exceeding $50 will be paid in two installments prior to receiving the requested records. Then 50 per cent of the fee must be paid prior to the first half of the work being completed and the balance must be paid prior to the completion of the remainder of the work. The $5 administration fee will remain the same.

So this seems very bureaucratic. It seems inefficient. This whole process of saying you file your request, then we will do four hours free but we will compile and see how much it is going to cost, give you an estimate; then you have to pay this $50 fee in two installments; then you have to come back and pay 50 per cent of the cost; and once we do half the work, then we need to collect the other 50 per cent from you. This is very bureaucratic. It is inefficient. What was actually not accepted by government in Bill 29 really proved to be wrong. Mr. Cummings did not recommend that, but government modified it to suit their own interest, not the people of the Province. That was Recommendation 8.

We go into Recommendation 9; Mr. Cummings recommended replacing the current section 16 with a new provision allowing for the extension of time for up to thirty days for a public body to respond to an access request, or with the Commissioner's permission for a longer period in specific circumstances. In this situation, that time has been lowered in the current Bill 1.

Recommendation 10, there was a lot of time spent in the House of Assembly debating this particular clause of Bill 29. Mr. Cummings, in his stat review, recommended that ATIPPA be amended to permit a public body to refuse to respond to an access request that had the prior approval of the OIPC, the Office of the Information and Privacy Commissioner, if the request is frivolous and vexatious.

There was a lot of discussion on that. It came up over and over and over again if a request was frivolous or vexatious or made in bad faith, trivial, repetitive, systematic, or amounts to abuse of a particular process; but, rather than amend it to this particular clause, government further made an amendment to the initial Cummings report that the exception requiring the prior approval of the Office of the Information and Privacy Commissioner – because such documents as Commissioner reports, case law, policy manuals, provide guidance on what constitutes a request that is frivolous or vexatious, made in bad faith, is

trivial and those situations, an abusive process, they said: No, we are not going to allow the Office of the Information and Privacy Commissioner, who would be the expert in looking at this information to determine if a request is frivolous or vexatious or systematic in nature.

They said: No, we will decide that. We have the people's best interest at heart. Not the independent statutory office that has the expertise, the knowledge, and deals with these matters on a daily basis. That would be able to provide the confidence and trust for the people in the Province when they are making a request, that they are not denied. Because what one person in an office may view as systematic or repetitive may not be termed or deemed that way in another case or situation.

This is why you need that consistency, you need that level of training, but you need that role of the Office of the Information and Privacy Commissioner. That was taken away by the government back in 2012 when they amended the Cummings report, when they accepted Recommendation 10, but amended it even further. This is why the people of the Province say this was draconian legislation because not only did it look at the statutory review but government said: No, we are going to amend this and take away powers from people.

Actually, Recommendation 11, the Auditor General Act was amended to provide that the Auditor General shall not be permitted to access section 18 records where the Clerk of the Executive Council or his or her delegate certifies that they contain deliberations of Cabinet –

CHAIR: I remind the hon. member to connect the dots a little bit, please, to the present bill.

MR. MITCHELMORE: Thank you, Mr. Chair.

Well, when we talk about the restrictions of the Auditor General's report and his office is listed in Bill 1 and it talks about the role of what is a Cabinet document, what will be looked at as a committee of Cabinet, or a matter that is confidential in nature, which I will speak to in the individual clause if I have to; but I understand that in Bill 1 this amendment is consistent with other pieces of legislation like the Child and Youth Advocate Act, the Citizens' Representative Act, which is later in, I believe, clause 120 or 125 of this particular act. So what happened with the Cummings report is that it was restricted and the Auditor General Act lost power under that piece of information.

When we look at Cabinet confidence, because that was section 18 of the original Bill 29, I believe, Cummings recommended that it be amended to include a complete listing of Cabinet records found in the Province Management of Information Act; but that act, under the current Administration, when they looked at it, what gave you Bill 29 well, it was amended even further so that almost all Cabinet records would be, but the deliberations test would be removed.

The deliberations test is back in Bill 1. It is there where there is a three-part test. Whereas I said that if you had one piece of information that was requested well, because it did not meet the harms test, this means test, that it would be rejected. It would be deemed that Cabinet document is secret.

It actually got extended to official Cabinet records, discontinued Cabinet records, supporting Cabinet records, official Cabinet records certified by the Clerk, his delegate, are reviewed by the courts in the event of a dispute. It actually had to go to the courts rather than be reviewed by the Office of the Information and Privacy Commissioner.

When we look at Bill 1, many of those powers have been restored and confidence can be restored in government when we look at what actually happened in that situation.

I see that my time is winding down and I have number of other situations so maybe the minister will answer the cost of the Cummings report and see if government did get value because it amended a number of pieces of the legislation to make a very draconian piece of legislation and that is why we are here tonight debating Bill 1, all the changes and clauses that have been made.

I will talk about them more in detail as we go forward.

CHAIR: The hon. the Minister of Health and Community Services.

MR. KENT: Thank you, Mr. Chair.

The member opposite indicated that he had a number of other points to raise, so I will be very brief and allow him an opportunity to get up and continue with his questions and comments.

I do not know the precise cost of the Cummings review. We are talking about a review that was done well over five years ago. From recollection though, because it was a question I did ask in the past, it was close to $200,000 – I think a bit less than that, but that is the magnitude of what we are talking about.

I would respectfully say that we are not here to debate the Cummings review. I did provide the context in my previous response to the questions raised by the Member for Burgeo – La Poile in terms of how we got to the changes that were made in 2012. We are here tonight to debate Bill 1, I respectfully suggest. The context is important and I will grant that.

The member provided some commentary around fees. I am pleased to say that we moved quickly to implement a new fee schedule and eliminate the application fee. We did not wait to be here debating Bill 1 to make those changes because those changes are the right things to do, they are important, and I think they demonstrate our commitment to moving forward on this new legislation.

Anyway, I will take my seat and allow the member to continue with his questions.

CHAIR: The hon. the Member for The Straits – White Bay North.

I remind the member that we are discussing Bill 1. I ask him if he is referring to something to connect it to Bill 1, please.

MR. MITCHELMORE: Sure. Thank you, Mr. Chair, for the opportunity.

I am speaking to clause 1 of the bill, which is comprehensive of the 137 clauses in the bill. One piece I want to talk about is the protection piece of actual information. One thing that we talked about in this debate, and we talked about it quite extensively, is what was actually protected in terms of information.

Right now, the current bill that is in the House of Assembly to repeal Bill 29 allows for greater extension of information to be shared. Things such as records created solely for the purpose of briefing a minister assuming a new portfolio, briefing books and that information should be made available. These are things that were restricted under the current legislation that we have, that was created under Bill 29.

When we look at records that were created solely for preparing a minister for sittings in the House of Assembly, that information, formal research, audit reports, that information based on Bill 29 was not available. Mr. Cummings recommended that ATIPPA be amended to include protection for analysis, policy options, consultations or deliberations but the government took it a step further. They took it too far.

When we look at the bill that we currently have protecting access to information and privacy protection it includes proposals, analysis, policy options, consultations, deliberations between ministers, staff, officials. Anybody who basically has a conversation or whatnot, all of that information can be deemed protected. All the records, the briefing books, when it comes to things for a period of five years, any audit information or analysis, all of this information based under the current Bill 29 is to be protected.

It is nice to see in Bill 1 that we see amendments put forward that brings access to information, information that is factual, that should be revealed to the people of the Province to help with better outcomes, when we look at making decisions that impact public spending and infrastructure and advice to people of the Province. These types of things should not be withheld for the benefit of – if it is a case of political purposes, but it seems that would be the case as to why this information would be withheld. It would be much more in partisan nature. It would be the nature of the secret government, one that is not open and transparent, to put forward those types of suggestions, I say, Mr. Chair.

That is why I wanted to bring up and point out those suggestions that – when we look at the original statutory review of Cummings, it was basically amended and taken way too far to bring you to Bill 29. That ended up with another statutory review much earlier than what was required and costing $1.1 million to repeal Bill 29 and make the changes.

I will give you another piece that is here in Bill 1, and that was around looking at the salary range. That information now has been amended and you will get the remunerated amount when it includes the benefits and all that information rather than just a range of salary. That information should be made available to the people of the Province when that information is being requested, rather than the particular range of salaries that would leave somebody guessing. So it is nice to see that information put forward.

Those are some extra things that I wanted to say on clause 1, but I will allow any of my colleagues to speak further to that. I appreciate the minister making the commentary that this was a $200,000 statutory review. If he can get further clarification from his officials on that information and provide it here in the House of Assembly, it would be much appreciated during the debate. It does help in the context.

We have gone from 1981 right up here to tonight looking at from the first access to information piece right up to the freedom of information to where we have a more modernized act when it came to 2000 that looked at technology, and looked at the evolution of information. Now when we are in 2015, we are in the real information age where information is being shared by electronic means. It is being shared in social media. It is being shared in many ways, shapes, and forms.

If we look at clause 2, which I will ask some questions on when we get to clause 2, I will ask specifically about data and information and its definition. So I give the minister the opportunity to be prepared for that.

Thank you, Mr. Chair.

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

MR. KIRBY: Thank you, Mr. Chair.

When the Minister of Health and Community Services spoke he really drew my attention to something that has been said by government members here throughout this debate which is really not factually based. I will tell you what it is and I will tell you why.

Members have said, well, do not talk about that it cost $1.1 million. Do not talk about the fact that it cost $1.1 million, because we were going to have to spend that money next year anyway. We were going to have to do that anyway. There is, yes, a statutory review process that is mandated, that government cannot get away from. That is why the statutory review is in there. There is no question about that.

By launching this in January, 2014, you are doing the statutory review, or what you are claiming is the same as a statutory review. Now, those comments there that were clarified, the difference between $1.1 million and $200,000, obviously, that is not the same as the last statutory review which was done by Cummings, because there is a big difference in the cost. So that is not the same, and it is also not exactly the same thing because it is two full years ahead of schedule. If you have to review the legislation every five years, why are we doing it every three? That does not make any sense. It is unnecessarily bureaucratic. So that is foolish to suggest that.

The Cummings review had a lot of good information in it. For example, they said that – and it is relevant to this bill, as it was relevant in the last one. He could find no other jurisdiction in Canada, no provincial jurisdiction that removed the substantive test for including information under Cabinet confidences. Nowhere in the country did he find – there was no call during all that review to have this sort of blanket exemption of documents. He could find no legislation in Canada that excluded all Cabinet information from disclosure, and on and on and on.

There was so much good stuff in that, and yes, those hearings were sparsely attended. That is not infrequently, unfortunately, the case. So what? Cummings came back with the report of the statutory review and government went way

beyond what he had recommended, completely contrary in some cases. Yes, they adopted a handful of things that the Cummings review had asked for, but this was completely way beyond the pale; blanket exemptions that existed nowhere.

If you go in and search Hansard for the filibuster in June, 2012, I do not know how many times the member's name –

CHAIR: I am going to ask the hon. member to speak to the bill.

MR. KIRBY: Yes, Mr. Chair.

– how many times the commissioner's name is mentioned. It is an enormous number, a large number.

One of the things that has been alluded to and has not really been discussed in any detail is the whole role that journalism has played in all of this, what I think is exceptionally important. One of the things that was said by government members – because there are some over there who actually did not speak at all to the legislation; for whatever reason, I do not know why. Maybe some of them were not feeling well or something, but some of the members did not speak at all to the legislation. Oftentimes, those who did really sort of bashed the media and suggested they were way off base and that they were amongst the frivolous and the vexatious out there who were requesting information that they did not really need.

The Canadian Association of Journalists came out and had a lot to say about Bill 29, the changes to the Access to Information and Protection of Privacy Act. They talked about all the things that is now more or less being repealed by Bill 1 here, the broadening of the definition of Cabinet secrecy, the government research reports and audits being withheld for up to three years if a Cabinet minister decided they were not complete – imagine that; just saying oh, that report was not complete. Sure, maybe they never put the cover on it. Maybe never put the cover on the document so they said oh, it is not complete. So that means you can put it out of public view for three years. You could say well, it is draft form, in your opinion, so you put it out of public view for three years.

I mean, imagine if it was a matter of significant public importance, like something around an environmentally sensitive area or an endangered species, or a health matter or a person's personal health matter, putting that out of view for three years. That was a significant problem.

I think the one thing that the Wells commission did quite nicely, too, was really pointed out that it was foolhardy to have members of the public paying these sort of exorbitant amounts for accessing public information that by virtue of every time you go to the grocery or convenience store, the mall, Stavanger Drive, what have you, you pay taxes to the government, you have already paid for all of the operations of this place, and now you are having to pay again just to request information, let alone of all this business of having to access the courts in order to get information.

I have to hand it to the minister responsible. He went on social media – an interesting way of doing it, but whatever. He went on and said yes, as of now, we are going to cut that out. We are going to stop charging people to access information, and that was nicely done. I have to compliment government on that because every now and then they do a good thing, and we point it out. I am one of the first people to point it out, like the Member for Bay of Islands. He is always there. When the government does something that we agree with, we always point it out.

AN HON. MEMBER: (Inaudible).

MR. KIRBY: Yes, it is true. Oftentimes there are things that the Leader of the Official Opposition, the Liberal Leader, there is often stuff that he has said already, like repeal Bill 29 and so on.

CHAIR: I am going to ask the hon. member to speak to the bill, for the second time.

MR. KIRBY: Yes, Mr. Chair, thank you.

We do not care; take the whole platform and implement it. That is good for all of us.

I do not want to go on a whole lot longer. I will just summarize because really, in the end, we all know that we are all voting for this bill because,

over here, we all agreed with this bill, the one that is currently on the table in June 2012. We have been waiting a long time to see this bill. I am glad now that all the government members agree with the Leader of the Liberal Party that we should repeal Bill 29 and bring in this Bill 1 which is a model now.

Isn't it better being a model for Access to Information and Protection of Privacy in Canada, in North America, amongst the OECD countries? Now we can be a leader rather than a laggard. For the amount of time that had ensued after the proclamation of Bill 29, we were a laggard amongst countries, of jurisdictions of our kind, and now we can be a leader and that is something that we can all celebrate.

I have to remind members opposite that when this government came to power, initially, in the 2011 election, they promised openness and transparency. What they provided in the end, in June 2012 in this House of Assembly, was secrecy and closure. Shutting down debate, not just amongst Members of the House of Assembly but the public as well saying we are no longer allowed to discuss it.

CHAIR: I am going to ask the member to speak to Bill 1.

MR. KIRBY: Mr. Chair, they promised transparency and they buried information where people could not find it. You could not find information. They promised accountability but they made sure it was impossible to achieve accountability because you cannot have accountability if you do not have openness and you do not have transparency. That is a fact.

Thank you, Mr. Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I want to point out that with Bill 1, one individual in the past that has had problems with access to information would be the Auditor General. The past Auditor General filed a formal complaint with the House of Assembly citing denial of access to information. This was in 2012. The government told the Auditor General that the documents he wanted were exempt from audit.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MITCHELMORE: Exempt from audit because it would disclose Cabinet deliberations. The Auditor General disputed it saying that government is "… applying a much broader definition of cabinet secrecy 'than has been seen in recent memory.'" This was in a CBC article of January 2012. This was before Bill 29 when that information was being denied. So the Auditor General had to –

CHAIR: I am going to ask the hon. member to relate it to Bill 1.

MR. MITCHELMORE: Sure.

CHAIR: The Chair has been very lenient.

MR. MITCHELMORE: Yes, Mr. Chair.

CHAIR: So I am going to ask that members speak to Bill 1, please.

Thank you.

MR. MITCHELMORE: Mr. Chair, clause 120 – and I can wait until clause 120 specifically, but that is the Auditor General's report and the Auditor General Act. It talks about the specific clause which restores power to the Auditor General's report which was not there in Bill 29 which is yet to be repealed. This is why I am bringing up the information of the Auditor General's report and tying it specifically to the bill.

I could read clause 120 of Bill 1. Bill 1 is the enacting clause which is comprehensive of all pieces of legislation. Section 120, "Section 19 of the Auditor General Act is repealed and the following substituted: 19. Notwithstanding sections 17 and 18, the auditor general shall not be permitted access to information the disclosure of which may be refused under section 31 of the Access to Information and Protection of Privacy

Act, 2015 or the disclosure of which shall be refused under section 27 of that Act."

Maybe we need to go to section 27 and 31 of the act to get further clarity, or the minister can explain the role of the Auditor General and the powers that have been restored. Maybe I will give the minister the opportunity to respond to that question, or I can get up and read out the clauses specifically and go into more information. Else, I am willing to move on to the specific clauses and move off clause 1.

CHAIR: The hon. the Minister of Health and Community Services.

MR. KENT: Mr. Chair, I will respond briefly and once again allow the member to continue. He is asking a question about clause 120 I believe.

I recognize that during clause 1 there is a fair bit of latitude. You have certainly allowed a lot of latitude so far, Mr. Chair, and I thank you for that. If you want to debate specific clauses of the bill, which is what the Committee phase is really for, we are happy to do that. Let's get to those clauses and I will be happy to provide whatever answers I can, Mr. Chair.

Thank you.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 137 inclusive.

CHAIR: Shall clauses 2 through 137 inclusive carry?

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I have a question about clause 2.

CHAIR: Yes.

Thank you.

MR. MITCHELMORE: Clause 2, which is definition (g) dataset. It says, "'dataset' means information comprising a collection of information held in electronic form where all or most of the information in the collection."

Then it goes on further, I will not read out all sections of it but it talks about the specific collection. When we go to section, under record (y). So I am tying in dataset to record because record says, "… means a record of information in any form, and includes a dataset, information that is machine readable, written, photographed, recorded or stored in any manner, but does not include a computer program or a mechanism that produced records on any storage medium."

I ask the minister for clarification on the meaning of a dataset around the terms of when a collection is not available, and around why records that would be produced on a storage medium would not be available to – why it would be excluded.

CHAIR: The hon. the Member for Burgeo – La Poile, on clause 2.

MR. A. PARSONS: Yes, certainly, Mr. Chair. I am happy to stand up here.

I would like to congratulate my colleague from The Straits – White Bay North for asking a very good question on clause 2. I know we are going clause by clause now.

What I think I would like to do at this point – I appreciate the minister, and again, I will give him credit. He is listening to what we had to say and answering those. I think there is a question on clause 2 that he is going to answer. He has been very forthcoming, certainly more forthcoming than the minister who handled Bill 29.

I will sit down at this point and let the Member for The Straits – White Bay North ask it again. I know the minister is trying his best to answer these, so I will give him that opportunity.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Sure. I may have put two things together that would not have created the greatest clarity. So I will ask in (g) the dataset and the definition. When it talks about "… information comprising a collection of information held in electronic form …" and then it goes on to a number of definitions.

Subsection (iii) "remains presented in a way that, except for the purpose of forming part of the collection, has not been organized, adapted or otherwise materially altered since it was obtained or recorded."

I am wondering why the necessity for a section for exclusion for things that would be part of a collection and things that would have been material altered, why that would not be made available or considered part of an actual dataset? Why that particular information would be restricted?

CHAIR: The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Chair.

I thank the member for clarifying. I did not quite understand what he was asking when he first raised the issue. I think I understand and I will give you my best interpretation. We have folks in the Office of Public Engagement who are following this debate closely, and if there is additional information that they relay to me at whatever point we are in the Committee debate, I will certainly bring that information to the floor of the House.

I think the intention is that information datasets will be provided as they are. So they could not be organized, adapted or otherwise materially altered prior to being released. The intention is that they are what they are. They would not be manipulated or interpreted or changed or modified. It would be presented in a form and released in a form as is, Mr. Chair. I believe that is the intention, and if I determine otherwise this evening, I will certainly let the member know at the earliest opportunity.

He raised another issue related to this a little earlier, Mr. Chair, and if you would allow me to address that as well. He talked about the importance of making information and data available in useable formats. I fully support that. I can assure him that as part of our commitment to open information and open data, two key pillars that are part of our Open Government Initiative that I know he is very familiar with, we are working very closely with the Newfoundland and Labrador Statistics Agency, we are working with OCIO, we are working with other agencies in government to figure out how we can achieve that.

We know that lots of the information and data that is available today is not in the best possible format that makes it easy for people to use, and it is our intention to continue to work on that, Mr. Chair.

I hope that clarifies. If I get additional information, I will rise again shortly and clarify.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I thank the minister for the answer. It certainly clarifies the definition to me.

I just want to get a clarification though on the record, definition. It says, "… does not include a computer program or a mechanism that produced records on any storage …" device.

Is it the mechanism that is the issue or is it the information that is contained on a storage device may or may not be available, or is the information that would be on a storage device considered excluded from access to information in terms of what accounts for a government record? Just that clarification would be helpful.

Thank you.

CHAIR: The hon. the Minister of Health and Community Services.

MR. KENT: That is another reasonable question, Mr. Chair.

I think the point is that the computer program itself, or the device itself, is not a record. The information is the record, not the medium by which it is shared or provided or transmitted or communicated. The program or the device, or whatever the case may be, is not a record. It is the information that is the record.

I hope that clarifies the member's question.

CHAIR: Shall clause 2 carry?

All those in favour, 'aye'.

MR. JOYCE: Mr. Chair.

CHAIR: I am sorry.

The hon. the Member for St. George's – Stephenville East.

MR. REID: Yes, Mr. Chair.

I just realized there was some controversy about the definition of public body, I think, in this clause. Also, the words adopted and dataset. I think there were some issues related to that. Maybe the minister can shed some light on the issues that arose in relation to those definitions and the conversations that were had with the commission to clarify that. I think it is important to put that on the record as well.

CHAIR: The hon. the Minister of Health and Community Services.

MR. KENT: Mr. Chair, I am not quite sure what the member is referring to. We have spoken about the definition of dataset and what is intended with the sub-clauses that are provided there.

The review Committee, in doing its work, sought out the best examples of every piece of this legislation and put together something that truly is a made in Newfoundland and Labrador solution. It is unique legislation. We did not copy and paste from another jurisdiction.

My assumption, Mr. Chair, is that if it is a different definition it is because the folks who wrote this legislation for us went out and selected the best and clearest definition they could from their perspective.

I do not know if that addresses the member's concern, but, again, I will do my best.

Thank you.

MR. KIRBY: Thank you, Mr. Chair.

I just want to follow up on the question asked by the Member for St. George's – Stephenville East with respect to the definition of a public body. In the briefing it was explained that section 2(x) – I do not know if it is subsection (iv) or (vi) was going to be delayed coming into force until August 1, because there needed to be some discussions with municipalities. I am just wondering if those discussions with municipalities are currently underway. Or is that something government is planning to do at a later date?

CHAIR: The hon. the Minister of Health and Community Services.

MR. KENT: I thank the Member for St. John's North for his question, another good one. There is a working group that has been established between my department, the Office of Public Engagement, the Department of Municipal and Intergovernmental Affairs, Municipalities Newfoundland and Labrador, and with representation from real live municipal administrators, people who work in municipalities large and small. That work is ongoing. There is training that has been initiated across the Province. There is more work to do.

In light of this provision and the clarification that was provided by Mr. Wells on behalf of the review committee only recently, just in the last week or so, as a result of that it has been determined and it was recommended by the Privacy Commissioner that we take basically most of the summer, that we take another couple of months to allow for much more extensive consultation with municipalities on this particular issue, which is about what constitutes a public body from the perspective of municipalities. Which municipal entities, other than municipalities, are now going to be subject to ATIPP legislation for the very first time?

We did not feel it would be reasonable or fair to spring that upon them on June 1. Municipalities themselves, municipal bodies themselves, need

time to determine whether or not they are subject to this legislation and we want to support them in that effort.

The working group we have assembled will provide support. We will be doing extensive consultation with those affected over the next couple of months to make sure that they have ample time to prepare, and really understand who is in and who is not, in keeping with the spirit and intent of what Mr. Wells and the Committee have proposed.

CHAIR: The hon. the Member for Stephenville – Cape St. St. George. Stephenville East – Cape St. George, I am sorry.

MR. REID: St. George's – Stephenville East.

CHAIR: St. George's – Stephenville East, thank you.

MR. REID: Thank you, Mr. Chair.

Yes, the point that I was making earlier was that people are assuming that the legislation we have here today was the legislation that the Committee proposed. It is my understanding there was some typographical errors within the legislation. That was brought forward by the Committee, clarification was sought by the department, and some changes were made. Would the minister maybe tell us a little bit about those changes that were made based on these typographical errors – just for the record, Mr. Chair?

MR. CHAIR: The hon. the Minister of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

That is another good question. So I just spoke to the definition of public body, so that was one of the two changes. There were only two that – and I have a letter here which I am happy to table, Mr. Chair. I believe members opposite do have a copy of it as well. Mr. Clyde Wells wrote us on April 21, not that long ago, about a week ago, to provide clarification on two points. One related to the definition of public body, which I just spoke about. So I will not repeat myself, but that was one of the issues.

The second issue was really what I constitute as a typo, and Mr. Wells does as well. It was with respect to the word "adopted" used in item (iii) of the definition of dataset. So now I understand what your earlier question was about. It is in paragraph (g) of section 2. It was a typographical error.

Members of the Committee intended the word to be "adapted" instead of "adopted". So, while that may on the surface not see like a big deal, there are certainly lawyers that would tell you it is a big deal. Mr. Wells and the Committee were kind enough to clarify exactly what was intended. We have that in writing from Mr. Wells. We committed to adopting the legislation as the Committee intended. This is what the Committee intended, so that is why the legislation has been adjusted accordingly.

It is an important point. We touched on it in second reading, but it is good in Committee to have a chance to make sure everybody is clear on what those couple of changes are.

CHAIR: Shall clause 2 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 2 carried.

CHAIR: Clause 3.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair, for the opportunity to speak to clause 3. Clause 3 is the purpose of the act. The purpose of an act for access to information and privacy protection is really to facilitate democracy. That is something that did not occur under Bill 29. It brought a lot of public discourse, public concern, about the right level of access to information and the right balance of privacy protection.

This is why we are here tonight debating. The Committee looked at all levels of information.

They looked at Canadian access to information and provide a balanced access to government information. So things, I would think, like public library board minutes would be made available. You would not get all of this blacked out toner. It would protect the other interests that would adversely affect if that information was disclosed. There are certain pieces of information, private information that is personal in nature that certainly should not be disclosed publicly, so this bill is two-fold and that is the purpose of this particular act.

The Committee stated what the Supreme Court decision was when it comes to informational privacy and that the understanding overlapping is privacy as secrecy, privacy as control, and privacy as anonymity. If we look at what the original act was and what was put forward in 2012, it stated a number of clauses about giving the public a right to access records; right of an individual to access or the right to request the correction of personal information about themselves; specifying the limited exceptions to the right to access; preventing the unauthorized collection, use, or disclosure of personal information on public bodies; and the act did not replace other procedures to access or limit access to personal information that is available in the public.

The Committee really recast – and that is what we have here in Bill 1. They recast the purpose of the ATIPPA legislation so that ATIPPA could – what is in the existing version of the bill, it states that it is going to facilitate democracy through ensuring that the citizens have the right to information required and participate meaningfully in a democratic process. Because that is something that under Bill 29, under the previous legislation, the Committee acknowledges, the statutory panel, looks at that the process was not democratic in terms of getting information, the way things were being withheld.

It looked at the current purpose of the bill is looking at increasing transparency in government and public bodies so that the elected officials, the officers, people who work on behalf of the public, on behalf of Newfoundlanders and Labradorians and these public bodies that are all defined under clause 2, which we just passed, are accountable, that they have to remain accountable, and that is really important, and that protecting the privacy of individuals with respect to personal information themselves is held and used by public bodies. That is certainly providing the right balance when it comes to democracy, when it comes to the right level of access. I think it is the right drafting when we look at the purpose of the bill.

Then, if we look at subsection (2) in clause 3 it goes into further detail about each clause, about the right to access records, and about the discretionary exceptions that could exist. If the public interest in disclosure outweighs the reason to exception there would be reason why information would not be disclosed, and why that would prevent unauthorized collection, use or disclosure of personal information by public bodies. There would be that ability to protect and take further action.

As we go through the bill we will be able to debate and discuss some of these particular matters. I just wanted to point out in clause 3 how dramatically different it was from the previous Bill 29 that is inclusive of an open, democratic process in terms of access to information and how it has significantly changed to give an improved bill repealing the regressive Bill 29. I do not know if the minister wants to comment on the purpose of the bill, how it expands some of the greater roles, protects privacy, provides the right balance, and how it really is repealing the regressive Bill 29.

Thank you.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: I will rise again, Mr. Chair, because I know the member wants to raise other points. I will respond very briefly to say that –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Thank you.

MR. KENT: Thank you for your protection, Mr. Chair.

I will respond to the –

SOME HON. MEMBERS: Oh, oh!

MR. KENT: It is just continuous whether you provide the protection or not, Mr. Chair. It is tough, but it is part of the business.

Mr. Wells and the Committee, when they presented the report, expressed a great deal of passion around the redefined purpose of the legislation. The very first line in clause 3 is very telling, "The purpose of this Act is to facilitate democracy … ." I know that Mr. Wells, Ms Stoddart, and Mr. Letto felt strongly that it was important right upfront in the new legislation to make it clear why this legislation is so important and what, in fact, it was intended to do.

I support the redefined purpose. I think it is progressive. While I will not debate the Bill 29 argument that the member is making, I think improving upon the purpose is a real positive step forward. I will acknowledge that.

CHAIR: Shall clause 3 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 3 carried.

CHAIR: Shall clauses 4 through 6 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 4 through 6 carried.

CHAIR: Clause 7.

The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Yes, Mr. Chair.

So we are on clause 7?

CHAIR: Clause 7

MR. A. PARSONS: Okay. I just wanted to congratulate the government for letting us get further in this debate than we got in the Bill 29 debate where we only got 6 clauses.

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: I just wanted to congratulate you on that if you want to invoke closure.

Thank you.

CHAIR: Shall clause 7 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 7 carried.

CHAIR: Shall clauses 8 through 12 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 8 through 12 carried.

CHAIR: Clause 13.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

Clause 13 is about the duty to assist. The current legislation, the ATIPPA legislation, spells out the duty of public bodies to really assist the applicant who made the information request.

The Leader of the Official Opposition, in the presentation to the panel which drafted Bill1 stated, "If you are going to say no to somebody, at least give the courtesy of saying why you're saying no to it." "He said a refusal should be accompanied by an explanation of the reasons for the refusal, not just the decision and a quotation from the relevant section of the Act."

There were others who pointed out that there are far too many ATTIP coordinators and other coordinators within public bodies who need to be reminded of this legislative provision and the fact that they are custodians, not owners of public records. That is basically a quote from Wallace McLean who made that statement.

The importance of the duty to assist and to practice good relations, good customer service, and providing access to information to the people of the Province is where there needs to be training for ATTIPA coordinators to emphasise this approach. I believe in the briefing we had there was training that was discussed which would be provided to make sure that with this new legislation and all these changes there is a level of standardization, there is an understanding that people get the right level of access. The onus to refuse would be on the public body and not on the individual to prove why that information should be made particularly available.

If we look at the federal government and their Office of the Information Commissioner of Canada, they state that the duty to assist is beyond helping a requester through the process. So it really implies the commitment, the culture, and shows the importance of information to serving Canadians. I really hope that what we see in Bill 1is going to see a similar culture. Maybe the minister can highlight for this House and put on the record the training and the change when it comes to the duty to assist, and how this is going to improve service for people.

I pointed out one thing in my statement as to what the Leader of the Official Opposition suggested about courtesy of just not saying why you are saying no. It should be accompanied by an explanation and not just the decision in the quotation with the relevant section. So being more customer friendly, more of that culture of providing the reasons so that if somebody wanted to appeal that decision, or go and look at the legislation and have a better understanding, there is a clear definition put forward when it comes to assisting and getting access to information.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

The member is raising another important point around duty to assist the applicant. This bill, the proposed legislation, does clearly set out the duty to assist an applicant in making a request and respond without delay. It is perhaps worded better, but it is very similar to the current legislation.

Bill 1 also specifies that the coordinator will communicate directly with the applicant. The training that the member is referring to is actually scheduled for the second week of May, but it is not just a one-time occurrence. The main training for our coordinators and others involved in the legislation is taking place early in May. There are ongoing training opportunities scheduled throughout the next number of weeks and months.

As we discussed a little earlier, there is even more work required with municipalities and public bodies that are connected to them. The training that the member refers to is well underway, plans are set, and training has been developed. We have a Centre for Learning and Development within government that has been providing us with some support as well, and it is scheduled for the second week in May.

As we make some of these changes we are also working closely with the Human Resource Secretariat. It is important that we have the right people in the right roles to meet the demands that will be created by this new legislation, which we intend to bring into force rather quickly, Mr. Chair.

CHAIR: Shall clause 13 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 13 carried.

CHAIR: Shall clauses 14 and 15 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 14 and 15 carried.

CHAIR: Clause 16.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Mr. Chair, I wanted the opportunity to speak to clause 16, primarily because it is the time limit for final response. There has been information requests that have been filed, filed by the Official Opposition, and I am sure other members of the media and public at large, requesting information where information was delayed, sometimes unnecessarily, and beyond thirty days, and an extension granted.

We have had cases when the presentations were made where information was delayed, basically, up for six months getting information. Clause 16 clearly states that the head of the public body shall respond to a request in accordance to sections 17 and 18 without delay and, in any event, not more than twenty business days after receiving it, unless the time limit for responding is extended under section 23, which requires basically correspondence on that matter.

So, I would just like to give the minister the opportunity to talk about some of the time limits, some of the response, and information outlining in the clause, as he has been doing on previous questions put forward, to clarify for the House and put on record the time limits for final response by the current government on these matters and some of the changes that will improve getting information in a more efficient means, as have been requested by the Official Opposition. Otherwise, I will continue through the clauses.

Thank you.

CHAIR: The hon. the Minister of Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

I will respond very quickly to that point. The member acknowledges that during debate in second reading we talked extensively about the new timelines. I think they are an improvement. In terms of the not more than twenty business days that is referred to in clause 16, that is not a lot different than what we have today. Right now we talk about, I believe it is thirty days. The review committee felt that it was more appropriate to deal with it in terms of business days. So twenty business days is four weeks, which is about a month. So it is much the same.

However, if a public body wishes to have an extension, they now need to apply to the Privacy Commissioner. There is now a new process in place for granting extensions so that there are not just automatic extensions granted by public bodies without real serious consideration.

So I think what these new timelines will do is ensure that there is much more adherence to timelines, that inquiries are dealt with a lot faster. Even in terms of the Privacy Commissioner's response, which we will probably deal with later, there are now more stringent timelines in place in that regard as well, so it will ensure greater accountability to the public. It will ensure that requests are dealt with as quickly as possible and, in fact, there will be fewer delays, which I think is a good thing.

There will be legitimate reasons for meeting extensions to process certain requests, so the new legislation obviously provides for that but departments just cannot unilaterally decide to defer a request and grant extensions without giving it real consideration and without consultation with the Commissioner.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: I just want to thank the minister for his response and highlighting the points around the role of the Office of the Information and Privacy Commissioner because this process should create more efficiencies and provide greater access to information to the people who are requesting it in a more efficient manner, and ensure greater accountability from the public bodies and departments as defined in the legislation.

I thank the minister for his response to section 16.

Thank you.

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

SOME HON. MEMBERS: Hear, hear!

MR. MURPHY: Thank you, Mr. Chair.

Just a quick response around the entire –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MURPHY: Just a quick question around the time limit for the final response and I guess the question is to the minister on this particular section. We know that obviously there has been some hold up in some cases when it comes to ATIPPs that have been put into government before, and indeed, probably some refusals for information and things are going to open up a little bit.

When the bill comes into effect, obviously there is probably going to be a pile of applications that are going to be coming into government on this for ATIPP information, I am just wondering if government is going to be ready for the onslaught of the information or are we going to end up having the delays, the twenty business day delays that we are talking about.

You are not expecting to have any overages in the amount of days, extensions and that sort of thing – I am just wondering if you can address that.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

That is a realistic concern; it is one that we have contemplated. We expect when we bring in the new legislation there will be some testing, so to speak. There may be individuals who choose to file a request that they filed previously just to see if they will get a different response under the new legislation, just as an example.

That is why we have been so focused on the change management plan, on the training plan, on the communications plan, on the human resources plan, to make sure that departments and public bodies are well equipped.

As I have said previously in introducing this legislation, this is not going to be perfect. It is impossible for it to be perfect. Implementation is not going to be flawless, because we are talking about major cultural and systemic change.

To answer the member's particular question, departments and agencies will be geared up, as best they can, to be ready to deal with whatever volume of requests comes, whether it is June 1 or weeks or months later. It will take time.

There may be cases, because of the volume of requests that are being dealt with, where a department or an agency may need to seek guidance from the Access to Information and Protection of Privacy Commissioner. Frankly, I do not anticipate that. I think we will be equipped enough to handle it. Because of our new approach to managing ATIPP coordinators within government – and that is still being worked on – there will be an opportunity to deploy resources within departments as needed.

For instance, if within Health and Community Services we are bombarded with requests, then we may be able to get some assistance from other trained ATIPP coordinators in other departments to support us in that work.

I think we will be able to manage it, and I thank the member for the question.

CHAIR: The hon. the Member for St. George's – Stephenville East.

MR. REID: Thank you, Mr. Chair.

I am just wondering, in terms of public bodies and things like that, usually there are policy manuals in relation to these procedures and things like that, and sometimes organizational reviews. I wonder could the minister give us some understanding of what is being done in that regard and what challenges the departments face in terms of complying with that cause.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. REID: Has the work begun, or when will it begin, those sorts of things? I wonder could you give some insight into that.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

We do have an existing manual. The existing manual, obviously, interprets and supports the existing legislation. So given that this is dramatically different – this is brand new legislation, it is not minor tweaks. It is not repealing of certain provisions. It is a brand new piece of legislation. It does require a fairly extensive rewrite of the manual.

The staff of the ATIPP office, within the Office of Public Engagement, commenced that work right away when we received the report from the committee. I am pleased with the progress to date.

We have an implementation team in place that has representation from Human Resource Secretariat, from Cabinet Secretariat, from the Office of Public Engagement, and the Department of Justice. We are receiving support from the communications branch within Executive Council. So, this is sort of an all-hands-on-deck approach. As a result of that kind of concerted effort being supported by the Clerk of the Executive Council, we are making great progress in a very short amount of time.

That is a long-winded answer to a simple question. There will be a new policy manual that supports the new legislation, and it will be ready for June.

CHAIR: The hon. the Member for St. George's – Stephenville East.

MR. REID: Thank you, Mr. Chair.

The minister also mentioned the change management plan, I believe. Could you tell us a little bit about the change management plan that will be developed or has been developed to implement this legislation?

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

I would be happy to provide the member with further detail beyond tonight's debate. As part of that implementation team, one of the key individuals from Executive Council, from Cabinet Secretariat who is supporting the work of the transition team, quarterbacking it so to speak, one of his key priorities is developing and executing and leading the execution, managing the execution of the change management plan.

As I said earlier, Mr. Chair, we are talking about some pretty major change that needs to occur within government bodies, both within the government departments, public bodies, and agencies beyond that, because we are talking about a new way of doing business. We truly do want information to be available by default, so to speak. We want to be open by default and we are trying to spark a cultural change that will not happen overnight.

One of the key people on the transition team is spending time focusing on working with leadership throughout government on how we are going to manage this change. How are we going to make sure ATIPP coordinators understand their new role? How are we going to ensure executives within government departments and agencies understand their new role, which is far less in the sense that the ATIPP coordinator is now the key person processing and responding to an ATIPP request from beginning to end?

In terms of the new privacy provisions, how are we going to make sure staff throughout government and government bodies truly understand their responsibility? It is going to take time and it is going to require resources. It is going to require training and support within each government department and agency. So the change management plan addresses those elements. It is a work in progress. I will not suggest that it is finished, but I can assure you I get weekly updates from the transition team on the progress with that, and it was one of the things we flagged very early.

It is fine to bring in a new piece of legislation that everybody loves and looks great on paper, but what is more important is what it is going to be like in practice. That is why managing change within government is going to be so critical to our success, Mr. Chair.

CHAIR: Shall clause 16 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 16 carried.

CHAIR: Shall clauses 17 to 20 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 17 through 20 carried.

CHAIR: Clause 21.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

Clause 21 is an important section because it is about disregarding a request. It gives reasons why a public body may, not later than five business days after receiving a request, apply to the Commissioner to disregard the request where the head of the public body has a certain opinion.

This is a very important change to the particular legislation because even before Bill 29, the former ATIPP legislation, public bodies could refuse to disclose a record or part of a record if it was repetitive, if somebody could not read it, if it was non-legible, or if they had already provided the information, so I guess the repetitive nature.

Under Bill 29, when the legislation was passed, the present legislation that everybody has been following under ATIPPA, there were two sections where public bodies could disregard, those made in bad faith and those that were frivolous and vexatious. Frivolous and vexatious were two words that were used in the Bill 29 debate in 2012 many, many times, part of the discussion and dialogue in Hansard.

What I see here now in Bill 1 is very positive in terms of how to disregard a request because it puts the onus on the public body to really do the due diligence and understand the comprehensive nature of the current legislation and definition, and it states that they have a timeline where they can deny the request but it has to be applied for through the Commissioner's office and it has to be based on the following reasons.

The Commissioner has onus of just a very limited time of three days to decide to approve or disapprove so that it is not slowing down or impeding the passage of information that should get to somebody within those twenty business days. The five and three allows for information to continue to get there, but it also provides a good process where there is due diligence and the Commissioner is reviewing that information to determine if it was made in bad faith, if it was excessively broad or incomprehensible, if it was repetitive or systematic, trivial, frivolous, vexatious. That definition is clear. I think it is a good process, and I want to put that on the record that I think that how you would disregard the request has greatly improved under the past legislation.

I do not know if the minister wanted to make a comment on that, but I think this is a very good in process and how information is being relayed, and making sure that those that need to be disregarded are disregarded, but there is that second layer where the Commissioner's office is doing that review – because there are cases I am sure that happened in the past two or three years where information would have been granted or approved where information may have been deemed as frivolous, vexatious, or repetitive, or that nature.

So I think this is a real improvement. I think it is a positive clause in the legislation.

CHAIR: The hon. the Minister of Public Engagement.

MR. KENT: Ah, frivolous and vexatious, those famous words, Mr. Chair. They bring back a lot of memories. Interestingly enough, on a more serious note, those words are quite common in a judicial setting, from a legal perspective they are quite common, they appear in a number of pieces of legislation. I agree with the member opposite that this language around disregarding a request, which is what clause 21 is all about, is a significant improvement.

So, I will just provide some brief context in response to the member's comments, and then we will move along, perhaps. In the 2012 legislation, a public body can disregard a request if a meets certain criteria and the only circumstance under which they must seek approval from the Information and Privacy Commissioner is if they intend to disregard a request for being excessively broad. Under this new legislation, Mr. Chair, public bodies must apply to the Commissioner in order to disregard a request. The application must be made within five days of receiving the request, and the Office of the Information and Privacy Commissioner must reply within three days.

So those are pretty tight time frames. That is going to pose perhaps some challenges for the departments and agencies. It is probably going to pose some challenges for the Commissioner as well, but it is the right thing to do, as the member points out.

When a request is not approved, the public body must respond based on the original request date. So just because they have made this request within five days, if it is denied, they do not get an initial five days to respond. If they need an extension and they can justify the need for an extension to the Commissioner, they can choose to pursue that. So this is ambitious, it is certainly more stringent than what we had before, but I agree with the member opposite that it is the right approach, and it is one that we are certainly preparing for. I know that the Information and Privacy Commissioner is preparing for that eventuality as well.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I just wanted to go back and make further commentary on this because I think it is significant where the Commissioner approves the decision of the public body to disregard a request, well then the only right of appeal, on the part of the requester, would be to the Supreme Court Trial Division. From what I am reading through, the subsequent subclauses, the person who made the request may appeal the decision of the head of the public body to the Trial Division under subsection 52, if not given the information.

So I just ask if the minister could clarify 21(5), subsection (c), because there was some interpretation of the past bill where the only option was to go to court to access information. So it seems like if the information is being denied by the requester that there is still the option of going to the Trial Division under subsection 52(1).

CHAIR: The hon. the Minister of Public Engagement.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Chair, I am just wondering if the member can summarize his question or restate it. I am not quite catching his logic at this point. If he could restate it, we will give it another go.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I know it is getting late in the evening so I may not be making as much sense as I would in the daytime, but I will certainly try to rephrase my question.

The question states: "Where the commissioner approves the application, the head of the public body who refuses to give access to a record –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MITCHELMORE: – or correct personal information under this section shall notify the person who made the request." Then (6) states the options, it says, "(c) that the person who made the request may appeal the decision of the head of the public body to the Trial Division under subsection 52(1)."

So in that situation, if the Commissioner is approving the application the head of the body is refusing, then it seems like the option is to go to the Trial Division under that situation.

I would just like the minister to clarify that, and if it would be the requester who would have to pay for the cost of the trail division if the Commissioner is approving the decision but the public body is still refusing. Just some clarification there for the House.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you.

I thank you for the clarification, and I do understand your question now.

This legislation requires us, requires public bodies, requires government – if a government department or agency does not agree with a recommendation of the Privacy Commissioner in this regard, we have to go to the trial division. We have to go to court. That is at our cost. That is at government's cost or the public body's cost. It is at no cost to the applicant.

I think that addresses the member's concern.

CHAIR: Shall clause 21 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 21 carried.

CHAIR: Shall clauses 22 through 26 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

MR. MITCHELMORE: I had a question about clause 25.

CHAIR: Okay. Can I go back just for a second?

Shall clauses 22 to 24 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 22 through 24 carried.

CHAIR: Clause 25.

MR. MITCHELMORE: Clause 25 is about cost, Mr. Chair. It states clearly, "The head of a public body shall not charge an applicant for making an application for access to a record or for the services of identifying, retrieving, reviewing, severing or redacting a record."

This is important to see that government has eliminated fees because in the debate, I know

myself, as a Member of the House of Assembly, had talked about the $5 fee and in cases where it can be restrictive and out of reach for some people, or the fact they would need to have a personal cheque, or that type of documentation in some cases, and just delaying how one could apply.

I think that the change here and what the committee stated is that we have to go with less cost prohibited and more accessible. That was the approach I think of the current committee, that we need to see where the cost can be reduced and information can be more accessible. A lot of this information should be made available publicly anyway on websites, in reports and in forms, and available at government offices and public bodies, but they are not. So we need to see a culture of change and practice.

There also needs to be a standardized system rather than the fees being arbitrary. I have to mention that is some cases and circumstances we have seen ATIPP requests going on and on and on, being upwards of over $10,000 in terms of cost for fees for reports and documentation. We see the differing cost is that there is a reduction in fees, which is important when it comes to Bill 29.

The act was amended and it eliminated the application fee. Processing fees for the first ten hours of search time would be included. That is a greater amount, and should encompass a lot of the requests. For municipalities, that was the ten hours. For public bodies it would be fifteen hours. They would only include search time in a cost estimate.

There are a number of other recommendations that were put forward for eliminating direct costs for electronic copies, such as pdf or data set. I am happy the minister clarified the definition of data set, as well as waiver charges for those in financial hardship; enable a dispute respecting charges to waiver to be reviewed by the Commissioner whose determination would be final.

So these types of changes and guidelines are very similar to what you would see in the United Kingdom that really guides public bodies and gives a greater free time allowed, and allow for the provision made for, particularly, an online application. Those are things I wanted to point out in the cost, and that the Leader of the Official Opposition had pointed out in a presentation to the panel, to revert the fee structure that existed prior to the 2012 amendments. So it was good to see that change introduced.

I will take my seat, Mr. Chair.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

I will respond briefly. I hear members opposite calling for relevance. I would argue that the Member for The Straits – White Bay North is speaking to the clause we are debating and it is very relevant, I say to the members opposite.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: In terms of the fee schedule. Under the 2012 fee schedule, public bodies were required to collect a $5 application fee. We have already eliminated that application fee. They could also charge for the time to search, collect, review, and redact responsive records.

The 2015 fee schedule, which is already in place, Mr. Chair, reflects Bill 1, which removes the application fees and specifies that applicants may only be charged for time spent locating the responsive records; only for the time they spend locating the actual records. Fees can only be charged after ten hours of work for local governments, and fifteen hours for other public bodies. So a dramatic improvement, which I think will be well received by any ATIPP applicants.

CHAIR: Shall clause 25 carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, clause 25 carried.

CHAIR: Shall clause 26 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 26 carried.

CHAIR: Shall clause 27 carry?

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

Now we are moving into the section of the bill, Division 2, Exceptions to Access. I would be remiss if I did not talk about section 27 because it is the one that clearly highlights Cabinet confidences.

When you look at the amendments that were put forward by Bill 21, it barred the Commissioner from various types of records. Even the Commissioner of Canada told the committee in its review, the expanded exceptions brought about by Bill 29 tipped the balance of ATIPPA excessively in favour of non-disclosure. It moved in favour of non–disclosure and protected information. There were greater exceptions to access than typically should have been given.

The committee looked at the changes that were needed to be brought forth and they concluded very clearly that nearly all of them work against the spirit and purpose of ATIPPA. That information was necessary to ensure that public bodies are accountable to the public. This is why we are seeing Cabinet confidence as one of the issues that were broadened in terms of being able to create greater exclusions. When you see this happening and those types of amendments, you see significant problems.

Information that is a risk of significant harm to environment or health, of safety or public health, or a group of people, any disclosure that is clearly in the public interest, then certain things needs to be, but the approach that this government has taken to override ATIPPA was certainly in need of change. It was in need of change because the public interest was not being looked at in that way.

There are a couple of things that I wanted to raise. Section 20 should revert to a version of section 20 that existed prior to Bill 29. That would under the Cabinet confidence. This was something put forward by the Leader of the Official Opposition to the panel looking at making those changes. It is nice to see the changes on the Cabinet record, what it actually means and what qualifies as Cabinet advice for the document.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. MITCHELMORE: Suggestions that were brought forward by the Official Opposition to the panel – if we had the opportunity to debate this in Bill 29 and if government did not shut down and stunt debate in the clause-by-clause section –

CHAIR: I remind the hon. member to speak to the clause.

MR. MITCHELMORE: Thank you, Mr. Chair.

CHAIR: Thank you.

MR. MITCHELMORE: This would have given us the opportunity to see where change could have happened to produce legislation like this, but I am pleased to see what Cabinet confidences are put forward, so I will take my seat.

CHAIR: Shall clause 27 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 27 carried.

CHAIR: Shall clauses 28 to 38 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

AN HON. MEMBER: (Inaudible).

CHAIR: Shall clauses 28 and 29 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 28 through 29 carried.

CHAIR: Clause 30.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I would the opportunity here in clause 30(2) – this is about legal advice and it says, "The head of a public body shall refuse to disclose to the applicant information that is subject to solicitor and client privilege or litigation privilege of a person other than a public body."

That is something that has been discussed and is further in the section, but we want to find out the importance of solicitor-client privilege; and I wanted to point out that this is something that in the past bill, the definition and how it was, it was kind of broadened in terms of what constitutes a document, if a barrister or solicitor would be in the room or would be privy to information, and what actually constitutes legitimate information that could be shared.

This is talking about when a public body can refuse to disclose that information around clients' list of privilege. I am pleased to see the definition of client-solicitor privilege have further clarity in this particular bill, which brings further improvement to it from the regressive Bill 29.

Thank you.

CHAIR: Shall clause 30 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 30 carried.

CHAIR: Shall clauses 31 through 38 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 31 through 38 carried.

CHAIR: Clause 39.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I feel we are making lots of progress on this bill, Bill 1. We are on page 42 of a ninety-nine page bill and clause 39 – only ninety-eight more clauses to go in the Committee stage.

Clause 39 is an important piece because it talks about disclosure harmful to business interests of a third party. That is quite significant when we talk about the business interest. I remember the Minister of Justice got up talking about how information from the Business Investment Corp is currently being reviewed by the Office of the Information and Privacy Commissioner to ensure that something may be harmful there in business interest and that it could disclosed. I would think they probably signed off on disclosure forms to reveal such information, but we will wait on that information and continue to ask for it.

Clause 39 states, "The head of a public body shall refuse to disclose to an applicant information (a) that would reveal (i) trade secrets to a third party, or (ii) commercial, financial, labour relations, scientific or technical information of a third party; (b) that is supplied, implicitly or explicitly, in confidence … ." It highlights some other examples there around the particular disclosure.

The Committee that brought forward this bill is satisfied that the legitimate interest of business are protected through the application of a three-part test that existed in ATIPPA prior to Bill 29 amendments.

The Committee made the recommendation that for the interest of third parties, for this particular section, the previous legislation, which, if you repealed Bill 29, you would have an acceptable level of protection of what could be disclosed. When we look at what was put forward by the Leader of the Official Opposition in terms of the Information and Privacy Commissioner around the information of a deliberations test and having the three-part test to ensure appropriate access to information, we see that has been brought forward and put in this current piece of legislation, Bill 1.

Thank you.

CHAIR: Shall clause 39 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 39 carried.

CHAIR: Clause 40.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Well, speaking about the disclosure of harmful information for business interests to a third party, I felt I had to speak to clause 40, because it is about the disclosure of harmful to personal privacy. Personal privacy is something that is very important on how information is collected and that there would be an unreasonable invasion of third party's personal privacy.

So it states what would need to happen – and I will not go into each section of clause 40, because there is a lot of information in clause 40, but I want to ask the minister around the particular training that would taking place around the protection of personal information, personal privacy. That is something that from a public body, including municipalities, how that is going to be protected, or if he can provide for this House maybe a policy book or review or information on this.

There is a lot of information here on what qualifies as personal information, what is identified. We have seen a number of privacy breaches and data breaches by government, so we want to have the confidence that our information is not going to be breached, that the public's information is not going to be breached. So what protocols are being put in place around the training and ensuring that the systems and management that we have, the disclosure of harmful to personal privacy is not being released?

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

The privacy provisions are quite elaborate, as the member points out. When we were talking about the kind of change that is needed within government and its bodies, this is a very significant area. We need to make sure that everybody who works in the public service – not just those people who deal with ATIPP legislation, but all government employees, all employees of public bodies, understand their responsibility to protect individual privacy, and to protect personal information.

So, as I said earlier, there is a new manual being developed, primarily for coordinators, but there is training being conducted throughout government and throughout public bodies. It has already commenced, and it will continue in the weeks and months ahead.

It is not something that will stop when the legislation comes into effect. We know public employees need support, they need training, and they need feedback to ensure they are meeting the provisions of this legislation and that they are protecting individual privacy. So that is going to be an ongoing effort.

The transition team that is engaged are talking to various government departments. We are working within our ATIPP office. We are working with the Human Resource Secretariat. We are working with the Centre for Learning and Development to figure out the best ways to make sure that employees understand their responsibilities and feel equipped to ensure compliance with the legislation.

Any privacy breach is too many. The reality is they will happen from time to time. The vast majority of privacy breaches that occur are very minor in nature, but even the very minor ones, Mr. Chair, we take very seriously. Everybody is now required to report privacy breaches, not only to the Office of Public Engagement, but to the Information and Privacy Commissioner as well.

We are not waiting for this legislation to be in place. That is a practice that we have put in place, and from discussions with the Privacy Commissioner, I can confirm that public bodies and government department are, in fact, following that new practice, Mr. Chair.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

The minister provided a significant amount of information in answering questions around training and dialogue and things like that, but I also asked in that particular matter around the protection of personal information on how you take extra measures to prevent a security breach, privacy breach, a breach of data. We have seen it through Service Newfoundland and Labrador. We have seen it through other bodies, like through the Motor Vehicle Registration where information – health records have been accessed. We have seen data breaches happen under the leadership of this government, under the current legislation.

Is there a mechanism in place where government is strengthening the legislation? What systems are being put in place around the data breach, around security breaches, so the public can have great confidence that their privacy and personal information is being protected?

I understand the training piece that the minister talked about, but is there anything else systematic that is taking place that would improve and prevent security breaches and data from being released that would be personal in nature?

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: I would simply say, Mr. Chair, there is a heightened level of awareness and I think there is growing understanding around how serious privacy breaches are. Again, it is going to take time to change a culture.

We are taking them very seriously within government bodies. I think that has become very evident to employees. That will continue. I think as a result of having better privacy legislation, there will be heightened awareness of that. We are driving change within the system that will cause everybody to be more aware of the importance of protecting individual privacy. While I cannot name specific initiatives, I would say there is a general change happening that I think will lead to hopefully fewer breaches, and a greater awareness of how important and how serious they are.

The member mentions health authorities. We have already seen in the past, in recent years, one of the health authorities take a privacy breach extremely seriously, call it out publicly, and ensure that disciplinary action occurs. That is what we expect.

The seriousness of privacy breaches can vary quite a bit, but in the case of health information, it is among the most sensitive. For that reason, an even higher standard has to be applied.

CHAIR: The hon. the Member for St. George's – Stephenville East.

MR. REID: Thank you, Mr. Chair.

Just a quick question, there is reference in the clause to a three-part test in order for information to be withheld. I wonder, could the minister explain this three-part test and what it involves?

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Mr. Speaker, we are – or Mr. Chair, sorry, sometimes, Mr. Speaker. We are dealing with a clause that I do not believe has anything to do with the three-part test. We have covered that previously in the debate this evening.

CHAIR: Okay.

Shall clause 40 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those opposed, 'nay.'

Carried.

On motion, clause 40 carried.

CHAIR: Shall clauses 41 and 42 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 41 and 42 carried.

CHAIR: Clause 43.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

Clause 43 is a significant change based on the current legislation, Bill 29, and seeing Bill 1 where, "On an investigation of a complaint from a decision to refuse access to a record or part of a record, the burden is on the head of a public body to prove that the applicant has no right of access to the record or part of the record."

The significant piece of the burden of proof comes down to basically looking at the means test, or the three-part test as my colleague from St. George's – Stephenville East would talk about. So, maybe the minister would now be in a position to look at the burden of proof and talk about the three-part test, now that all three parts would have to be accepted and not just one part to diminish all of the information that is provided.

I like clause 43(1). I like what is put forward here and that the onus, the burden would be on a public body to prove that somebody does not have the right, and that the step is in there for the commissioner's office for the review. It does provide greater accountability and it should provide an efficient way, based on the timelines that are in previous clauses as we have debated here.

Putting this all out on the floor of the House of Assembly creates greater clarity when we look back on this debate and we get the response from the minister who is responsible for this bill.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

The member is asking for me to just speak briefly to the burden of proof, which is what clause 43 is all about.

This new legislation introduces new provisions related to burden of proof. Where a complainant seeks access to a record involving a third party's information, the burden of proof is on the public body to show that the disclosure would not be contrary to the act. So I hope that is clear.

Where a complainant seeks access to a record that relates to a third party but it is not personal information, the burden of proof is on the third party to prove that the applicant has no right of access to the records in question.

That is what burden of proof is all about. It does represent a change from current legislation. Again, I think it is an improvement and I hope that those comments address the member's inquiry.

CHAIR: Shall clause 43 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 43 carried.

MR. REID: I would like some information about the three-part test, if the minister could provide it.

AN HON. MEMBER: (Inaudible).

CHAIR: No, we did not.

Anyway moving forward, shall clauses 44 to 86 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 44 through 86 carried.

CHAIR: Clause 87.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

We have made significant progress up to clause 87. This is a section which deals with the Office of the Information and Privacy Commissioner. Clause 87 specifically talks about the term of office. I believe – and I do not have it here right now – the Cummings report, I think, recommended a five-year term for the Privacy Commissioner. That was amended; it was not accepted. It stated a two-year term under Bill 29.

This clause in particular states, "Unless he or she sooner resigns, dies or is removed from office, the commissioner shall hold office for 6 years from the date of his or her appointment." I ask the Minister Responsible for the Office of Public Engagement: Does this align with other jurisdictions? Can he explain maybe the reasoning for six years versus five years, or for ten years, as some of the other offices and statutory offices within government would have? Some clarity on why six was chosen versus five or ten. Is there any reasoning behind that?

I would just like to know that for the record. What was recommended in the original statutory review by Cummings was five. Two was what was pushed for by the current government, and now six is what is being recommended under Bill 1.

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

On some of the provisions in this legislation, it is very difficult for me to speculate on why the Review Committee may have chosen six years versus five years, or two years for instance. I will try not to speculate too much on what the Committee may have intended. I will try and provide some explanation from my perspective on why the legislation is now as it is and why it represents an improvement.

I know that the Review Committee felt that a two-year term was extremely short. Cynical people, or perhaps just skeptical people, could suggest that the term is short for –

SOME HON. MEMBERS: Oh, oh!

MR. KENT: Mr. Chair, it is really hard to answer questions when people are shouting across the House. I am sure you –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

SOME HON. MEMBERS: Oh, oh!

MR. KENT: Whenever they are ready, Mr. Chair. No rush.

CHAIR: Order, please!

MR. KENT: A classroom becomes very disruptive when the class clown shows up, Mr. Chair.

The 2012 legislation contained the two-year term which is really short. As I was saying before I was interrupted someone who is cynical or perhaps just skeptical might suggest that that would allow a government who does not like how a Commissioner is performing to remove that Commissioner if they are appointed every two years.

I think that the Committee was trying to address that. Now, there is going to be an initial six-year term with the possibility of being extended for another six years. Twelve years represents three terms of government, assuming a government serves for four years.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

We have had a long evening and I ask all hon. members to give co-operation. The minister is trying to give an answer. I am having difficulty hearing it. I am assuming the hon. Member for The Straits – White Bay North is having trouble. I ask all hon. members, please, we have had a long evening, the minister is giving an answer, and I know the hon. member wants to hear the answer.

The hon. the Minister of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

I will try and confine my comments to the bill as well so that I do not incite any hon. members. Bill 1 also outlines a reappointment process. It is rather unique because it requires the approval of the majority of members of the Legislature on both sides of the House. So, in order to reappoint a Commissioner – and this really takes out any allusion or perception of political interference. If the majority of members of the Opposition also have to approve the reappointment of a Commissioner, then that ensures that everybody is really happy with the Commissioner and is comfortable with the reappointment.

I think that is a substantial improvement as well. I would say to the hon. member that is rather unique. I cannot find any legislation anywhere that has that type of provision. I think it addresses whatever concerns the Review Committee would have had.

CHAIR: The hon. the Member for Mount Pearl South.

MR. LANE: Thank you, Mr. Chair.

I have a question on section 87 and it kind of applies into 87 and then it kind of goes into 88, so it is kind of covered in both of them to some degree. Clause 87(1) says, "Unless he or she sooner resigns, dies or is removed from office, the commissioner shall hold office for 6 years … ."

My question was around the removal from office but it does go clause 88 to talk about how the Commissioner could be removed, if they were incapacitated in any way, unable to act, neglect of duty or misconduct. I am wondering about the neglect of duty and misconduct and so on. I am just sort of questioning who determines whether it is misconduct or neglect of duty? Is there any appeal process or whatever?

You would not want a situation where because the Privacy Commissioner actually does his job and makes some recommendations that somebody does not like, that they say we are going to call that a neglect of duty or misconduct and get rid of that person. I do not see a mechanism beyond government or the minister or the Cabinet being able to just simply say yes, get rid of him for misconduct.

I am wondering: Is there any other provision I am not seeing, or have you contemplated some provision so that it is not just simply the

government removing somebody without having some mechanism for appeal and public disclosure as to why the person was removed and so on?

CHAIR: The hon. the Minister of Public Engagement.

MR. JOYCE: (Inaudible).

MR. KENT: Thank you, Mr. Chair.

I will wait for the member to finish his barking from across the House.

The Member for Mount Pearl South is raising a legitimate question around who holds the Commissioner accountable if there are acquisitions or allocations of wrong doing. The answer is this very House. The Office of the Information and Privacy Commissioner is an office of this Legislature, just like the Child and Youth Advocate or the Citizens' Representative. So it is this Legislature that is responsible for holding those officers accountable. It would be through a resolution of the House that an issue like that would be addressed.

It has happened in the past where an office of the House has been called into question and a resolution has been brought to the floor of this House. That would be very unusual, exceptional, and obviously a very serious matter, Mr. Chair, but it would be this House that would be responsible for dealing with such a matter.

CHAIR: Shall clause 87 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 87 carried.

CHAIR: Shall 88 to 119 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 88 through 119 carried.

CHAIR: Shall clause 120 carry?

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I just have a question on clause 120 which deals with the Auditor General Act being repealed and to allow for access to information, the disclosure which is refused under section 31.

This was something I talked about earlier when I read out a CBC news article about the former Auditor General talking about having difficulty accessing certain information, whether it be for the C-NLOPB or the transportation strategy that does not really exist or getting that information. In the act itself, in Bill 29, there were restrictive things taken away from the Auditor General; less power in terms of being able to review Cabinet documents and information like that.

I ask the minister who is responsible for the Office of Public Engagement, would he explain – will this section restore the Auditor General's authority under the Auditor General Act, because it is amended? If so, does that bring it back to where it was as Cummings had recommended pre Bill 29?

CHAIR: The hon. the Minister Responsible for the Office of Public Engagement.

MR. KENT: Thank you, Mr. Chair.

I may need a couple of minutes to consider the member's question, but I will do my best to respond. If he needs further clarification, I would be happy to provide it within a few minutes.

What section 120 says, "Section 19 of the Auditor General Act is repealed and the following substituted." The current language is being replaced with this language that is proposed here in section 120 of the bill. It reads,

"Notwithstanding sections 17 and 18, the auditor general shall not be permitted access to information the disclosure of which may be refused under section 31 of the Access to Information and Protection of Privacy Act, 2015 or the disclosure of which shall be refused under section 27 of that Act."

It is a change. I do not believe it is simply reverting to previous language, to answer the member's question, but I will dig a little further. It is actually important to reference the Auditor General Act, so I will take a moment to do that. I will be happy to rise and address it a little later on with the Chair's indulgence. Even if we are a little further in the process, I would be happy to clarify a little further once I have the information.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: I thank the minister for that.

Looking through the clauses, that really is my last particular question in the Committee. I do not know if other members would, but I will take the hon. minister at the opportunity to maybe provide that information to me at a later time, or else I will have the opportunity to maybe raise that in the House of Assembly or request the information. I do have the understanding that the minister will provide that information to me, as he has been answering a number of pieces of information tonight.

So if he has that now, he certainly can answer it and we will be able to move forward in the Committee stage, but I have my questions answered that I have put forward so far.

CHAIR: Shall clause 120 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 120 carried.

CHAIR: Shall clauses 121 to 137 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 121 through 137 carried.

CLERK: The schedule.

CHAIR: Shall the schedule carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, schedule carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Provide The Public With Access To Information And Protection Of Privacy.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I moved, seconded by the Minister of Municipal and Intergovernmental Affairs, that the Committee rise and report Bill 1.

CHAIR: The motion is that the Committee rise and report Bill 1.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

MR. SPEAKER (Verge): The hon. the Member for Port de Grave.

MR. LITTLEJOHN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 1 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 1 without amendment.

When shall the report be received?

MR. KING: Now.

MR. SPEAKER: Now.

When shall the said bill be read a third time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

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

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Transportation and Works, that the House do now adjourn.

The motion is that this House do now adjourn.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

This House stands adjourned until 2:00 p.m. tomorrow, Private Members' Day.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 2:00 p.m.