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HANSARD

Speaker: Honourable Tom Osborne, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Osborne): Order, please!

Admit strangers.

Today we welcome members of Epilepsy Newfoundland and Labrador who are seated in the public gallery and will be the subject of a statement a little later.

We also welcome back Pages Raylene Mackey and Fatima Rathore who are returning Pages and are currently studying at Memorial University.

I would also like to introduce two new Pages who are joining us. Haley Kenny has completed a bachelor of arts with a major in political science and a minor in economics. She is currently working on a master of arts, political science at Memorial University.

I'm also very pleased to say that we've partnered with Vera Perlin to provide opportunities for their employment program. We have Crystal Snelgrove joining us. She is currently enrolled in the Vera Perlin Society's Career Education and Exploration Program. This is a pre-employment skills program focused on job readiness, training and an introduction to the world of work. It is a 10-month program operated by the staff of the Employment Division of Vera Perlin and is housed out of the College of the North Atlantic.

Welcome our new Pages.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will hear Members' statements from the Member for the District of Lewisporte – Twillingate; the Member for Topsail – Paradise; the Member for the District of Exploits; Stephenville – Port au Port; Mount Pearl – Southlands; and Labrador West.

I recognize the Member for the District of Lewisporte – Twillingate.

MR. D. BENNETT: Thank you, Mr. Speaker.

I rise in this hon. House today to recognize the Kinsmen Club of Notre Dame. This year the club is celebrating 40 years of local service to Lewisporte and surrounding communities.

The association is involved in various fundraisers, such as ticket lotteries, dances, catering and the newest, Chase the Ace. The Kinsmen Club donates annually to such organizations as the South and Central Health Foundation, the Ronald McDonald House, the Children's Wish Foundation, the Salvation Army Christmas Kettle and Happy Tree. Also, they are involved in donating to the local fire departments, assisting sport and recreation groups, school activities and individuals or families going through difficult times.

During the 40-year history of the Kinsmen Club of Notre Dame, the dedicated service of current and past members has contributed to over \$3.1 million being donated back to residents and organizations in need.

The Kinsmen Club national motto is Serving the Communities' Greatest Needs – and this chapter has truly lived up to that model.

Mr. Speaker, I ask all hon. Members to join me in celebrating the contribution the Kinsmen Club of Notre Dame has made over the past 40 years.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Communities throughout Newfoundland and Labrador are blessed with residents who have a strong sense of community spirit and choose to become involved with the planning and execution of various social events and activities that they and the entire community can enjoy.

Today, I rise to recognize the Town of Paradise who recently celebrated their winter carnival: Snow and Ice in Paradise. From February 12 to the 21 there was something for everyone to enjoy. There were 10 fun-filled days in the Town of Paradise that came together and

celebrated the splendor of winter as much as they could, and which featured fun activities for adults and children of all ages. These activities would not be possible if it weren't for the numerous volunteers, corporate sponsors, the councillors themselves and especially the staff of the town, who through tireless work, effort and support, their commitment and hard work made this winter festival a great success and a time of enjoyment for all residents.

I ask all Members of the House to join me in congratulating the Town of Paradise and its residents and wish them continued success with Snow and Ice in Paradise in the years to come.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. DEAN: Thank you, Mr. Speaker.

I rise today to acknowledge the dedication and efforts of Exploits Search and Rescue. The team assists the RCMP by providing trained volunteers to conduct ground searches for persons who become lost in the Central wilderness region of the Island.

Over the years, the team's role has expanded to include water searches, and it frequently finds itself searching for drowning victims or assisting the RCMP Dive Team. The team also assists the RCMP with evidence searches in crimes ranging from theft to murder.

The team is comprised of members from the Exploits region and partners with local fire departments and the RCMP, with traffic control, site security and evacuation during emergencies, and engages local communities and agencies with disaster planning.

Exploits Search and Rescue has realized many happy outcomes and, regrettably, some unhappy outcomes – the most recent being the recovery of a drowning victim, Roger Freeman, of Norris Arm South.

I ask all hon. Members to keep the Freeman family in our prayers, and to join with me in

thanking Exploits Search and Rescue for all that they do.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Stephenville – Port au Port.

MR. FINN: Thank you, Mr. Speaker.

Mr. Speaker, I stand today in this hon. House to acknowledge the tremendous and heartwarming efforts of the Bay St. George Sick Children's Foundation. This organization was formed in 1995 with a mandate to lessen the financial burden on families with children that need to travel outside the Bay St. George region for medical appointments.

Over the past five years, the organization has provided in excess of \$400,000 to 226 different families that required some 488 trips to various medical appointments both inside and outside the province.

Yesterday, March 20, marked the 21st consecutive year in which the organization held a telethon to raise funds for its ongoing efforts. The telethon was a huge success. A total of \$37,388 was raised during a nine-hour period. This, of course, would not have been possible without partners such as the College of the North Atlantic, Eastlink, over 60 community volunteers, the generosity of those who made pledges and, of course, the board of directors that serve on the foundation.

I ask all Members to join me in congratulating the Bay St. George Sick Children's Foundation on their successful telethon and applaud them for their ongoing efforts in assisting families in need.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Deputy Chair of Committees.

MR. LANE: Mr. Speaker, it is my privilege to stand in this hon. House to offer congratulations to a group of individuals who have made a

significant contribution to sport in my community.

The Mount Pearl Sports Hall of Fame was founded in 1995 by the Mount Pearl Sport Alliance and since that time has inducted 76 tremendous individuals. Today I would like to acknowledge the achievements of four others: Wince Taylor has been inducted into the athlete category for his tremendous accomplishments in the sports of ice hockey, ball hockey and baseball; Jennifer Andrews for her accomplishments primarily in the sport of soccer, although she also has many achievements in the sports of basketball, volleyball, swimming, hockey and softball.

Inducted into the builder category are Dave Legrow for his tremendous contribution to soccer and Dave Randell for his significant impact on hockey, soccer and baseball in Mount Pearl. These individuals are a credit to their respective sports and to their community.

I would ask all Members of this hon. House to join me in congratulating them on this significant accomplishment and wish them all the very best in their future sporting endeavours.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Labrador West.

MR. LETTO: Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to salute the Newfoundland and Labrador Provincial Drama Festival, which will celebrate its 66th anniversary in Labrador West from March 29 to April 2. The festival is a testament to the provincial government's long-standing support for the arts in our province.

Audiences in Labrador City and Wabush will be treated to cutting-edge live theatre presented by theatre companies from across Newfoundland and Labrador. Plays slated for performance this year include David Gow's *Cherry Docs*, *Painting Churches* by Tina Howe and *A Guide to Mourning* by Eugene Stickland.

The festival this year will feature productions by three Labrador theatre companies: the Northern Lights Theatre Company, the Carol Players from Labrador West and the Mokami Players of Happy Valley-Goose Bay. The adjudicator this year is Greg Malone.

The Newfoundland and Labrador Provincial Drama Festival is a tremendous way of showcasing the talents of local performers on a province-wide stage. Its mission of bringing live theatre to every region of the province helps to nurture the outstanding performing spirit for which Newfoundlanders and Labradorians are well known.

I ask all Members of this hon. House to join me in celebrating this year's Provincial Drama Festival.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

The Commemoration of the First World War and the Battle of Beaumont-Hamel

MR. SPEAKER: Today for Honour 100 we have the Member for the District of Burin – Grand Bank.

MS. HALEY: I will now read into the record the following 40 names of those who lost their lives in the First World War in the Royal Newfoundland Regiment, the Royal Newfoundland Naval Reserve or the Newfoundland Mercantile Marine. This will be followed by a moment of silence.

Lest we forget: Beadon S. Colbourne, Edward Louis Cole, Samuel B. Cole, Adam Coles, Albert Victor Coles, John Collier, Ward Collier, George W. Collins, James Collins, John Joseph Collins, Leo James Collins, Martin Bertram Collins, Richard Collins, William Joseph Collins, Frank Columbus, Frederick Columbus, Maurice Comor, Daniel Francis Connors, James Patrick Connors, Maurice Gregory Connors, Michael Conran, Peter Constantine, Jeremiah Conway, Alfred Stanley Cook, Charles Cook, Harold Cook, Henry William Cook, James Cook, Thomas Cook, William Rex Cook, Harry Coombs, Peter Cooper, Ward Mellage Cooper, Thomas Copley, Laurence Joseph Corcoran,

William Costello, William Patrick Costello, Louis Coughlan, Norman Coultas, Harrison Courage.

(Moment of silence.)

MR. SPEAKER: Please be seated.

Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I rise today to recognize Aboriginal Peoples Week, a series of important events taking place at Memorial University from March 21 to 24 in response to the release of the Final Report of the Truth and Reconciliation Commission of Canada.

Mr. Speaker, the significant role of education and post-secondary institutions in reconciliation was highlighted in several recommendations from the Truth and Reconciliation Commission of Canada report. It included a focus on increased access to post-secondary education for Aboriginal youth and the need for courses and programming on Aboriginal culture, language and history, as well as issues relevant to Aboriginal peoples, culture and language.

There are more than 20 thought-provoking sessions happening over a four-day period during the week, including a Harris Centre public forum on the impact of Aboriginal Residential Schools in Newfoundland and Labrador. The events are intended to spark dialogue and discussion, in addition to responding to the release of the final report of the Truth and Reconciliation Commission of Canada. They also demonstrate Memorial's role in not only helping to safeguard Aboriginal history, cultures and languages, but also ensuring that students gain a deep understanding of Aboriginal affairs.

Mr. Speaker, Aboriginal and indigenous studies is an important field in Canada and around the world. We all have a role to play in reconciliation. I am pleased that Memorial is moving forward with programming to educate

and inform about this important part of Canadian history.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: I'd like to thank the Premier for an advance copy of the statement. I, along with my colleagues in the Official Opposition, join with the government in recognizing Aboriginal Peoples Week.

We know that education is a key piece of reconciliation, and access to post-secondary education for Aboriginal youth is paramount. I encourage government to support Aboriginal youth and all youth in their educational endeavours.

We also know there needs to be a focused and organized effort to ensure that Aboriginal culture and tradition has an increased presence in post-secondary institutions. We encourage members of the public to take part in the sessions at Memorial University during Aboriginal Peoples Week.

I'd like to thank Memorial University for the role it plays in the reconciliation of Aboriginal issues and the assistance it provides with social goals of reconciliation.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I, too, thank the Premier for an advance copy of his statement. I'm delighted to hear that Memorial University is holding sessions on residential schools and Aboriginal student issues in honour of Aboriginal Peoples Week.

When the Premier was in Opposition he stated the need for government to act on 28

recommendations in the Truth and Reconciliation Commission that fall under provincial jurisdiction. I'm sorry he didn't tell us today that he now has a commitment to a timeline as to when his government will implement these recommendations.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Health and Community Services.

MR. HAGGIE: Mr. Speaker, I rise today in this hon. House to recognize this coming Saturday, March 26, as Purple Day for epilepsy in Newfoundland and Labrador.

Today I had the privilege of meeting members of Epilepsy Newfoundland and Labrador as we signed the official proclamation for 2016. Their continued dedication to this worthwhile cause is inspiring. I would like to take this opportunity to thank them for their contributions on behalf of those living with the condition.

Mr. Speaker, epilepsy is one of the most common neurological disorders in the world. Approximately one in 26 people is expected to develop epilepsy in their lifetime. Currently, it affects over 300,000 Canadians, including more than 10,000 Newfoundlanders and Labradorians.

For decades, members of Epilepsy Newfoundland and Labrador have provided support and information about epilepsy to individuals and their families throughout the province. I encourage everyone to visit the organization's website at www.epilepsynl.com to learn more about the organization and the daily realities of living with epilepsy.

I ask all residents to join me in wearing the colour purple for Purple Day Saturday, March 26, and to participate in activities taking place in their communities to support those living with epilepsy.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I'd first like to thank the minister for an advance copy of his statement today. We join with the government in acknowledging Epilepsy Awareness Month and also the work that Epilepsy Newfoundland and Labrador does in our province.

As well, I'd like to join the minister in encouraging all members of the general public, all people, to wear – and I know that Epilepsy Newfoundland and Labrador has been encouraging people to wear purple from the 24th to the 26th. We join them in encouraging people to do so as well.

We know that epilepsy impacts many, many families, many people in our province. Growing a better understanding and awareness of epilepsy would benefit every Newfoundlander and Labradorian. I would encourage them to learn more about epilepsy and how it affects families.

SOME HON. MEMBERS: Hear, hear!

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

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

I thank the minister for the advance copy of his statement. I wish to congratulate Epilepsy NL on their decades of support for those living with this condition. Sadly, there remain public misconceptions and fears about epilepsy which can be very damaging to people living with it.

Public understanding of this most common neurological disorder is key to dispelling fears and prejudice, which allows those who live with the condition a fuller life in a society free of stigma. I encourage everyone to learn more.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

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

Mr. Speaker, on Thursday past, the last sitting day of the House, the government gave notice and added two borrowing bills to the Order Paper.

I ask the Minister of Finance today: Since taking office, how much has your government borrowed?

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

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

It gives me mixed feelings to stand in this House and acknowledge the fact that we've been very successful in our borrowing program since being sworn in on December 14. As of Friday, the number has moved to \$1.985 billion that our government has been able to secure in borrowing.

SOME HON. MEMBERS: Hear, hear!

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

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

I ask the minister: Does that amount you just advised the House of here, does that include Treasury bill program?

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

MS. C. BENNETT: I don't really understand the Member opposite's question. Does that include – did he say Treasury Board borrowing?

AN HON. MEMBER: T-bills.

MS. C. BENNETT: T-bills?

AN HON. MEMBER: No.

MS. C. BENNETT: Oh, it doesn't include T-bills. I'm sorry; I thought he said Treasury Board. I didn't hear the last word. It doesn't include T-bills.

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

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

Well, can the minister advise us, what's the current balance on the Treasury bill program?

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

MS. C. BENNETT: Mr. Speaker, as the Member opposite would know, last year when he brought in his budget, at the time his government said they needed to do borrowing in the vicinity of about \$4.85 billion. When we were sworn in in December and came into the fiscal situation that we are now charged with correcting, there wasn't a strategic borrowing plan in place. As a result of that, we've been working very hard with officials to make sure that we have a strategy in place. I look forward to providing more information about that in the upcoming budget.

I'm very pleased to say that we've been able to secure \$1.985 billion since January. When the Member opposite refers to T-bills, one of the challenges with T-bills is they're short-term money which makes things very risky from a stability perspective financially.

SOME HON. MEMBERS: Hear, hear!

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

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

Well, the Treasury bill program provides cash and opportunity for government on an evolving and revolving basis. We know it's been as much as \$780,000 that has been in the Treasury bill program.

I ask the minister: Has there been any changes made to that program? Has the amount been increased or changed since you've taken office?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

During 2015, on September 28, I wrote the premier a letter asking for an update on the fiscal circumstances facing our province. This was a letter that the former premier, now the Leader of the Official Opposition, did not respond to. As my colleague just mentioned, since the election she and the work of the officials in her department have done a great job of securing \$1.985 billion in long-term financing. This would include term loans, really, from essentially three years to 30 years.

What the former leader is talking about when he mentioned some less than \$800 million in Treasury bills – well, I can assure the Member opposite, if he would have looked into the finances the day before he left office – because when we went in, the first thing I was faced with was \$1.8 billion in Treasury bills. This was short-term money that was on the books at that stage, I say, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

In order for the province to borrow, approval must be obtained through the House of Assembly or through special warrants approved by the Lieutenant Governor in Council – which, as we know, is Cabinet.

I ask the Premier: Since taking office and since this borrowing has been put in place, what approvals and what legislative authorization was obtained in order to do that borrowing?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: In December, there was an approval made through Cabinet of an extra \$400,000 that was necessary then to actually take us as a government into the current fiscal year. It went from \$2 billion to \$2.4 billion.

SOME HON. MEMBERS: Hear, hear!

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

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

Is that through a special warrant, that was done through Cabinet? Was that done through a special warrant?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Excuse me, Mr. Speaker. I might have said \$400 million but it went from \$2 billion to \$2.4 billion. So that's an extra \$400 million, which is a directive from Cabinet.

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

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

Just to clarify, I ask the Premier again: Was that through a special warrant that Cabinet gave that authorization?

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

MS. C. BENNETT: Mr. Speaker, as the Premier has said, Cabinet approved the movement from \$2 billion, which was approved as part of the *Loan Act* activity that happened in this House last spring, to \$2.4 billion, which was allowing us, as a government, to continue to make progress on de-risking our debt.

Many people in this province will understand that when you have short-term borrowing that is connected to a very volatile market such as T-bills can be, it is important to get some security and stability around that borrowing. Certainly, we felt it was important to do what we could. I'm really pleased with the work we've done so far with the \$1.985 billion since January.

SOME HON. MEMBERS: Hear, hear!

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

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

It sounds like it is a special warrant. Members seem to be reluctant to answer definitively if it was a special warrant or not a special warrant.

I ask the minister or the Premier: Special warrants are required to be tabled here in the House, and I ask them when they intend on doing that.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, there have been two bills that were actually tabled in this House now. One was Bill 9, which is to amend the *Loan Act, 2015*, that will take us from \$2 billion to \$2.4 billion. That is Bill 9. Bill 10, which will be the *Loan Act, 2016*, will be the legislation that will take us from – which will be an extra \$1.6 billion. This is Bill 9 and Bill 10.

SOME HON. MEMBERS: Hear, hear!

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

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

Just to correct the Premier, the bills have not been tabled in the House. A notice was provided on Thursday, but the bills have not yet been tabled in the House. We have not been provided with, or the House has not been provided with, a copy of those bills as of yet, so we're not sure when they intend on bringing these to second reading. It may be today that they bring the bills to the House. According to the House of Assembly, Bill 9 and Bill 10 have not been tabled here in the House.

I ask the Premier once again, if he obtained a special warrant, there is legislation that requires those special warrants to be tabled here in the House, not the bills but the special warrant to be tabled in the House. I ask him when they intend on doing that.

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

MS. C. BENNETT: Mr. Speaker, it is an interesting pattern that's presenting itself from the Member opposite. It seems that if he doesn't

like the answer to the question, he's likes to ask it over and over again.

Quite frankly, Mr. Speaker, the two motions we made last week around the *Loan Act* are on the Order Paper for today. We look forward to debating them with Members opposite as we progress this afternoon.

SOME HON. MEMBERS: Hear, hear!

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

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

We ask the questions because we're not being provided with the information. The minister opposite has said and speaks to say that she and her government, the Premier and his government, are open and transparent – going to be more open and transparent than any government before. I know I'm going back to a line of questioning that we did repeatedly here in the House when the Minister of Finance rose and she said she had created savings through discretionary spending and refuses to provide the details.

Now, today, we have a bill coming to the House. We now learn it sounds like through a special warrant that they've done borrowing, which legislation requires them to table here in the House.

I will ask the minister again – maybe it wasn't a special warrant but if it was a special warrant, because they're reluctant to say, would you at least check with your officials and make sure that, if required, you will table that in the House before the session ends for Easter, as required by the legislation?

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

MS. C. BENNETT: Mr. Speaker, I'm going to say it again. It appears that the Member opposite, when he doesn't like an answer to a question that he asks, when we give an answer, he likes to ask the question over and over and over again. I've been asked 16 times in this House the same question. I'm not going to continue to not call him out on that behaviour.

If he continues to want us to answer the same question over and over again, I will stand here and answer it. I look forward to debating the two loan bills that we put forward last week in this House with the hon. Member.

SOME HON. MEMBERS: Hear, hear!

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

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

Once again I'm going to correct the minister because they haven't been put forward; it's only notice has been given on Bill 9 and Bill 10. They've yet to be tabled in the House. I actually checked the House of Assembly website this morning. They have not yet received first reading, which would be the first stage in the House when the bills are tabled.

The bills have not been tabled. We have not been provided a copy of them. I'll continue to ask questions on behalf of the people of Newfoundland and Labrador as long as the minister –

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: – refuses to answer them and provide the information to the people of the province. We're going in to debate a serious bill, what I'm understanding from Members opposite, one we haven't seen yet, and the minister won't provide the details.

I'll ask the Premier: Does the *Financial Administration Act* or legislation require you to pass those legislations – Bill 9 – in this fiscal year?

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

MS. C. BENNETT: Mr. Speaker, I'm assuming the Member opposite would have known, based on his experience in Cabinet, that no warrant is required, that an order-in-council was issued and was posted online by Cabinet Secretariat related to the decision that Cabinet made in December. Maybe the Member opposite doesn't understand how Cabinet works.

SOME HON. MEMBERS: Hear, hear!

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

MR. P. DAVIS: Mr. Speaker, I know full well how Cabinet works, and I full well know what the legislation requires as well. The Member continuously neglected to answer the question if they had obtained a special warrant. It was a simple question.

As we've seen repeatedly, the secretive minister opposite here refuses to be open and transparent and provide information. We ask direct and simple questions and the Member opposite fails to answer them. So I thank her for clarifying that.

I'll also ask her: When will we see Bill 9 for the first time? How much time will we have before we are forced to debate this bill?

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

MS. C. BENNETT: Mr. Speaker, the motion is on the Order Paper. I've actually said, in response to his question twice, that I look forward to debating those in the House – one of them today.

The Member opposite obviously has not the ability to listen, or he wants to continue to use a certain style of interrogative questions in this House so that he can ask questions over and over again when he doesn't like the answers. Mr. Speaker, I'm going to continue to stand on my feet, I'll answer his questions, but if he's going to ask the same thing over and over again, I'm not sure the people at home are getting value for their money here in the House.

SOME HON. MEMBERS: Hear, hear!

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

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

So the minister does confirm that they're intending to debate Bill 9 today when the bill has not yet been tabled in the House. We've not been provided with a copy of the bill. It's a very

important bill, too, I say, Mr. Speaker. A very important bill for the people of the province because Members opposite are asking us to debate today a bill allowing them a borrowing capacity for last year, '15-'16, when the Minister of Finance won't provide any details on savings or spending to the House of Assembly.

I ask the minister: We have Bill 9 and Bill 10; will you rush Bill 10 through the House like you're doing with Bill 9 as well?

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

MS. C. BENNETT: Mr. Speaker, I'm going to correct the Member opposite. There is nothing being hidden. I have repeatedly answered his questions several times. He's asked the question 16 times, and I've said we will present the details of the savings that we talked about in this House during the budget.

When it comes to this particular bill, I remind the Member opposite that he sat in a Cabinet and he sat on government side of the House for many, many years, and he knows exactly, or should know exactly, how the *Loan Act* debate happens. I'll look forward to having that discussion with him here this afternoon, but I will not stand here and allow the Member opposite to continue to use the tactics he's using without asking back.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, federal Minister Foote announced that our province will receive \$32 million in federal funding from the Fiscal Stabilization Program.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Yes, there's more.

This works out to about \$60 per capita, a number established in 1987.

I ask the Premier: Did the request to have a discussion with the federal government to consider modernizing the calculation formula which allows Newfoundland greater access to the Stabilization Fund which is used to offset a downturn in resource-based revenue – the current Stabilization Program will give approximately \$32 million offset from an \$18 billion equalization program this year.

I ask the Premier: Is that acceptable to our province?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: As the Member knows, this is not at all about an offset to an outdated equalization program or a program that currently exists. What it is is \$32 million that is based on a formula at \$60 per person; the same one that Alberta will be receiving and was announced today as well.

We received this once before in our history; however, the Member opposite has really, what I would say, somewhat of a selective memory because based on comments that his leader had in *The Telegram* just this week – on two occasions, Mr. Speaker, this former administration had an opportunity to negotiate an amendment to the equalization program and twice – twice – they did not engage with seeking amendments to the equalization formula, and shame on them to be raising this in the House of Assembly today when they missed two opportunities to do it.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker, the Premier said we didn't do it. Sure, with his great relationship with the federal government, why doesn't he do it now and get the assistance for Newfoundland and Labrador? Don't be passing the buck, I'd say to him, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Mr. Speaker, last week in the House I asked the Premier for an update on CETA. At that time, he indicated there were

negotiations ongoing in regard to the fisheries fund. As we know, we negotiated along with our very efficient trade negotiations Newfoundland and Labrador. We agreed to circumstances where Newfoundland and Labrador would support CETA. As well, that included a Fisheries Investment Fund.

I ask the Premier: Are you renegotiating the elements of support of Newfoundland and Labrador or are you renegotiating the fisheries fund? Which is it? You can't have both.

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: Thank you, Mr. Speaker.

Well, I have to clarify one of the questions the Member opposite just asked about the equalization formula. I think the Member opposite is quite aware, or at least should be quite aware, that the equalization formula is driven by the federal government and is up for renegotiation or up for redefining and amending back – the next opportunity is 2019.

If he was so keenly interested in this formula being wrong – listen, I have every reason to believe it should be changed – but for them to not engage in the two opportunities they had, I will again say it is shameful for them to be raising this here today when they had the opportunity.

Now, on negotiations with other agreements that we could potentially find ourselves in and will be negotiating with the federal government, if it's CETA or a side agreement, that being around the fisheries fund. I would say, Mr. Speaker, he cannot say are they renegotiating because, guess what? They never negotiated anything they delivered.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker, CETA was certainly historic in the fact that the federal government wanted provincial provinces to engage in one-on-one dialogue, and we did that.

Through looking at a number of chapters in the procurement, regional development, a whole number of range of options, obviously tariffs, seafood into Europe and a fisheries fund.

Is the Premier saying that none of that was supported by the former administration and agreed to by the federal government? So basically he's saying there is no Comprehensive Economic and Trade Agreement; Newfoundland and Labrador is not supported. So you're starting from scratch in that process again. Is that what you're saying?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I can tell you one agreement, though, now when I recollect about the performance of the previous administration, I can tell you one agreement that they were able to get a signature on, they were able to get two signatures on – the federal government, the Harper government, and the past Davis government in this particular case.

They were able to get an agreement on this: In committee – committee – Newfoundlanders and Labradorians to repay equalization that they identified in 2005. And in the time that we face in Newfoundland and Labrador, what did they do last April? They committed to Newfoundland and Labrador to pay back over \$20 million a year. That's what you got from Ottawa.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Yes, Mr. Speaker, and I say with his great relationship he got \$32 million of \$18 billion equalization. That's the help he's gotten us from Ottawa. Well done again, I say.

Mr. Speaker, he hasn't answered the question on the Comprehensive Economic and Trade Agreement. This jurisdiction laid out parameters to the Government of Canada that we would support a Comprehensive Economic and Trade Agreement – all laid out, over 20 chapters of provisions, including a fisheries fund.

I ask the Premier again – he hasn't answered – is he pulling support for the CETA in Newfoundland and Labrador; and, if not, what is he negotiating or renegotiating? It's done. Either you agree with it or you don't – which is it?

AN HON. MEMBER: Maybe he's in the room.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Yes, we've been actually welcomed in a lot of rooms. It seems to me the Members opposite are a little jealous of that, I would say right now.

Mr. Speaker, there is one thing right now is to lay out what you think is an agreement. There is another thing to get a partner or someone to sign on to the provisions you laid out. I can lay out whatever I want to. There are a number of things I'd like to lay out to the Members opposite. They might sign on to that as well.

For us to automatically assume or negotiate any agreement in the public right now – but I will tell you this, we are committed to working with the federal Government of Canada. We are committed to the fishery of Newfoundland and Labrador and we are committed to getting what benefit we can from the fishery and from the federal Government of Canada, and we will do that to the benefit of all Newfoundlanders and Labradorians. Not so they can stand up in the House of Assembly and talk about things they could not deliver.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Speaker.

Unlike Bills 9 and 10, which we've been discussing in Question Period, Bill 1 actually has been tabled in the House. We have many concerns about government's proposed Appointments Commission, and for this reason we will be advocating for changes to Bill 1. For instance, many government appointees must swear an oath or make an affirmation to be impartial.

Will the government consider an amendment to Bill 1 to require appointments commissioners to swear an oath or make an affirmation to be impartial?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Bill 1, which has been mentioned as a signatory piece of legislation for this administration – just if I remember about Bill 1, for the former administration it was a procurement bill that was tabled as Bill 1, which was supposed to be their signatory piece of legislation. It died on the Order Paper many years later, I would say.

Mr. Speaker, we look forward to the debate on the Independent Appointments Commission. We will certainly be entertaining – as we would completely expect that the Members opposite would come with ways to improve that bill. If we see that during a good, robust debate there are ways to bring improvements to any piece of legislation, of course we'd consider all those things.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Speaker.

I thank the Premier for the answer and for acknowledging that government will consider amendments during the course of debate. As a result of Bill 1, three-quarters of government agencies, boards and commissions will bypass this new Appointments Commission altogether. Instead, the Public Service Commission will gather names and simply pass them along to ministers when requested.

I ask the Premier: How can you claim that this is anything other than smoke and mirrors when the vast majority of your government's appointments will bypass your new commission?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

The Members opposite should know all about appointments. They made many of them in the past 10 or 12 years. They would know the magnitude of the work that was done.

To ever suggest, Mr. Speaker, that the Public Service Commission in our province could not put in place an independent process that would allow for the best Newfoundlanders and Labradorians to seek appointments and to be appointed for the expertise and the technical knowledge that they bring to those important boards and commissions, I would say it is not the way that I feel. We support that.

When you look at the Independent Appointments Commission, they will be five individuals from around our province. They will help Cabinet. The red book and the election platform clearly outlined that there would be recommendations. I can tell you there will be an activity report.

MR. SPEAKER: Order, please!

PREMIER BALL: That will be brought to the floor of the House of Assembly and all Members will be proud of the Independent Appointments Commission.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of St. John's East – Quidi Vidi.

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

The 2015 budget projected that the province will receive income from equity in Nalcor annually starting in 2025. Since then, there has been another major cost overrun in the Muskrat Falls Project requiring hundreds of millions of dollars in additional equity from the province.

I ask the Premier: What is the current projection for when the province will receive return on equity from Nalcor?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

The Member opposite has been a part of a lot of debates in this House of Assembly as it relates to any investment or any return that the people of our province would get from investments in Muskrat Falls right now.

As you know, there's currently an EY review that is undergoing with the project itself. The annual general meeting of Nalcor will happen now within the next few days. So right now, when we get return, when the dividends will be paid back to the province and to Newfoundland and Labrador, that will be determined by the future successes of companies and agencies right now according to this particular case.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Thank you, Mr. Speaker.

The people of the province who are footing the bill need to know now where their investment stands.

I ask the Premier: In openness and accountability, would he table an up-to-date version of the graph entitled Nalcor Energy Equity Investments and Payback on page 33 of the 2015 budget speech, a document which should inform his budget coming up?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

The information from many boards and agencies that will inform the budget-making process for 2016-2017 and forecasting beyond will include, as did the update that we presented to the people of the province on December 22 – you could clearly see there, I say to the Member opposite, on December 22, when that update was given, there was actually a chart that was clearly outlining then what the forecasted requirements would be for Nalcor over the next three years and beyond.

That's the chart, and that chart will be updated as we get more and more information that is essential as we form the budget for 2016-2017 and beyond. I agree with the Member there.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, we have the highest percentage of seniors on OAS and GIS in the country. Many are widowed or single women who raised families and did not have paid work. Once rent, heat and light, phone and cable are paid there's often less than \$200 left over for food, transportation and other essentials per month. They can barely survive.

Mr. Speaker, I ask the minister: By what percentage will electricity rates increase once Muskrat Falls is online?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

As the Member opposite knows, there are many different things that factor into and feed into the equation, primarily driven through work through the PUB, in determining what electricity rates would be in our province.

Like the Member opposite, we, too, understand that we have many people in our province right now – many low income, particularly widows and so on, many of our seniors right now, they do struggle. It is not lost on us with an understanding of knowing that electricity rates play an important part.

We will do what we can to make sure that those with lower incomes, that government is there to actually support them, but to determine today, in 2016, what the electricity rates will be once Muskrat Falls is completed, that is something that cannot be determined today. What I will tell you is this government will do whatever we have to, to make sure that we get this project back on track.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, I ask the minister: What is she going to do to assist those seniors

and others who will be unable to afford this increase? Concretely, what will they do?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

There will be lots of programs with better management and better planning for the future of our province. We're in a very difficult situation right now because we saw an administration that really did not plan for the current situation that we're into.

One commitment, however, that we have made, Mr. Speaker, when it comes to the sale of surplus power, the sale of excess power that would not be used within our province, is that we would use that power to offset rates for Newfoundlanders and Labradorians.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, I ask the minister: Does she know how many people currently are not able to pay their power bills or are in current arrears on their power bills?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, I would not know how many people in this province cannot afford to pay their power bills or pay their telephone bills or pay whatever bills they would have. In all fairness, I would say that if we find people or if there's anyone who actually – I've seen in many, many cases working as an MHA, where we would get calls to help constituents, as I'm sure the Member opposite.

If she has someone right now – if she thinks there's a global list that, as a government, we need to be monitoring the payment of bills by individuals in our province in some global sense without those people coming to me, Mr. Speaker, I respect the privacy of people more than that. If that information is available and she has that, indeed it is incumbent upon her and others to share that information with us.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

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

Pursuant to Standing Order 11, I shall move that the House not adjourn at 5:30 p.m. on Tuesday, March 22, 2016.

And further, I give notice under Standing Order 11 I shall move that the House not adjourn at 10 p.m. on Tuesday, March 22, 2016.

MR. SPEAKER: Further notices of motion?

The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

I wish to table the following private Member's motion:

BE IT RESOLVED that this hon. House call upon the Government of the United Kingdom to facilitate the repatriation of the remains of Demasduit and Nonosbawsut to Canada so that they may be laid to rest with dignity.

This is seconded by my colleague, the Member for Conception Bay East – Bell Island.

MR. SPEAKER: Further notices of motion?

The hon. the Opposition House Leader.

MR. HUTCHINGS: Mr. Speaker, pursuant to Standing Order 63, the private Member's resolution just entered by the Member for

Fortune Bay – Cape La Hune is the one we'll debate tomorrow – or Wednesday, sorry.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

MS. ROGERS: Thank you, Mr. Speaker.

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

WHEREAS the English School Board trustees proposed to close down Holy Cross Junior High school and send students to a distant school; and

WHEREAS the board has arbitrarily and without consultation reduced the Holy Cross catchment area and students will have to be bused to a far more distant school; and

WHEREAS Holy Cross is an important neighbourhood school with programs, community partnerships and extracurricular activities designed to meet the particular needs of the inner city students who attend it; and

WHEREAS the school board trustees are an appointed body and no longer accountable to the people who elected them;

WHEREUPON the undersigned, your petitioners, humbly pray can call upon the House of Assembly to urge government to ensure that Holy Cross Junior High school remains open and to immediately arrange for a democratically elected English School Board.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS. ROGERS: As in duty bound, your petitioners will ever pray.

Mr. Speaker, I'm happy once again to stand in this House to talk about this issue. As we know, education is so crucial in our province. I find it quite interesting –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Speaker is having difficulty hearing the Member that's recognized.

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

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

I pulled out the Premier's mandate letter to the Minister of Education and Early Childhood Development. In this letter it is stated: "It is my intention to ensure policy decisions in government are informed by research, evidence, and evaluation so that citizens can understand how and why decisions are made."

Well, currently what's going to happen, Mr. Speaker, is that this decision will be made by unelected, appointed school board trustees who will have a secret vote. They will not be revealing who voted and how. This is not openness and accountability, nor is this current board of trustees accountable to the people of St. John's. They were not elected for this particular term.

So, Mr. Speaker, it's baffling as to why the minister, who was so outraged that there is an appointed school board, that he is not halting this process until there are duly elected trustees to make this decision.

It also says in the mandate letter, the goal is to "advance educational opportunities and outcomes." Mr. Speaker, we know that 38 per cent of the children who attend Holy Cross Junior High have exceptionalities. That means 38 per cent of children who need extra help. They may not get that in their new school.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Further petitions?

The hon. the Member for Conception Bay South.

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

WHEREAS the Terra Nova trestle is an indispensable link in the Newfoundland T' Railway Provincial Park;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to give priority to repairing the Terra Nova trestle when allocating infrastructure funding this year.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, the previous government committed to repairing the decking on this trestle, but when the engineers went out to do the repair the abutments were in bad shape. So basically they had to stop the re-decking and more work was required. We have cabins on the other side of this trestle that are going through the river, which is creating a danger. We have tourists who use the T' Railway. Right now you have a barrier set up there – it stops and then you have to travel back a fair distance to get back on the main trail.

It's a safety concern. Livyers use it, cabin owners, and tourists and locals. So, I respectfully ask for immediate attention to be given to this very serious issue.

Thank you, Mr. Speaker.

MR. SPEAKER: Further petitions?

The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Mr. Speaker.

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

WHEREAS greater food security ought to be a priority for Newfoundland and Labrador;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to set targets for improving the food security of Newfoundland and Labrador by promoting the growing in this province of more of the food we consume.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, Newfoundland and Labrador imports 90 per cent of its produce, which means Newfoundlanders and Labradorians aren't surviving on their own without outside help from national and international agricultural industries. This should be a cause for concern for all of us. We do rely heavily on outside food sources and we need to do more to ensure that our families and communities do have access to fresh and nutritious foods.

I know that for many families the cost of purchasing healthy foods is a real struggle. There is too much of a reliance on processed foods and fast foods. That has something to do with the rising costs of imported foods like fruits and produce.

The current value of the Canadian dollar has also impacted the cost of nutritious foods. This is a complex issue. There is a lot of work to be done. We want to work with government to make sure that we're doing everything we can to tackle food security in this province.

We have lots of health issues in this province. We've heard the government talk about proactive measures, as I mentioned before. We have to be proactive when it comes to tackling food security.

I would encourage government, once again, to put into place a local farm-to-table approach, working with our agrifoods industry and hopefully, ultimately, that will reduce our reliance on imported foods and fatty fast foods as well.

Thank you, Mr. Speaker.

MR. SPEAKER: Further petitions?

The Member for the District of Fortune Bay – Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

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

WHEREAS many Newfoundlanders and Labradorians have an interest in participating in the National Inquiry into Missing and Murdered Indigenous Women and Girls;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to press the Government of Canada to schedule both preparatory consultations and inquiry sessions in communities in Newfoundland and Labrador in which grieving Aboriginal families live.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, it's certainly an honour for me to rise in this House today to bring forth this petition a second time, and I will continue to bring forth this petition on behalf of the people until we actually see some concrete action.

This is Aboriginal Peoples Week, as has been discussed in the House already today, and I call upon our government to stand strong and united in demanding that the Aboriginal people and communities of our fine province are included in both the preparatory and inquiry sessions, Mr. Speaker, because the preparatory sessions will outline and define the scope of the inquiry that will take place. It's very important that the voices of the people in communities be heard.

Yes, we acknowledge there were some provision for certain people to travel; we want the voices of every person who wants to be heard to actually have that opportunity. It's only fair and it's something they deserve.

Many of Canada's indigenous peoples live in rural communities, and for us here in Newfoundland ours are particularly remote, and the travel, to be honest, is prohibitive. The

expensive travel is prohibitive. So many voices will not be heard unless the inquiry and the people involved with the inquiry and the officials actually travel directly to these communities where the people live. The people of these rural communities will surely tell you this and explain why, if they are given the opportunity to be heard in their communities during the inquiry's development phase.

Mr. Speaker, our leader has written to Carolyn Bennett, who is the federal Minister of Indigenous and Northern Affairs, expressing disappointment on this matter. As the critic for Women's Policy and an MHA who represents many Aboriginal constituents, I express my deep disappointment as well and urge this provincial government to call on Ottawa to include Newfoundland and Labrador.

Our people are just as important as every other Canadian, and it is high time that Upper Canada starts treating us with the respect we deserve. It was touted that a federal-provincial government will yield results with –

MR. SPEAKER: Order, please!

MS. PERRY: – a close working relationship –

MR. SPEAKER: Order, please!

MS. PERRY: – and we're hoping to see that delivered, Mr. Speaker.

MR. SPEAKER: The hon. Member's time is expired.

MS. PERRY: Thank you very much.

MR. SPEAKER: Further petitions?

Orders of the Day

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

MR. A. PARSONS: Yes, Mr. Speaker, I refer to the Order Paper. I call for second reading, Bill 1.

MR. SPEAKER: It has been moved and seconded that Bill 1, An Act To Establish An Independent Appointments Commission And To

Require A Merit-Based Process For Various Appointments, be now read a second time.

The hon. the Member for Conception Bay East – Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

It is indeed an honour to stand in this House and speak to Bill 1, An Act to Establish an Independent Appointments Commissions and to Require a Merit-Based Process for Various Appointments. A great lead-in to what I would have hoped would have been a great bill. It's very encompassing. It has a lot of components to it, Mr. Speaker, and gave a lot of us some hope and acknowledgement that there was a need.

There's no false expectation here. There was a need to improve the process we use in this province to appoint people to various boards and commissions in this province, Mr. Speaker. Nobody disagrees with that. That wasn't our disagreement.

Mr. Speaker, I look at this bill as the trilogy of the Liberal administration on its first bill. I say that because as you know how trilogies work, they're all about, the first one is to grab you, to give you a concept of exactly what this bill would all be about. The trilogy there was about the red book.

In the red book they had me too. They had me convinced this was going to be a good piece of legislation. It could be something that I could look at and support, that I would think would be in the best interests of the people of this province, Mr. Speaker. I was sold. I was intrigued. When the Liberals formed the government I was saying, now, show me the next phase.

The second part of their trilogy was the Throne Speech, Mr. Speaker. In their Throne Speech, they came around with they were going to be open. They were going to look at a transparent and open government. That was fine and that was part of it. We respect that. As a matter of fact, we're an administration that started that process.

My hon. Member here for Mount Pearl North was the minister responsible for open and

engaging government. Mr. Speaker, we want to do it, so if the Liberal administration is going to take it and add to it, we welcome that, support it, would even publicly applaud it; and still will, if they go on the right path and put in place exactly what they stood for and what they say is in the best interests of the people of this province. I have no qualms in supporting that.

There's no doubt we'll have some amendments here. We'll have some open debate. I'm looking forward to that. I'm hoping at the end of it we come to a consensus that works for the people of this province. Indeed, if that's the case I will have no qualms in standing with all my colleagues in this House of Assembly and supporting this bill.

Right now as the bill stands, I've got some challenges. I know my colleagues have some challenges around what needs to be put in place. So we'll have that debate. Maybe I'm misinterpreting what's here. I look forward to the rebuttal that we'll have from the government side and the open debate. Maybe there's clarification. Maybe it's lost in the interpretation, and that's fine.

Mr. Speaker, the third part of the trilogy is the actual act itself. The act itself talks about an open, transparent and administrative system that is arm's-length from government. I have some real challenges in being able to believe that. Again, you had me at the first stage. I was engaged. I'm thinking you've got a good story here; I want to watch it. I can't wait to see the second version of it.

The second version came with the Throne Speech, all about transparency and openness. Done again, I'm in. Take me to where you want to go with that. I'll support it, but I saw no evidence of what was going to happen there, Mr. Speaker.

We got to the bill itself. I got to look at the meat of the bill and got very disappointed about how many entities are not included in this process, Mr. Speaker. How many agencies there – particularly those that have a number of appointees – would still have total control given to the minister of that line department. The Public Service Commission would just be an entity who would just take resumes and lay them

in particular piles to say, yes, you have the minimum qualifications.

Now the minister can take them and he or she can still decide who they want to put on those particular boards. Not that they are necessarily the best individual, or the most qualified or the most experienced. It's all part and parcel of that process, Mr. Speaker.

I had some concerns around that. I had some concerns around the first stage of openness and the commission itself, how the commission itself was going to be appointed, Mr. Speaker. There are a lot of challenges around that. If you really want to say you're open and transparent and you want to take the politics out of government, have an open process where people can apply to be these commissioners and look at their backgrounds. It makes no difference if they're political partisans, have that open. Do it. If you want to really be a groundbreaking administration, there's an opportunity to do that.

AN HON. MEMBER: You could handle the file.

MR. BRAZIL: Very much so.

So why not have that opportunity. We'd encourage that. We think it would be in the best interest of the people of this province. No doubt, the people in this province would respect it and take that to the next level. So that's what we're looking at. That's one of the concerns that I have.

MR. HUTCHINGS: I can't hear, Mr. Speaker.

MR. SPEAKER: Order, please!

There are a number of private conversations going on in the Chamber. I'm having some difficulty hearing the Member that's recognized.

I welcome Members to conduct their business, but if you're going to do so at a volume that disrupts debate, I ask you to take your conversations outside.

The hon. the Member for Conception Bay East – Bell Island.

MR. BRAZIL: Thank you, Mr. Speaker.

I want to continue going through the piece of legislation that's being put forward, Mr. Speaker. Again, it's a great concept. I won't argue that – and the Member noting that it's a great bill. It's a great concept. I don't argue that. As a matter of fact, it can become a great bill.

I'm looking forward to the amendments we'll put forward and the debate, and hopefully a decision and a consensus that this will become a historic bill for the people of this province. I'm looking forward to that. I'm looking forward to that debate. I know the Members opposite would be open to having that debate. If we bring in a concept they think makes sense and enhances the bill, it doesn't take away from the particulars of what the intent was but enhances it, they would support that. I'm looking forward to that, Mr. Speaker.

We want to talk about the real gist. The people need to know exactly what is written right now in this bill. That it doesn't go far enough to really promote what Bill 1 and what its whole intent as we understood it and what we would support gets to that level. That's particularly around having entities taking the politics out of either having qualified members of the civil service doing a full assessment and making recommendations based on a principle of the type of skill set that's needed and the position they're going to be engaged in, and having it open to every individual in this province who has that particular skill set, not a particular partisan.

All the entities, regardless if it's the higher remunerated ones or if it's the lower remunerated ones, it's about putting the people who are best qualified. It's about what the bill's intent was, from my understanding, is giving the people of this province an opportunity to be part and parcel of a non-political, non-partisan process.

Bill 1, a great opportunity to be a very important bill and probably one of your milestones as an administration, but to make that and to have it stand and have people buy into that, you have to make sure you cover all your bases. We're suggesting some of the things relevant to that.

Some of those things we're going to be talking about are that all entities would be included in

the process that takes politics out of it. That we open it up to all residents of this province who could fulfill the needs of the people in this province by offering their skill set, by putting that forward and eliminating some of the challenges we have there and not having the secrecy, because there's still a full momentum here of secrecy. It's all still held to the fact that Cabinet gets to decide.

In a lot of cases line department ministers get to decide on particular boards, but then when we get to a different level, a different tier, the Cabinet has. Cabinet doesn't even acknowledge who the nominees are and exactly what their skill set would be. We will never know who was put forward.

We applaud the fact that there will be a process put in place. That there's a level there of the bureaucracy, very talented, very competent people that we have in our bureaucracy here in different entities, particularly around the Public Service Commission who could assess the skill sets that are needed and could find a way to make sure there's an attachment to a particular need with a particular skill, regardless of the geographics. Maybe you assess part of the evaluation on your geographic needs. That would be fine. Leave that to the bureaucrats who on a daily basis do very diligent work in identifying exactly what the needs of the people are in this province and running our programs and our services.

Don't forget, the members on these boards are the people who are going to help guide the billions of dollars that we spend to ensure people have services in this province. To do that, would you not want to have the best skill set? Would you not want to ensure that the people who got there didn't get there because of their political connection or the donation they made to a political party or their friendship or any of this? This would solely be about an individual skill set being attached and connected to a particular need that we would have in this province to address a particular set of programs or services or issues. It makes sense. It's easy to sell. It's easy to put in place, but not as it stands under the process of Bill 1 right now, Mr. Speaker.

It can't be sold to the people. It's definitely not sold to our party, but we're open. We're very

open to being engaged, to co-operate, to have an open dialogue and hopefully come up to a consensus that's workable and liveable by everybody here so at the end of the day, two years down the road, this is your signature bill. Twenty years down the road people will look back at it and say this bill took the politics out of appointments. It ensured that the best people got to do the best job for the people in this province. The money that we invested, you knew you were going to get your best return on it. Mr. Speaker, that's the simple process that we want to have that discussion around.

I want to also talk about some of the more important things as we get into what this bill would be about, the definition of which one of these entities doesn't fall in a particular tier and that. There's some question around that, which ones are of higher need, based on what principle, based on what policy. There needs to be an open discussion around that. There needs to be an outside agency to come in and look at that, be it our own in-house civil servants, be it another agency that has that skill set, to identify which ones should be where.

If you're going to live by that, justify it. I only ask for justification. Justify why certain entities fall in one tier and can be willy-nilly decided by the minister, while other entities have to go through a different process. Fair enough. I say maybe there are rational reasons for that. Fair enough. If it's because of the costing to do that, if it's because of the amount of work they have to do, if it's because it's not a full-fledged position, if it's because geographically they're regional boards, fair enough. Explain all that. Outline all that. Give us the definition.

Give us how you sat down and flushed this out and really looked at how this would benefit the people of Newfoundland and Labrador. Do that. Sell that. Sell that to me. You'll get my vote. No doubt I think my colleagues are open minded enough to do the same. That's what we asked.

We do ask when we get up in debate – and you've obviously got the minister responsible here who will have a very vast knowledge of how they got to this point. It's a very encompassing bill, one of the largest ones I've seen, a lot of information being shared. That's appreciated. Obviously, it gives us as much

information about what we need to debate, but it also gives us some clarification in certain areas.

There are a couple of vague, grey areas here, so let's get up and explain those. Tell us what your rationale was behind the categories in different areas. Tell us the rationale behind why the Public Service Commission could allocate its stacks of resumes based on who they think are qualified, and send them up to a minister who, in turn, still could just pick whoever. It may be a friend. It may be an acquaintance. It may be a supporter. It may be a neighbour. It may be the most legitimate person there, and I would hope that would be the decision. But we can eliminate the expectation that there might be a reason other than the best individual getting selected. Let's take that out of it. That's the intent of the bill. Make it non-partisan, non-political. The cliché, take the politics out – let's do that.

There's a way of doing that, by having that open dialogue, having another review of exactly why these entities were put in place. If there's a rational reason, please share it; I'm game. I'm open-minded enough to say, yeah, okay, that makes sense. It is better we save and still protect the people of the province here – while I may not like it, there are certain things you're going to vote for because at the end of the day you think it's the better return for the people of the province. We'll have that dialogue.

When we get to a point where you're saying and your testament is this will take politics out of appointments, and then the first thing you say, oh, no, no, all these entities, close to 100 entities, are exempt from them. We're just going to ask the public service to put out a call; everybody sends in a resume. They'll send up a list of – I'm assuming – everybody who's qualified, which could be everybody and their dog in a lot of cases, depending on what the position is, and the minister still gets to decide who he or she likes for whatever reason.

You would think and hope that it be based on the most qualified people – and that might end up being the end result, and I would hope it would be. But the general public won't see it that way, and you'll always be scrutinized. So you can take that scrutiny away right away by having an open process. Your first part of that process is putting all entities under one umbrella

and then finding a commission or a structure that takes pure politics out of it.

You guys appointing those people at the beginning still doesn't take politics out of the appointments because you're first going to be labelled as the people you put there to design the process and put forward, particularly the larger entities, the tier-one entities, are going to be people who are connected to your party, who have a politically vested interest. That defeats the intent of the bill.

So we're asking – and we're being sincere here, we'd like for this process to be improved. I agree with it. I think it should have been done years ago. I have no qualms in saying that, without a doubt, none whatsoever. What we're saying is you've got an opportunity to do the right thing, but do it so it lasts for the next generation and then beyond by having another assessment on exactly where things fit. Making sure you can't be scrutinized – not only by the Opposition, that's our job. We're going to scrutinize every bill you put forward, but you want things to work properly.

An easy way to get something that works is to ensure the general public and the media can't scrutinize what you're doing, because it's open and it's transparent. You've started a concept of saying you want to be open and transparent. Well, here's your signature bill; here's your best opportunity to do that. Your best opportunity to show the people of Newfoundland and Labrador what you stood for in the election, and the people, through our democratic process, elected you and gave you the right to govern and expect you to live up to those expectations. You've started the process; now complete it and do it right.

Do it so that at the end of the day, you can't be scrutinized. Do it so that at the end of the day, we walk out of this House and we're happy in the Opposition that this bill is something not only did we support because bills have to go through the process – there's an administrative, legislative system that has to be followed, and we need to move things forward – but because at the end of the day, we're doing something that's a milestone for this province and the people of this province.

I ask, I encourage, and I've looked at them – I could go through them article by article. We could go through which ones we're going to discuss and amend and the whole general discussion, but I'm looking forward to when Members on the other side, particularly those who drafted the bill – and there's no doubt there is a group of line ministers who worked very closely with Executive Council to look at exactly what the intent is – how you can address some of the inadequacies that are in this bill and some of the things you are going to be challenged on when it comes to the general public questioning how this is any different than the previous process, other than you have another committee, another layer of administrative thing. You have another open call. There's another part of maybe even slowing the process in some cases.

You want it to be exactly what your intentions were: open, transparent and fair. We encourage that; we support it. We want to be able to move it forward. But we do want to ensure that everything covers exactly what you stood for and what we would support. That every entity has to have the right people, the most qualified people, to be able to do that job and ensure whatever service that they're responsible for or whatever appeals hearing they're responsible for, that they understand it and they can give the best decisions based on the information they have.

I think it is a simple concept to go forward. There's a lot of good, open documentation about the agencies that exist here. There's a lot of good about certain areas and how you would do certain things, but the underlining challenges here are first around the appointment of your commission, your overseeing commission, how that is not going to be perceived as being politically oriented. The second is going to be about all these entities that are exempt from that process, that still don't take the politics out of appointments. You have a great opportunity to do it here – great opportunity to do that.

So I look forward to, as this dialogue happens over the next number of days, how we get into the point of understanding exactly your rationale for the two-tiered system; your explanation as to why an appointed commission by your government would not be perceived as being a

political process, that people who have a vested interest or a connection to a political party would not, in the best interests of their own parties, suggest certain people would be moved forward.

Take that out of it. Take a process there where people could come in and then you can't be labeled. Not that people would do that but, again, in politics, 99 per cent of what we do is about perception. I mean, the civil service help drive what we do here so you know that the information we put forward is accurate. The information we put forward, no doubt, is in the best interest. It may not be what everybody likes, but it's always in the best interests of the people here because it's based on the data we have, the evidence.

You're touting yourselves as an evidence-based administration; live up to that. I look forward to it. I would applaud you. I have no qualms applauding you guys when you show that. When you show that evidence, I'll be the first one to clap and say: Good policy, good job, good program, we can support that, without a doubt.

But to do that, this has to be your signature; start off right away. Start off where your commission is going to come through, how that's going to be impartial; how people who are on that, regardless of their backgrounds, got selected that it was fair, transparent –

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER (Dempster): Order, please!

MR. BRAZIL: – open and that everybody in this province had an opportunity to be engaged and be part of that process.

Once we get to that point, we're in a good place. We can have a good, open dialogue then. It won't be jabbing back and forth; it will be particularly just about asking for clarification. I'm about clarification. You clarify something in here that I've got a misunderstanding or I'm not clear on, then I'll nod and go along with it. If there's something I still don't think is right, that's where we'll challenge. We have that ability here as we sit, stand and speak in this House about making amendments. Those

amendments may be amendments that you guys are comfortable with. They may be something that you might say, yeah, that makes sense. We need to move this to this level.

Do you know what? At the end of the day, serving the people in the best way possible and ensuring the fiscal challenges we have are addressed by the best, experienced people – we have great politicians, great ministers here, great bureaucrats here, great Members on the Opposition to be able to challenge that; but we also need to ensure the boards and agencies who are going to direct the billions of dollars that go out in programs and services are the best people we have, and are the best people because these are the people who committed to being part of this process because they are open to doing what they have to do.

Madam Speaker, I know my time is up.

MADAM SPEAKER: Order, please!

MR. BRAZIL: I want to thank you for this and I look forward to speaking this again.

Thank you, Madam Speaker.

MADAM SPEAKER: Order, please!

I remind the Member his time has expired.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Minister of Natural Resources.

MS. COADY: Thank you very much, Madam Speaker.

It is my privilege and honour to speak to this very important bill today. I think it is a hallmark piece of legislation that will be reflective of the kind of government that this new Liberal government will be bringing forward.

SOME HON. MEMBERS: Hear, hear!

MS. COADY: Because it does speak to the skills-based competency, the level of integrity and the level of openness and transparency that we would like to see in government.

I listened intently to the hon. colleague opposite and I wondered if we were reading the same bill because he asked about an open process. He talked about even having read the red book from the previous election that colleagues on this side of the House supported greatly. If he truly did read that piece of documentation, he would have seen in that documentation clear articulation of the principles by which we arrived at this bill. That is around ensuring there is a level of competency, a level of integrity in the process of appointing board members. Always in that particular document, Madam Speaker, we spoke about the requirement to go to – recommend it to go to Cabinet because, of course, there has to be a process around this.

Madam Speaker, the bill itself requires appointments to agencies, boards, commissions, as well as other select appointments to be subject to a merit-based process. I think this is incredibly important to the people of this province. We want to have the skill sets. I think board members on all sides of the equation want to have the board members that we require; the level of competence, the level of skill and knowledge on these boards of directors and various organizations that make up the tier one.

I want to clarify something for my hon. colleague. He questioned why tier one and tier two. I want to make sure he understands, and I think it's incredibly important to understand, that the Public Service Commission will serve as a secretariat and will work with the respective departments to develop a skill and credentials profile for each agency, board and commission.

The tier-one boards have to go through a specific process because, of course, Madam Speaker, they are the larger, more sophisticated paid boards from the Government of Newfoundland and Labrador. So the level of sophistication and requirements has to be there. That's why tier one and tier two does reflect on the level of importance, I guess, if I could use that word.

Madam Speaker, I stand in the House as an institute of corporate director, an accredited director. Myself and the Minister of Finance have both been through a pretty rigorous process by the Institute of Corporate Directors to ensure that we have directors in companies across our

country that have the education, the skills, the knowledge, the background. We go through a rigorous process of examination to ensure that we have the right credentials. Both of us are accredited directors as part of that. So it becomes very important to me personally – it is very important to me personally, and I know it's important to all my colleagues on this side of the House and I'm hoping on the other side of the House, that we do have the credentials, the skill sets and competencies required on these boards of directors.

You can appreciate in times past, Madam Speaker, and we've seen it even recently with the former government, where appointments were appointed based on something other than the requirements that may have been for that board of directors – something other than the requirements of that board of directors.

You can appreciate on a board of directors, Madam Speaker, on an agency or a commission there will be specific skill sets depending on the board of directors. That's why we have a process where the Public Service Commission is going to have the secretariat; they're going to work with departments. They're going to develop that skill and credentials profile for each agency, board and commission. It's incredibly important to have the right mix around the table so that, for example, you have people that have a financial background, people that would have had perhaps information or interest in a particular area.

Madam Speaker, the hon. Member from across the House talked about having an open process. We want to encourage residents across our province to play a very vital role in the opportunity that ultimately transformed the operations of government, quite frankly. We want to have equality and diversity and having qualified people.

We welcome the involvement and open the process to anyone in this province who has an interest in a board, agency or commission who has the skill sets required, who has the knowledge and who has the willingness to be involved. We welcome to have their names as part of this process. They will be vetted by the Public Service Commission. It will be an incredibly thorough process. The names will be generated, and then of course those mix of skill

sets – because it's not just identifying credible candidates and those with the credentials, but it's also ensuring the right mix is there.

We really want to take politics out of the equation. We really want to make sure the people that sit around a board of directors are the right mix to provide what is often called in the industry the tension required. The ability for a board of directors to test management, the ability of a board of directors to ensure that there is what I'm going to call some pressure, some testing back to management to ensure the right decisions are being made.

We are going to have an Independent Appointments Commission who will be robust in those efforts, who will take the names submitted, who will look at the skill sets required around the board of directors and who will bring forward three names for review – three names for each position. I think, Madam Speaker, it is incredibly important to have a number of people's names brought forward because you're looking for the right blend and mix of people around a board of director's table. We want to ensure the skill sets around the table actually lend to positive outcomes and ensuring we have a robust discussion at the board table.

My hon. colleague, the Minister of Finance, will know, who sat on a number of boards – I've sat on a number of boards of directors. I'm sure many of my colleagues on this side of the House and I'm sure many of my colleagues on the other side of the House have sat around board tables and have always noted that if we only had somebody with finance experience or lending experience or the different types of skill sets that a board of directors should require. I think it's vitally important to the people of this province they get the best people, the best mix of skills and abilities around a board table to make the right decisions on behalf of the people of Newfoundland and Labrador.

We're listening with intent to some of the issues of clarity you wish to have, or listening with intent to some of the suggestions you may have. We're listening with intent to some of your recommendations for change. We want to ensure this is the best piece of legislation to ensure we have the best quality of people around a board table, to ensure we have the most robust process

in checking skill sets and credentials, and allowing the process to be open, and allowing people to bring their ideas forward on how they may be able to contribute to a board, a commission or an agency.

Mr. Speaker – Madam Speaker, my apologies. Madam Speaker, that brings me to another point. We want to make sure we have diversity around a board table as well. We want to make sure we are reflective of our society. We want to ensure we are encouraging, for example, women to be involved in boards of directors. We want to ensure the process is open to allow people of different ethnicities, people of different cultures, people of different walks of life, to be able to bring their skill sets to the table.

Madam Speaker, this is an incredibly important piece of legislation, I believe. I think it is supported, I know, by many, many people. I think the Institute of Corporate Directors will be pleased to know we are, as a Government of Newfoundland and Labrador, stepping up to ensure we have this kind of rigorous process around getting the right mix of skill sets around the table.

Madam Speaker, as I said previously, I want to encourage people to put their names forward. We want to encourage people. We want to ensure the Public Service Commission has a great number of people to choose from in bringing forward that good mix of people around our board tables.

Madam Speaker, I read with interest a very important report called the Review of the Governance Framework for Canada's Crown Corporations. I don't know if my hon. colleagues have had an opportunity to review this report. It was a report to Parliament under the auspices of the Treasury Board of Canada: Review of the Governance Framework for Canada's Crown Corporations – Meeting the Expectations of Canadians.

A very important document, I thought. Because I have such an interest of governance, of course, I read the entire document. In the document it talks about having this kind of independence, of ensuring that you bring the right mix of people around the table, of ensuring that you take kind

of the politics out of choosing somebody at the board.

A lot of times in boards of directors – and this is not just in government but across the board, where you bring on your friends or your colleagues, people that you know. People you know will do a good job, but people that you know. Now we're taking a step back from that and saying: Well, what skill sets do we need? What life experiences do we need? What kinds of diversity do we need to see around our board table?

I think it's remarkable. I can table this, if so wished. It's available on the website, but it is available to you and I would be happy to table this report. I will get you a fresh copy because my copy is rather marked up and dog-eared because I've been through it so much.

Madam Speaker, I think it's important and I want to ask my colleagues across the House to really consider supporting this. I think it is a great piece of legislation. I think it's going to be a hallmark, as I said earlier, of this government of really being open, transparent, accountable, ensuring that we have the kind of level of scrutiny and the level of commitment and the level of integrity to process for our boards, for our agencies and for our commissions.

Madam Speaker, I can't say enough about how I feel about this legislation. I think that it's very well thought through but, again, open to suggestions, if that is warranted, but we want to make sure we are rigorous in our process.

The Independent Appointments Commission will be served by the Public Service Commission, which again is a layer of autonomy and independence, of professionalism feeding the Independent Appointments Commission. Ensuring that the Independent Appointments Commission can consider the mix of people and then, of course, bringing three names to Cabinet to ensure that we, again, have those eyes on making sure we have the right person on the boards of directors.

Madam Speaker, the board of directors of any organization has a fiduciary responsibility to ensure they are meeting the mandate of the organization, and they have a responsibility to

ensure financial oversight. They have a responsibility to make sure the mandate is being considered, ensuring the process is being – and they give that level of – I'm going to call it – scrutiny and oversight to the management.

We want to make sure the people that are serving on the organizations have been thoroughly reviewed and vetted to have the skills they require to be able to do that. I think it would serve this province well to have people being able to serve in that function. They do not serve at the whim or will of a government; they serve because they have the skills, the abilities, the competencies and the right skill mix that is required by a government.

Madam Speaker, I ask my hon. colleagues to consider this well, and to consider well the intent of this bill. I think the intent of this bill is pure in its will, in its want, in its desire to ensure the agencies, the Crown corporations, the boards of government that serve the people of this province, that serve sometimes as volunteers – sometimes they might get a small stipend, but they do serve the people of this province when they sit on these agencies, boards and commissions.

It is pure in its intent to make sure the right people are around that board table. I thank the people that have been there in the past. Madam Speaker, because we're always forward thinking and talking about the next process, but we have a lot of people serving the people of this province now on boards and agencies and commissions and their hard work and efforts have always been appreciated. I think that's important to recognize and say as well. This is not about whether we have the right mix now; it's whether we have the right mix going forward.

I want to make sure we appreciate – I like to think is a good word, and I think all my colleagues would give much appreciation to the people that do serve today, and hopefully will serve tomorrow, once we've been through this rather rigorous process of making sure we've considered who sits around this table, what skill sets are required.

A full skills matrix – my hon. colleague, the Minister of Finance, will know this from boards

she's sat on, and I'm sure others who've sat on boards of directors would have looked at skills matrixes and said: What's important to this board? As I said earlier, do we need somebody with financial skills? Do we need somebody who understands the role of this particular board or agency? Do we need somebody who has public relations skills? What we're doing is looking at that and looking at the skills around that board table.

I urge my colleagues to consider that. I think there are several elements to really consider. This comes from the report that I referenced earlier: Review of the Governance Framework for Canada's Crown Corporations. It talks about several elements required for a sound, corporate governance system: clarity of objectives and expectations; clear lines of accountability; transparency in the application of and compliance with rules; and a culture based on an ethical foundation.

I think that we all want to get to the point, Madam Speaker, where that skills matrix, where we want to make sure that we have the people around the board table that meet the requirements of the organization, that understand the transparency and accountability frameworks, and can move the boards, agencies and commissions to the next level.

I know the Institute of Corporate Directors, Madam Speaker, is running a session here next week, I believe, on Crown corporation governance. They're doing a piece of work around that to ensure that they are offering the education requirements, the education to assist boards with their ongoing education. But they are also offering the Institute of Corporate Directors program here I think beginning – Minister of Finance – this fall.

I had to take the course in Toronto. I think the Minister of Finance took the course in Halifax. Now, thankfully, the Institute of Corporate Directors are going to bring that program here to Newfoundland and Labrador, run with the University of Toronto and Memorial University. I urge and encourage my colleagues to take the program. It is thorough; it is challenging, but it is also very rewarding.

You learn a lot about the requirements of various boards of directors, public boards, private boards, ones that are on the stock exchange and ones that are Crown corporations. It runs through, but it also runs through all the different aspects that a thorough and knowledgeable board of director can give to an organization; everything from compensation to how to do the right hiring for the organization, how to ensure that the –

AN HON. MEMBER: (Inaudible.)

MS. COADY: Pardon me?

AN HON. MEMBER: Technology risks.

MS. COADY: The technology risks, looking at the whole risk matrix – thank you very much – of the organization, the profiles of that organization. It gives you, as a potential board of director, some great knowledge, some great learnings that you could take back to the board. I thought it was very thorough. I understand the Minister of Finance also thought it was quite good.

I'm proud to be an Institute of Corporate Directors director. I know my hon. colleague is as well. I think it brings an awful lot to the boards of the institute – sorry, of the boards to the Crown corporations, agencies and boards of government.

So I encourage my colleagues to please give this thorough analysis and thought. Your support would be important to ensure we have the right skill mixes and the right competencies around those boards. I know everybody here would want to do that. I know that we want to ensure integrity in the process.

I thank you for the opportunity to speak very passionately and strongly to this bill.

MADAM SPEAKER: Order, please!

I remind the Member her time has expired.

MS. COADY: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you very much, Madam Speaker.

I'm very happy again to stand and to speak, however, for the first time on Bill 1. Madam Speaker, that has such a lovely ring to it.

I would like to say this bill is – perhaps it's not about taking the politics out of appointments, because really all the work that's being done by many of these boards and commissions are about politics. It's about how we live our lives together. It's about how we manage our resources.

Perhaps it's best said that this is about taking the partisanship out of appointments, not specifically the politics, but the partisanship. I fully can support this bill; however, I'd like to focus my comments on one area in particular, and that is the issue of inclusivity and diversity.

Madam Speaker, if I could draw the attention of the Members of the House to the lovely portraits that surround our gallery right here. There's one thing in common: every single portrait is of a white man. That's true.

Also, I'd like to draw everyone's attention to the makeup of our House of Assembly. Out of 40 representatives, we have nine women, which is less than 23 per cent. That's the reality we are living with right now, Madam Speaker.

I'd also like to go through a list. This may be tedious, but it may not be as tedious as having to constantly raise this issue. I find it tedious as a woman, as a progressive woman, to constantly have to raise the issue of: Where are the women? But also not just where are the women – who else is not at the table? I believe, Madam Speaker, that is one of the key issues that is missed, that is not addressed in this legislation. There is no policy for a gender lens. There is no policy for any kind of diversity lens. I believe that's what this bill must include. We must have an actionable policy on diversity.

If you would please bear with me, this is a tedious exercise but I'd like to take us through it a little bit. I would like to list some of the

agencies and boards that have appointments of chairs and CEOs. I'm not talking about other members of the boards or the agencies, but specifically the chairs and the CEOs.

Marble Mountain Development Corporation, chaired by a man; the Public Service Pension Plan Corporation, that's not available right now; *Access to Information and Protection of Privacy Act*, a man; *Auditor General Act*, a man. I'd also like to thank these folks for the incredible work they're doing; very competent, very knowledgeable, doing great work on behalf of the people of the province. I'd like to thank those who serve on our boards and our commissions and our agencies. It's very important work. It is about the politics, about how we live our lives together, how we share and manage our resources.

The Business Investment Corporation, a man; the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, a man; *Centre for Health Information Act*, a man; *Child and Youth Advocate Act*, a woman.

SOME HON. MEMBERS: Hear, hear!

MS. ROGERS: Thank you. She's working very hard and doing a great job.

The *Citizens' Representative Act*, a man; the *College Act*, a woman; the *Elections Act*, a man; the *Emergency 911 Act*, the chair is a man; the *Environmental Protection Act* and the waste management regulations, a man; the *Energy Corporation Act*, the chair, a man; the *House of Assembly Act*, a man. I could go on and on and on.

Madam Speaker, I am aware of how tedious this is, but it's not as tedious as having to constantly raise it and draw attention to it. It's not as tedious as having to constantly lobby and push to make sure that we have diversity and that there is an absolute, undeniable, measurable policy of inclusivity in all the work we do.

I'm not going to continue on with that, but the final numbers in terms of CEOs and chairs are 30 men and 11 women as it stands today. That's about 35 per cent. I'd like to remind us that that happens just by chance, not by any policy. I

believe, Madam Speaker, that's what we do need in our legislation. We need a commitment to a diversity policy. What this is about is we must constantly ask the question, who is not at the table, because it makes a difference.

Now my colleague from St. John's East – Quidi Vidi was at the technical briefing for this bill. When she asked the Public Service Commission representatives – who did a great briefing on the bill, because they said it was a merit-based process that they would be using. She said, what about a gender lens? They said no, no, no, this is about merit.

Well, we have to look at, what does that mean? What does merit mean? What do qualifications mean? When we're looking at the issue of diversity, again, we must constantly ask: Who is not at the table? What perspective, what experience, what expertise is not at the table? It's not just about what you may have learned in management school or what you may have learned in communications. It's also about our lived experiences from which we live them.

One of the things when I invited the Members to take a look at every portrait here in our House, again, every single portrait is of a white man. We cannot change the past. We cannot change the past, but we certainly can shape the future. That is what I'm asking government to consider today. We can't change the past, but we can shape the future. I am asking them to commit to a policy of inclusivity and diversity.

Now, I know the current government's counterpart in Ottawa in December 2015, when he guaranteed gender parity in his Cabinet, he was asked, why did he do that? How could he do that? He said because it's 2015. Well, I'd like to say at this point, Madam Speaker, that today is 2016. There is no longer any reason not to have women at the table, First Nations indigenous people at the table. We need differently abled people at the table.

Imagine the experience that could be brought to the table with people with different experiences, lived experiences, when we look at some of our commissions and agencies. We need people from the LGBTQ community. I truly believe we also need people from a different socio-economic background. More often than not, the

people who are on these boards and commissions are people with a higher level of formalized education, probably meaning, then, with higher levels of income.

Madam Speaker, in fact, we need people with different lived experiences because these boards and commissions are about politics. They are about how we manage our resources, how we manage our community, how we manage our laws. We do need to have these different experiences at the table.

To not do so is a loss. To not have the inclusivity and to not have the diversity at the table means that our decision making is impoverished. It means that our management of our resources and how we live together as a community is impoverished. It's like going through life with one hand over your eye and only being able to see part of the equation.

I believe, again, that when the Minister of Natural Resources gets up and says we really want to hear input, we want to hear suggestions so that we can make our legislation more robust – I will be optimistic here and believe that government means that. We can't leave it to chance. When we look at the situation of the Cabinet table, there are three women out of 13 positions. It's 2016. There's no longer any good excuse for that. I'm sure there are women – my colleagues across the aisle here – who are very able and have the skills that are needed at the Cabinet table.

Without government committing to an inclusivity lens, a policy of inclusivity, we will yet again see the same thing happening again and again and again. We have to constantly ask when we put together a table, who is not at the table? Then, at times if the table is too small we have to make the table bigger, because without doing so we are impoverished in our decisions, in our deliberations and in our management.

Again, Madam Speaker, we cannot change the past but we can shape the future. I believe because it's 2016, it is truly time to do the right thing and to ensure that our First Nation's people, our indigenous people, women, members of the LGBTQ community, people with different disabilities and abilities are all represented at the table, that the people who

represent our demographics and our life experiences are at the tables where decisions are being made.

Thank you very much, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Cape St. Francis.

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: Thank you very much, Madam Speaker.

Again, it is indeed a privilege to get up here today and to represent the beautiful District of Cape St. Francis.

Madam Speaker, this is the first bill that the new government has brought to the House of Assembly and it's a very important bill. It's a bill that I think the people in the province were really looking forward to. It's a bill that will set the stage for their governance in the next four years. It's important that when you do things, you do things right.

I believe in this bill. I believe we do have to – well, as they say – take the politics out of appointments. I really do believe that. In saying that, Madam Speaker, I'm not going to go back and do what other people – you hear people back and forth across the House say: oh, so and so, and so and so, you appointed so and so. I'm sure that most people who were appointed over the years were qualified people, good men and women who served on these boards. I really want to thank people who did it because it takes a lot of time and commitment to be able to do what they do.

We have a lot of boards and agencies in government that requires a lot of people to sit on them. Sometimes I believe it is difficult even getting people to do some of the work that needs to be done, especially for the boards that are non-paid. It's easy enough to say to a person, listen, we want you to be on a board but we're not going to give you any money to do it and you have to do all this time and effort. Unless they're really into that, it's a difficult job to get somebody to do it.

I really want to say thank you to the people over the years that have done it. Basically, we look in Newfoundland and Labrador at volunteers; that's a real sign of a volunteer, that a person is willing to do that and not get any money to do it. It's very important, I think, that we recognize these people.

This piece of legislation, Madam Speaker, I agree with 100 per cent. I agree with the legislation but I'd like to see it done in a proper way. I'd like to see it done so that we do it – if we're going to do this piece of legislation, that we do it right the first time. It's very important that we do it right.

I'm not judging anybody who goes on, like I said, any boards or any appointments in the past. I respect them and I'm sure they're very qualified people, but as the past election went on we looked at the promises that were made. I did not read the red book. I never read it, to tell you the truth. I didn't read the red book but I heard some of your promises. This was a promise where I could agree with you. I could agree to take the politics out of appointments. I agree with that but let's do it properly. Let's do it the right way.

Now I have to thank Executive Council and the Public Service Commission for giving us a briefing on this bill. They did a great job. We went through it line by line and everything else and it was a good explanation. I really understand what they were trying to do. The concept of the bill is to make sure that we get the proper people, qualified people and the best person, whether it's male or female or whatever. I believe in the best person for the job.

I'll go back to my hon. Member who just spoke up here a little while ago. I had a group of people in the House of Assembly just recently, a seniors group. The very first thing, when they came into the House of Assembly, they said: What are all the portraits across here? I said they are former Speakers of this House. The very first thing they noticed, they said there was neither woman. I agree with her. That's the very first thing people noticed when they came in here. That's sad because we have some great women in this province and I'm sure there would be no problem to have a female Speaker in this province.

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: But, do you know what? Times change and we have to change with the times. Today we live in a different society. We live in a society where people are more involved, and more want to get involved. They really want to make sure things are done properly. Again, this bill is a great bill but it needs to be done properly.

Now, Madam Speaker, I'm just going to look at little parts of the bill that I want to bring up today. This is called an Appointments Commission. So Appointments Commission, I think it should be changed to a recommendation because they don't appoint anybody. It's a committee of five that's going to be set up and it looks at all the different applications they have from the Public Service Commission and they select three. They make recommendations. The recommendations they make to Cabinet and then Cabinet, politicians, have the choice to pick one of those recommendations.

The scary part of it all, that's okay if they can pick just one of the three and we know the three and they get ranked, and that's who they pick, that wouldn't be too bad, but that's not how this works. How it works is they'll send three recommendations to Cabinet, but Cabinet can have another person they have in mind that they want that job for.

Then if they decide the three people that were recommended go to Cabinet, they decide that, no, we're not going to accept these three people, we're going to put our own in – and no one will ever know, will ever know the three people that were recommended for the job by this independent commission go to Cabinet, but Cabinet says, no, hold on now; that's not the person we want there.

Do you know what? The thing with a lot of these authorities and different organizations, they have to work with Cabinet. And you do want a person that can work with Cabinet in these appointments. If you're going to say you're going to take the politics out of it, then take the politics out of it. You cannot say we have an independent commission, and the independent commission is going to recommend, not appoint – now, there are no appointments in this

commission. They're going to recommend these three people are qualified for the position, but then it goes to Cabinet and Cabinet can decide a separate person. They don't need to accept – now, I don't know if they will or not, I really don't know, and then we'll never know.

How is it taking the politics out of the appointments if we never know who was selected, if it was the independent commission, were they the ones that selected this person; or was it that Cabinet said, no, we don't want these three people? No, they're not the ones for us; we want someone different.

We'll never know. That's the problem I got with this bill. The secrecy of the bill is where I got the problem. I agree with the bill, 100 per cent. I really want to see the best, qualified person get the job. The best, qualified person should get the job.

MR. JOYCE: John Ottenheimer (inaudible).

MR. K. PARSONS: The Member for Bay of Islands, I'll give you the opportunity to speak, too. John Ottenheimer is a very fine man; I'd like to tell you right now.

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: He's a very fine man. I know the man and he's a good man. I don't think you should be slandering his name here like that; he's a good man.

Listen, I can go with names –

MR. SPEAKER (Lane): Order, please!

MR. JOYCE: Mr. Speaker, I get a point of privilege here.

MR. SPEAKER: The Speaker reminds Members there is no point of privilege. I would ask the Member to have his seat.

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

MR. SPEAKER: The Speaker recognizes –

MR. JOYCE: Point of privilege, not a point of order. There is a big difference.

MR. SPEAKER: Point of privilege, the Speaker will hear the Member.

MR. JOYCE: The Member –

MR. K. PARSONS: Oh, come on now. I only have a bit of time (inaudible).

MR. JOYCE: You can stop the clock; we'll give you time.

MR. K. PARSONS: (Inaudible) you get up and speak.

MR. SPEAKER: Order, please!

MR. JOYCE: The Member opposite said that I was slandering John Ottenheimer's name. That is absolutely not true. I did not say one word about John Ottenheimer. I can't let it be on the record and I ask that the Member withdraw the comments because I did not slander John Ottenheimer's name. I can't let it stand on the record, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. JOYCE: I ask the Member to withdraw that statement.

MR. SPEAKER: Order, please!

There is no point of privilege.

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Speaker recognizes the Member for Cape St. Francis.

MR. K. PARSONS: My whole point, Mr. Speaker, when I started off my speech here today is that this is an appointments committee and we're looking for the best possible person. I'm not going back to what happened in the '90s, in the '80s, in the '70s and in the 2000s. I think this is a great piece of legislation. Moving forward, we should make sure we do it properly. Moving forward, we should make sure that the best people are selected.

My problem with the piece of legislation is that – what's happening here with this legislation is that there is a secrecy part involved. There's a part to this legislation where people will never know who the person was that was selected. They'll never know that the three people that were recommended never got the job.

The independent commission that we're working on and getting it all set up for, they'll make a recommendation, but we'll never know if that's the person that was selected – we'll never know it. So how is that taking the politics out of this appointment?

I listened to the Minister of Natural Resources get up. She made some great points today. She said how important it is of what we do, and how this needs to be done and everything else. I agree. I agree 100 per cent, but just look at what we're doing here.

I believe, Mr. Speaker, what should be done in this, we should have an all-party committee. I agree that an all-party committee should be set up so that all parties have a right to say. The five people that are appointed to this commission, we should all have a look at it and say they're great people, non-partisan. Is that what you want? Is this what the intent of the bill is?

So why can't we do like we did when we got together with the fisheries, when we got together with mental health and addictions? Last year we had an all-party committee put in place. This is very important. This is what the people of the province want. I know it's what people in my district want. They want to see that we run a tight ship and that things are done right.

Right now, this bill is a great bill. The intent of the bill is great, but what's inside the bill is not so great. If you go back and look at what the promise is, the promise is to take politics out of appointments. There is no way – this is not doing what the promise is all about. This is a broken promise. This promise is broken to the people – because there are ways you can do it. We need independent – if you look at the independent, it's not independent. It's an independent commission. It's a recommendation commission. That's all.

I heard the Premier the other day when he spoke about it. He said if that happens, they just give it up and quit. If they quit, we'll have to put somebody in their place. So if the commission, the five people look at it – they are the only ones who are going to know who the recommendations are. So the only recourse they got is to quit. Give it up. If you don't like what we're doing, give it up.

That reminds me of old-time politics. If you don't like what we're doing, give it up. That's exactly what is happening here. I'm all about fairness. I believe –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. K. PARSONS: I believe in fairness –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. K. PARSONS: – this is a good piece of legislation, a great piece of legislation, but what we're doing is wrong, the way we're going about the legislation. The intent of the legislation is good, but what's inside the legislation is not good because there's still secrecy. There's no ranking.

If you take the independent commission, they can't even rank the three people they're going to recommend to Cabinet. So wouldn't you want to see, okay, this is how we rank them? This is the number one person because it meets this criterion. This is number two, meets that criterion. This is number three because it meets another criterion. They all have their own things they bring. Then the Cabinet can have a choice and say, okay, that's what we want to see in that person. But that's not what's happening.

So they are just putting up three names. They'll give three names to Cabinet and they'll say to Cabinet: Okay, Cabinet, these are three people, out of all of the applications we took in from the Public Service Commission, all the people they had from the Public Service Commission that they would have three people and here are the three people. Now, you don't need to take them. That's what this is about.

Mr. Speaker, I believe that whoever is on this commission should also take an oath for impartiality, too. They'll take the oath to make sure they do what they got to do and make sure they're doing it in the right manner also.

Mr. Speaker, I'd like to go back to the five people that are selected. I really do believe this House should have a say in – I think all sides of the House should have a say in who these commissioners are, because –

AN HON. MEMBER: You will.

MR. K. PARSONS: No, we won't. Because you guys got the majority and you guys got the vote, and that's how it works in here. If we want to be independent, if we want to –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. K. PARSONS: If we want to be independent and we want the proper way to do this and make sure it's done right, then it should be through an all-party committee to select the commissioners for this. Let them select them and be done on merit that is non-partisan. That's what this is about. It's supposed to be non-partisan; it's supposed to be non-political. This is a far, far thing from non-political. We and the Third Party will have absolutely no say in what it is.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. K. PARSONS: Yes, Mr. Speaker, it's hard to hear here.

The other point I made is about the ranking. I really believe they should be ranked. If there's a commission in place they should have the point to say, okay, here's our number one, and this is the reason why that person is number one. We should do that. I really believe that should be done.

The part of the bill – I know I'm after repeating myself a couple of times on this part of it. I really believe the three people who are recommended – and they should be ranked – I

believe they should be the people who are the only three that are there. Cabinet, listen, if you have a person in mind, then they should go through the process just like everybody else. I can't believe they can just have, okay, you recommend three, but we don't want either one of them; we're going to choose our own.

Can someone tell me how that's taking politics out of appointments? There's no way, because the opportunity – the three who get recommended might be the three best candidates. I'm not saying they're not, but it's political if the person they want is not in those three, then they can put that person ahead, and that's wrong.

If you want to be honest with the people of the province and you want to tell them this is the promise we made, we're going to take politics out of it, then you're not taking it out if you can make the decision without any merit or even without the recommendations. Again, it's not an appointments committee, it's a recommendations committee. You can just sit down and you can say, okay, these are the people we want.

Mr. Speaker, even in the legislation there's a way that Cabinet, if it's urgent – and sometimes it can be urgent, yes, and there's no doubt about it that it can be. There could be something that I would imagine you'd want the Chief of Police in as soon as possible if something came or whatever happened. There are all kinds of different boards and things that you'd want to see if somebody is urgent.

I'd like to know how we can – you can bypass, the only time you have to do it is when we're not sitting. There are a lot of times we don't sit. If you take it from probably the 1st of June right to November we're not sitting. So it gives Cabinet opportunity to appoint a person they want to during those times. Again, that's a pretty difficult situation to be in, too. I understand that.

Mr. Speaker, I just looked at the intent of the bill. I really believe the intent is good. I really believe they intended to make this bill so that it would be free of politics. The best qualified persons would be the people who would be able to get these appointments, but that's not how the bill is going to work. I want them to have a real

good look at this and realize what they promised and what they're delivering are two different things. That's a fact.

What they're delivering on in this bill and trying to pass through with this bill is completely different than what's promised. You're not taking politics out of it if you can secretly, in Cabinet, appoint whoever you want. So in Cabinet whoever you decide, the person you want to do it, that's the person you'll get to do it.

Mr. Speaker, when it goes back to the five independent people who are selected on the commission, are they really independent? I don't think so. Who selects them? Is it an all-party committee or do people have a say, or are these the five? When we come in here to the House of Assembly, we'll get a bill and it will say these are the five people we selected to be on the commission.

Again, the intent of the five people – I won't question what they are as individuals and stuff like that. Like I said in the past, the past is the past. There are some great people who serve on boards and commissions in this government but I believe that if we're going to appoint five independent commissioners it should be done through a forum in this House where everybody has a say and we are able to select the best five. It's like the best five people, impartial. That's the biggest thing everybody wants to look at in this bill. It's the biggest promise they made. The promise they made was we're going to take politics out of it. It's going to be open and transparent.

Well, this was not open and transparent and it's not taking the politics out of it unless you do it the right way. The intent of the bill is great. The intent of the bill is fantastic, but you're not taking politics out of it when you can go into Cabinet and select a person you wanted and not the independent commission. The five commissioners who are appointed, they are appointed by government. We have nobody else who has a say in it, so how is it independent? How is it taking the politics out of it? Like I said, I just want to make sure that this bill is done fairly and is done with the right intent. The intent is good, but the bill itself is wrong.

MR. SPEAKER: Order, please!

MR. K. PARSONS: Thank you.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Speaker recognizes the hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

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

This is my first time in debate, so if I make a mistake I'm sure someone will make a comment.

SOME HON. MEMBERS: Hear, hear!

MR. HAGGIE: I can rely on tuition from the other side of the House, if not support from my colleagues.

I think it's interesting that the Members opposite have started to talk about inconsistencies between this piece of legislation and the red book. I actually made the mistake of reading the act and looking at the red book. Just to correct an error, paragraph 1.1 out of the red book said: an Independent Appointments Commission would be non-partisan, screen candidates and recommend the most qualified people for appointments. That, if you read the act here, would apply to section 9(1), which actually says, "The commission shall provide recommendations respecting appointments in accordance with a merit-based process." Now, the language is not identical, I grant you, but I think the spirit and letter is not far removed.

If you actually go through the act and read it, I think a lot of the questions that were raised by the Member opposite, who has taken a break, would actually be answered. Section 6 – bearing in mind the first five are fairly routine ones. Section 6(3): "The commission shall consist of 5 members appointed by the Lieutenant-Governor in Council on resolution of the House of Assembly." I think that kind of makes it a fairly

public affair where really no one could argue about the individuals concerned being appointed in private or behind closed doors.

The Member opposite complained that because we had a majority, that somehow fettered the House. I would suggest to the Member opposite, the fact we have a majority would rather reflect some failings on the other side of the House. Really and honestly, if they wait four years, they'll have another crack at it.

SOME HON. MEMBERS: Hear, hear!

MR. HAGGIE: In the meantime, it is what it is, as somebody once said. I think the electorate will get to decide who will be the majority and how this process will unfold.

The implication, again, behind these apparent inconsistencies between the red book – and I can table that if anybody is particularly interested in it – and section 9(1) was comments about broken promises. I really fail to see where that came from but, again, I would bow to the expertise of the Members opposite in the field of broken promises rather than this side of the House.

Reading through the act, you've got five members independently appointed. The Lieutenant Governor in Council can designate one as a chairperson. There is a provision for a vice-chair; term of office three years, reappointed once. Then you move over to the next page of the substantive areas. It comments on how the process can work when the House is in session and when it's not, or in the event of incapacity or illness of one of the commission members.

I would go and emphasize again section 9(1): "The commission shall provide recommendations respecting appointments in accordance with a merit-based process."

The Member opposite raised issues around a gender lens and inclusivity. I think those are crucial features of any process and I think the people who would be approved by this House would probably be aware of that, too. In terms of at the end of the day, however, I think the spirit and letter of the legislation is quite clear in that

it intends the best qualified candidates to be put forward.

Sub 9(2)(b), “an appointment which, in the opinion of the Lieutenant-Governor in Council or the minister, as appropriate, must be made due to urgent or extenuating circumstances,” provides an exemption, but exemptions are then further dealt with in section 13(1) which enumerates a reporting mechanism. “The minister responsible for the administration of this Act shall report annually to the Legislature those appointments exempted from the operation of this Act under the authority of paragraph 9(2)(b).”

Where the House is not in session at the time, it would be reported through a slightly different mechanism, but ultimately it would end up in this House.

I think in terms of transparency and openness, the framing mechanism is entirely appropriate. I think at the end of the day the next set of legislation there looks at the role of the Public Service Commission and basically that would be the secretariat, which houses and supports the functions of the Appointments Commission itself. It refers specifically to support in section 11(1) and in 11(2) it shall do those things that are requested by the commission, where those are required by the commission in the exercise of its duties under this act.

So all of the issues around advertising, the openness and inclusivity would fall under section 12, which under (a) will be advertising and otherwise distributing information respecting the process and appointments and receive applications where vacancies exist. Section 12(b), solicit and accept applications and expressions of interest. So people who are not aware of and posts that are not yet vacant, they can store up a bank of folk who are interested and go through at a more leisurely rate, screening these individuals, to see whether they meet the criteria of merit based with the lens that have been referenced.

Further to a merit-based process, the Public Service Commission will provide to the Independent Appointments Commission a list of all potential appointees, including a list of recommended potential candidates. On that

specific item, 10(1)(b) refers, which suggests – in actual fact states: “The commission shall recommend 3 persons for those appointments.” And when it is not possible to recommend three and fewer can be recommended then they will also have to report to the Lieutenant Governor, as appropriate, with a specific detail of the efforts outlined to find the three that were unsuccessful.

I think that’s fairly detailed there. The remainder of the act really goes on to detail which of government’s agencies, boards and commissions fall under what level of scrutiny by the Independent Appointments Commission. There is a list there where the board members would be scrutinized by the Independent Appointments Commission. That’s there under a Schedule to the act.

There is also a list there of CEOs for whom the board, the Independent Appointments Commission, would then make recommendations in conjunction with the board, which in the case of the Schedules aligns, and they would have been responsible for populating the board through this mechanism. Then, equally, they would be responsible for recommending to the board in conjunction with the board a CEO. Because at the end of the day on a governance basis, Mr. Speaker, the responsibility legally thereafter for the activities of a CEO rest with the board of that agency or commission and with nobody else.

I don’t think there is any intent in this legislation to in any way constrain or limit that association and that relationship. Because at the end of the day, particularly in light of the regional health authorities, with which I have some expertise, the CEO is their sole employee and it is the CEO who is then mandated to run the activities of the regional health authority.

I think any attempt by legislation to interfere with that would be unwise and, indeed, it is not even contemplated, or expressly or indirectly implied within this act.

Again, at the risk of doing what my colleagues opposite have done in repeating myself I really don’t think there are any inconsistencies between this act and the red book. I think the red book was very clear. Paragraph 1.1, a new

Liberal government will establish an Independent Appointments Commission to take politics out of government appointments. It will screen candidates, apply a gender lens – which will deal with a specific comment opposite – and recommend the most qualified people for appointments. It comments, in a rather editorial sense, about adding a much-needed level of independent review to the appointment process, given the fact that has not been a significant attention to any kind of process to date.

In terms of the commentary from opposite, I did at one point actually wonder whether we were reading the same piece of legislation because there seemed to be some variance in the commentary from the other side. It was speculative at best and fantastic at worst compared with the actual text of the act, Mr. Speaker.

Once again, there is a majority on this side of the House. That will determine the outcome of any resolutions from the House of Assembly. Quite frankly, that is something that the party opposite had to deal with back in November, and they will have to live with for the next little while. They will get their chance in due course to attempt to persuade the electorate of the wisdom of their choice in November.

Until then, I would recommend strongly that they actually read the bill. Unlike my colleagues opposite, I don't feel the need to unduly berate them with excessive repetition. I think two repetitions and possibly three on the issue of consistencies is probably enough. I would draw my remarks to a conclusion.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Thank you, Mr. Speaker.

It's certainly an honour and privilege to rise in this hon. House again today and speak to Bill 1 in its second reading. Mr. Speaker, traditionally in this hon. House, Bill 1, for every session, is known informally as the legacy bill of a

government. It sets the tone for the direction the government would like to take.

So Bill 1 is therefore the legacy bill of our new Liberal government, which has promised to eliminate politics and partisanship from government appointments; but, regrettably, in my humble opinion, I do think the bill falls pretty short. In fact, I think it falls severely short of that commitment. I am confident the suggestions that will be brought forward to strengthen it by Members of this hon. House, if they are actually considered and implemented by Members opposite, then we will in fact have a very strong Bill 1 at the end of the day, Mr. Speaker.

The minister spoke earlier this afternoon about appointments made by the previous government, in her prelude today. The comment I want to make to that is I truly hope this is going to be a meaningful debate, Mr. Speaker. Not one where they just throw barbs about appointments that were made for the last 12 years, because if that's all they have it's really quite disappointing to me, and I'm sure to members of our wonderful province.

If we're going to call a spade a spade, Mr. Speaker, political appointments are the way things were done by all previous governments since 1949. So we can spend our 20 minutes here in this hon. House talking about the days of Joey, Moores, Peckford, Wells, Grimes, Tobin and Williams. We can do that, but what's the point of doing that.

This bill is not about the past; this bill is about the future, and it's about a new government that has promised a new way of doing business. That is what we all agree – Members on all sides of this House agree it's something we would like to see. I'm sure the public would like to see it as well. I truly hope at the end of the day that is the conclusion we come to with Bill 1 in its strengthened form, Mr. Speaker. I won't be wasting the time of this hon. House with such foolishness as throwing out names from the past.

I was delighted, Mr. Speaker, to hear her say when she spoke to Bill 1 earlier this afternoon that they want the very best piece of legislation, because we all want that. I trust they will give some serious consideration to our suggestions

for improvements. In fact, I'm pretty sure I heard in Question Period today that they will consider amendments we bring forward to make this bill a stronger one. I look forward to seeing if they actually will agree to the stronger measures that we'll be bringing in to strengthen this bill.

I had the pleasure this past weekend of serving as the Lieutenant Governor for the Metro Youth Parliament, Mr. Speaker. I was quite impressed with their understanding of legislative process. In fact, Mr. Speaker, they spoke of the value of Opposition and how important it is for us as a people and a province to have a very strong Opposition, not just to oppose government for the sake of opposing, but to bring forward ideas and recommendations to make legislation better, in fact, the best that it can possibly be for the fine folks of Newfoundland and Labrador. That is exactly what we intend to do as an Opposition.

I'm going to talk about Bill 1 in some more detail. At the risk of upsetting Members opposite about repetition, I certainly don't mind repeating and will continue to repeat the key points of this bill, until we see the changes that are necessary to make this bill one that actually results in taking out the politics and partisanship because clearly, in its present written form, it does not.

If you truly want to consider independent appointments, if you truly want your appointments to be independent, there are two separate issues you need to consider, Mr. Speaker: first, how independent will the commission gatekeepers actually be; and second, how much power will the commission gatekeepers actually have? Will the gatekeepers be truly independent and non-partisan? This first issue is a critical one. How will we ensure that the gatekeepers are, indeed, truly independent, neutral and qualified to make sound judgments about the qualifications of candidates for leadership posts in this province? That depends entirely on who will be on the commission, how they will be appointed and how their independence will be assured.

So who are the gatekeepers? Section 6 is the authority under which the commission will be established. Subsection 6(3) determines how the commission will be appointed. It says, "The

commission shall consist of 5 members appointed by the Lieutenant-Governor in Council on resolution of the House of Assembly." In other words, Mr. Speaker, what that means, in laymen's terms, is that Cabinet will choose the five people and bring their names to the House in a resolution for a vote.

In the spirit of a different House and a different way of doing business, I do believe the red book promised as well they'd have more standing committees. So why not, Mr. Speaker, have a standing committee that brings forward the recommendations for the commission. Why does it have to be something chosen by Cabinet, in the secrecy of Cabinet, but then brought forward to the House of Assembly to be passed in a resolution. Which, as we all know, will pass because once you have over 21 votes in the House, you can pass anything you want to.

We were just clearly told that, whether we like it or not, for the next four years whatever they deem fit will pass in this House. I also heard other Members opposite say they are willing and open to considering suggestions. I look forward to seeing that type of co-operation come forward, Mr. Speaker.

It's all very interesting, and we can have a play on words, but the people of this province are very intelligent. They can read and understand for themselves and see through the spin as to what this bill – in its current form – is really saying.

How can the Liberals say the commission itself would be non-partisan if Cabinet selects them and uses its majority to hire them? If the gatekeepers themselves are political appointees, then how is this process non-partisan?

Cabinet can also fill vacancies, Mr. Speaker. If a commission vacancy occurs when the House is not in session – as my hon. colleague just discussed, the House wasn't in session this year. We had an election. The House didn't open for four months.

I was shocked given how some Members opposite, when they were in Opposition, jumped up and down about the House not being open, but there was an awful silence in January, February and March when we were all anxiously

waiting for the House to open. Thank God, it is finally open, Mr. Speaker, so we can get back to the important business of the people.

The House can be closed June, July, August, September, October. It can be closed January, February –

MR. SPEAKER: The Speaker would remind the Member to stay relevant to the bill.

SOME HON. MEMBERS: Hear, hear!

MS. PERRY: Thank you, Mr. Speaker.

Sorry about that. My point is it relates to the bill in that subsection 7(4) says, “Where the House of Assembly is not sitting and a commissioner cannot act due to accident, illness, incapacity or death, the Lieutenant-Governor in Council” – which is Cabinet – “may appoint a person” – appoint being the key word there, Mr. Speaker – “to act in his or her place, but that appointment shall be confirmed on resolution of the House of Assembly within 10 sitting days of the House next sitting.”

In other words, Cabinet can appoint a replacement commissioner as long as Cabinet brings a resolution to the House to confirm that appointment within 10 days of the next sitting. Again, Mr. Speaker, no recommendations from a commission there. That’s clearly, purely and entirely a Cabinet appointment.

At certain times of the year that could be a very long time, as I was just discussing in terms of how long the House has been closed. Cabinet could fill a vacancy in June and not have it confirmed until almost November, or fill a vacancy in December and not have it confirmed until almost April. That, Mr. Speaker, can happen with the bill as it’s presently written.

Another major concern of mine, Mr. Speaker, is how are the gatekeepers held to account? Currently, if we don’t like a Cabinet appointment as a people in this province, we can question the Cabinet ministers. From now on, once the bill passes, if it’s passed without amendment, the Cabinet will be able to say the commission recommended this person, don’t blame us. It’s sneaky.

How can we question the commission about its recommendations? It’s one step removed from security and accountability. The commission, in theory, could be just as partisan as the Cabinet because it is the Cabinet, remember, who selects the original members of the commission. Then they use its majority in the House to hire them.

These commissioners will be a step removed from accountability and they are above questioning. That means the new process – you think about this for a moment now. Think about what I just said. In actual fact that will leave the new process less accountable than the current process. That’s actually quite ironic when the intent of this bill was to strengthen the accountability. Mr. Speaker, we do look forward to working with Members opposite. I’m sure we will all agree to find measures to strengthen it.

What about if the commission has a defect? Take a look at subsection 6(8) which says, and I quote: “Acts done by the commission shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the commission, be as valid as if the defect had not existed.” Mr. Speaker, this section lets the commission and the government off the hook if it comes to light that a commission member was not qualified or was appointed inappropriately. The decisions of a defective commission will remain valid.

How can a commission member be removed? Subsection 7(3) says the House can make a resolution and then the Cabinet may – not shall, not will, but may – remove a commissioner, assuming that the resolution even passes. Even if it does it is not binding because, like I said, the word “may,” unlike “shall,” is discretionary.

Mr. Speaker, the act also allows for side-stepping the gatekeepers under urgent and extenuating circumstances. Not every appointment for every entity listed in this act will actually go to the commission for review. That’s very interesting. Subsection 9(2) describes appointments that will sidestep the commission’s security. Consider what can be excluded by paragraph 9(2)(b): “an appointment which, in the opinion of the Lieutenant-Governor in Council or the minister, as

appropriate, must be made due to urgent or extenuating circumstances.”

In other words, Cabinet, or even an individual minister, may say a situation is urgent or circumstances are extenuating and skip the entire Independent Appointments Commission process. That’s what this legislation, as it currently is written, Mr. Speaker, will allow government to do. Not just current government, by the way; all future governments. Hopefully, we will see this strengthened before it does pass in this House.

When would the government use such an escape clause? Would this be the escape clause that the government would abuse had the act been in place to justify the kinds of appointments that have already been made? How difficult would it be for them to argue that the circumstances were urgent or extenuating? Not too difficult in that type of situation, Mr. Speaker, because you do need staff to go to work and get the work of this important House done. Certainly, every position that we do have I have the greatest of respect for. A lot of work happens by some very fabulous people in this hon. House.

Remember that these appointments are for key posts in agencies, commissions and Crown corporations. Obviously, such posts are vital and there’s always some urgency about filling them. So let’s suppose the government wants to sidestep the commission. They could use this clause to justify moving ahead and appointing at will, just as every other government has done in past.

MR. SPEAKER: Order, please!

The Speaker would remind the Member we’re in the second reading of this bill, so your commentary is supposed to be general to the bill. You get into the specific clauses of the bill when we get into Committee of the Whole.

MS. PERRY: I can’t speak to clauses in second reading?

MR. SPEAKER: Again, the Speaker would remind the Member that you can certainly make some reference to the general debate around the bill, but when it comes to specific clause by

clause, that is meant for Committee of the Whole.

MS. PERRY: I’m not reading clause by clause, but thank you, Mr. Speaker. We will certainly take that into consideration.

I’ll just say, suppose the government wants to sidestep the commission – let me pick it up from there. There’s a clause they can use in this bill to justify moving ahead and appointing at will, just as every other government has done in the past, every other government, mind you, since 1949. I’m not criticizing any one government or another. That is just the way things were done. This bill, which is about changing that, is one that, in principle, and in terms of intent, I’m sure all Members of this hon. House do support.

To deem a situation urgent or extenuating would enable any government operating under this legislation to bypass the legislation. So while that may have been fine for previous administrations, the new government is saying it wanted to abide by a different standard, a higher standard. That higher standard, Mr. Speaker, is one we would all like to see. We see a very, very huge and very arbitrary loophole and one that really calls into question the ability of this bill to really result in independent appointments.

Mr. Speaker, there is a reporting mechanism in this bill, under one of the clauses in the bill: “The minister responsible for the administration of this Act shall report annually to the Legislature those appointments exempted from the operation of this Act under the authority of paragraph 9(2)(b).” Notice the words, “those appointments.” It sure looks like the government anticipates using these exemptions in order to appoint at will.

What does this reporting mechanism actually achieve? It’s hardly going to be secret if an appointment is made to a senior position. We’re going to know about it long before the exemption is reported. The only thing these reports will do is showcase each and every time the government is not truly committed to meeting the standard it has set for itself. Every exemption will come with its built-in excuse, the urgent or extenuating circumstance. In other words, we really wanted to abide by a higher standard, but circumstance prevented us.

Mr. Speaker, I'm not saying that's necessarily something this government would do, but the opportunity with the bill written as it is in its current form would enable this government or any future government to do just that. What we want to do is ensure this bill holds this government to account and all future successive governments to account, because we do want to have a higher standard for Newfoundlanders and Labradorians in this fine province.

Side-stepping the gatekeepers can also be done by having Cabinet amend the Schedule. There's another way they can make exceptions to the independent appointments process. This can be found, Mr. Speaker, in the Schedule that's contained in the act. It lists the entities to which this process applies.

Mr. Speaker, in the interest of sticking to your ruling about not speaking too specifically to clauses, I will hold the rest of my things I want to discuss until we get to Committee stage. I do trust – and, again, I will go back to Question Period today and I will go back to the hon. minister's comments when she spoke for her first time on Bill 1, about how we all truly want this to be the best legislation that it can possibly be.

It's not about enabling the government of the day to do as it wishes. It's about enabling today's government and all future governments to be held more accountable, Mr. Speaker. That is what the intent of this bill is. We truly hope that in the suggestions that are brought forward and in the amendments that will be brought forward by Members opposite, that the hon. government Members will truly give consideration and agree to the changes that we are strongly confident will strengthen this bill so that it actually achieves the intent that was promised.

Thank you so much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. BYRNE: Thank you, Mr. Speaker, for allowing me an opportunity to speak on this, Bill 1, which is an Act to Establish an Independent Appointments Commission and to Require a Merit-Based Process for Various Appointments.

Mr. Speaker, I'll begin my discourse by simply acknowledging that, indeed, it is this government, this political party – the Liberal Party of Newfoundland and Labrador – which was the only one during the course of the last campaign that recognized the importance of such a commission, and promised it and committed to it during the course of the campaign as an election promise; which, of course, helped fulfill our commitment to the people of Newfoundland and Labrador to be transparent and open in our dealings, not only in this Legislature, but in terms of our form and function, performing our executive function within the government.

I will note, Mr. Speaker, that it was the first pronouncement that this newly elected government, while campaigning during the general election campaign, made on the campaign trail. We did so through our accountability plank. I reflect on day one of the campaign. We, of course, had already initiated the campaign four days earlier because the sitting government of the day refused to drop the writ. They were proceeding with a process of making political appointments of their own. They were trying to actually roll out public expenditures in advance of the campaign.

While we sensed and anticipated the angst and desire of the people of Newfoundland and Labrador to engage in a campaign, they were engaged in the business of dispensing from the public troth. So our leader came forward with a very sound proposal to provide for an Independent Appointments Commission.

Now, I say that from the point of view that for the next 28 days, Members opposite, the Progressive Conservative Party of Newfoundland and Labrador, had an opportunity to come forward with a similar proposal, if they so chose. They did not, reflecting that this was clearly not a priority of the Progressive Conservative Party of Newfoundland and Labrador.

Remember, Mr. Speaker, we came forward with a specific initiative on day one of the campaign. They had 28 days to follow, if they so chose; they did not. They did not make this commitment. They did not make any public pronouncements whatsoever that they would engage in a process similar or in any deviation of the same; it was the status quo, Mr. Speaker, that they were prepared to initiate and to continue – the status quo. Well, Mr. Speaker, people of this province said the status quo was not acceptable. That's why there was a change of government.

SOME HON. MEMBERS: Hear, hear!

MR. BYRNE: Now, I would reflect as I read this bill, having seen the processes and the way things are done in a different place, I reflect on how the judiciary is chosen and the representatives of those chosen to sit on the Newfoundland and Labrador Supreme Court. The Supreme Court of Newfoundland and Labrador, of course, is an esteemed body. It is esteemed in its traditions, but also in the integrity of the institution that it brings to each and every one of us. It is beyond reproach.

Well, of course, if we examine how nominees to the Supreme Court of Newfoundland and Labrador are chosen, we'd reflect on a simple reality which is that there is a judicial advisory council or a committee. They receive nominations. They receive input from the public at large and from nominees themselves, and they review those nominations. In the end result, they analyze the nominees for their merit. If there is due consideration and they meet the merit standard that is set by the advisory council, then they pass forward and they're eligible to be raised to the Supreme Court of Newfoundland and Labrador. It's the process in which our Supreme Court is chosen.

Well, Mr. Speaker, the argument from the hon. Members opposite is: Let's make the perfect, the enemy of the good. I would make that very clear observation, knowing that this is a sound process. This is a very, very constructive process, and one that meets a certain standard where it is an example of a best practice. But where I would differ in making the comment that the perfect should be the enemy of the good is that they have established no process

themselves. There is no perfection of their side. There is no offer of perfection. There are no amendments that really have come forward because they never committed to ever engaging in a similar body or a similar method of establishing order-in-council and Lieutenant Governor in Council appointments.

When you consider that one circumstance that while criticism or critiques are being offered by Members opposite, they're doing so from a very shallow well. They're doing so from the position that they would never have done this had they formed government. They admit to that because it was never part of their platform, even though they were led by a guiding light from this party that said this is in the public interest. This is what the public is interested in and, as a result of that, by bringing forward our example, they chose not to participate. They had 28 days to do so, Mr. Speaker. They did not revise their strategy. They did not revise their platform. They left it blank. Much of the experience from the PC Party I think will be reflected on, that is one of the reasons why they lost favour with the public.

Mr. Speaker, when we examine some of the issues that are being brought forward by Members opposite, this party is always willing and prepared to reflect on good ideas and to build on the strengths. But one thing we will not do is we will not ever succumb to the notion that those who have basically a bankrupt policy should be those who guide the crafters of the current policy. They have no example to bear to us. They have no example in which they can bring forward and say this is how we propose to do it. Can we amalgamate our ideas? Because they did not.

Mr. Speaker, I appreciate the opportunity to come forward and to raise these valid points. If, at some point in time, any Member opposite would like to table their platforms which actually reflect on the Independent Appointments Commission that they proposed, we're more than happy to do so. I'm sure we can get unanimous consent to allow that to happen, but I think that will be a very short exercise, as I'm not aware that any of the other parties did so.

Can we gauge our behaviour on the quality of the appointments that have been made? Well, I don't believe the previous administration would like to have their actions reflected in such a way. It may not bear favour to them.

Can we look to the future and say we now have a process which is very, very unique, very novel, very innovative, never been explored before on the floor of this House, never been enacted in legislation before despite having been a Province of Newfoundland and Labrador under its own legislative authority since 1949? This is an accomplishment worth celebrating.

We are very vigilant to make sure the details have been sound and worked through. I'm very confident this bill will produce a tangible effect of ensuring and promoting merit-based appointments, something that was clearly lost, non-existent and, quite frankly, un-favoured by the previous administration. Because as we know, just days before the election campaign, what did they do?

They began and initiated the process of making sure that a significant number – several, unfulfilled Lieutenant Governor in Council appointments were suddenly filled just days before. Which, of course, I would argue, wouldn't necessarily meet a certain sniff test, but that aside, we now have a basis to go forward, which I think is sound, which is legislatively solid but also reflects the character and quality of the leadership that now forms this government, found in our Premier, who was the first to come forward with this and to act on it. No other political party has done so.

That's why, Mr. Speaker, we participated as a caucus in making sure the concepts behind this legislation and, more specifically, the concepts behind the Independent Appointments Commission met, not only with the full benefit of the ideas around us, but through the benefit of the ideas that came from the public at large.

That's why, Mr. Speaker, having seen my time come to near a close, I will offer those perspectives and simply say I support this legislation, but more importantly, it's supported by the vast, vast majority of people from Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The Speaker recognizes the Leader of the Official Opposition.

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

Thank you for giving me an opportunity to rise on Bill 1 this afternoon and to utilize my time in this debate. Bill 1 is a very interesting bill to many people. I know on this side of the House we've received a fair bit of input from members of the general public who have taken an interest in it. I was quite interested in it as well.

When I heard last year the Premier, as part of the campaign and part of the platform of the Members opposite, was going to take the politics out of appointments – that's what was sold to the people of Newfoundland and Labrador, taking the politics out of appointments and they had a way to do that.

Now, I'll be honest, I was skeptical of how that would happen. Because we know when you make appointments, and when we were in government and we wanted to make appointments we would generally have – the minister would give direction to a staff person to say, look, contact relevant stakeholder groups, contact people who are interested in the particular topic, people we know who have a vested interest and contact them. Contact the department, relevant departments and so on to determine – look, we're looking for people who have knowledge in a particular area.

If I go to the bill under Schedule C and pick out anyone – for example, the Provincial Advisory Council on Aging and Seniors as an example. We would go to the Department of Seniors and say, well, what organizations and groups do you have that you work with? Who's in the community throughout the province that deals with aging and seniors?

They would say, well, we have the Seniors Resource Centre, a great organization based in St. John's. It provides assistance and support to seniors throughout the province. We have a provincial 50-plus group. We also have 50-plus clubs around the province. In certain areas we'll

find people who are standouts when it comes to aging and seniors and people who've taken a vested interest in it and so on. So the staff person would go out and do that work and then bring in recommendations, suggestions. Members of the general public quite often would be consulted and asked, engaged and so on. You would reach recommendations of a committee.

That's what this bill was about, and it always seemed to be political appointments. They were seen as political appointments. Quite often it was. In my own experience, Mr. Speaker, at times when we were putting together groups or organizations we would say we want a certain value, a certain level. We want a good mix of people.

So, for example, when I was premier and I reactivated the Premier's Youth Advisory Committee, we went out through the Department of Public Engagement – and the Member for Mount Pearl North, at the time, was the minister – and went around the province to youth groups, organizations, schools and education groups. We went far and wide looking for applications. I don't remember the exact number. The Member for Mount Pearl North can probably – maybe he can't remind me. I remember we had a huge number of responses.

So then we went through the process of saying we wanted to make sure we had representation from a variety of backgrounds and a variety of youth from different geographic areas and backgrounds. Some who may be university students, some who might be public college, College of the North Atlantic students, maybe a private college, maybe youth who haven't gone to post-secondary, maybe some who haven't finalized high school. We want people from different parts of the province and different interests and so on. That's how the Youth Advisory Committee was put together.

When the Premier said – the now Premier, back then the leader of the party – they were campaigning, they want to take the politics out, I understood that. I wasn't opposed to and I'm not opposed to the idea of taking the politics out of those types of appointments. I think it's a good thing to do. Anybody I've spoken to about this, or who's raised it with me said, I knew they

couldn't do it, or you can't do it because there will be a perception of politics.

If there are loopholes and if there's discretion left to ministers to make decisions, or a group of ministers – and in the bill it refers to the Lieutenant Governor in Council. The Lieutenant Governor in Council is Cabinet. Cabinet is made up of Members of the Liberal government selected by the Premier who formed a Cabinet. That's what LGIC or Lieutenant Governor in Council is. If it's left in their hands to make those decisions, there will be an overtone of politics involved in those decisions. That's what the Premier said he wanted to do away with, that's what he wanted to eliminate. As I said, people were skeptical. I was skeptical.

I spoke to a former Member of the House from some time ago over the last couple of weeks. He expressed that he had looked forward to seeing the bill because he wanted to see how this was going to happen and how this was going to work. He remembers it was a problem back then. It's always been a problem in Newfoundland and Labrador politics where someone's always raised, oh, your buddy got a job, or so-and-so's buddy got a job or was given an appointment.

Most of these appointments come with no compensation. Most of these appointments come with a lot of work, a fair bit of responsibility, an expectation that you're going to contribute, but by far, most of them don't come with a paycheque or compensation. If there is, it's usually quite low.

That's what we wanted to see. It's unfortunate that the bill as it is now, I believe, doesn't accomplish that. I'm going to take my time to explain why. I do get an hour. I want to take some time to explain why and to talk about that.

The bill is broken down into, essentially, two different processes. There's one process under the Schedule attached to the bill which has entities and statutory appointments. So for that particular section there are statutory appointments under the *Access to Information and Protection of Privacy Act*, section 85, for example. There is the *House of Assembly Act*, section 34. They're appointments under

legislation whereby appointments are made to particular roles and functions.

I know, for example, the *Royal Newfoundland Constabulary Act*, subsection 4(1), is mentioned there. Under subsection 4(1) of the *Royal Newfoundland Constabulary Act* there's a section there which allows for the choice of leadership and so on in the RNC. What happens under that schedule of processes – it includes a process by the Public Service Commission.

The Public Service Commission will do a process of deciding merit based, which is all good to do. They do a listing and send it over to the IAC, or the Independent Appointments Commission as it is in the bill. Then the Independent Appointments Commission would send off three recommendations.

Even under today's processes for many of these positions through the Public Service Commission – with their assistance, which they do now – they would make a recommendation. Instead of just sending over three candidates, if there was one candidate who was much stronger than the other two, there will be a recommendation. They would say, quite often, we recommend this candidate. This candidate is by far the superior candidate. This is the better candidate. We believe, based on our assessment, this is the candidate. Under this bill it doesn't allow for that. It only will have a process whereby they send over three names to Executive Council, to the minister and to Cabinet. Then Cabinet is to decide on a name.

Right away that process leaves the suspicion or suggestion or opportunity for politics to become involved. It doesn't take the politics out. At least the perception is and the perception will be that the politics was not taken out. Even though the minister may be recommending a certain person for a job, for a responsibility – and that person may be, by far, the best candidate – because that minister has a relationship, people will immediately say that's because he's looking after his buddy, she's looking after her buddy. People will automatically assume, because people become very skeptical, that politics are involved in this and it wasn't because the person was the best chosen. We don't want that either. We don't want to see that type of slant or belief, especially if it's not warranted.

If you put someone in a position and they're a good person, they're a capable person, and you know them – for whatever reason you know them and you believe that's the right person. The Public Service Commission may have said that's the best candidate we have, but because you know them, because the minister or people in Cabinet know this person, the public will automatically say there's politics involved here, they're looking after a buddy.

That's what this bill allows to happen and that's not right. That's not the way this process is intended to happen. I'm sure it's not what the Premier wanted to happen. I don't believe it's the process that should take place.

I mentioned there are two Schedules. What this bill does is it creates the legislation on the Independent Appointments Commission. It says, An Act to Establish an Independent Appointments Commission and to Require a Merit-Based Process for Various Appointments. The act will be cited as the *Independent Appointments Commission Act*. That is what the act will become. When the bill is passed by the House and becomes law – and the law is called an act – it will become the *Independent Appointments Commission Act*.

The bill also modifies the *Public Service Commission Act*. It also makes changes to the *Public Service Commission Act*, which is the legislation that the Public Service Commission operates under. What it will do is it will empower the Public Service Commission to have a role in making selections for appointments. It will change the legislation for the *Public Service Commission Act* so that the Public Service Commission – for those who don't know, the Public Service Commission today is responsible for hiring within government. They use a merit-based approach.

Internally of government, when there are internal job competitions and when there are public job competitions, the Public Service Commission does that work independent from government, independent from Cabinet and independent from Members of the House of Assembly. They do a process that's merit based and a person becomes hired.

A minister may say we're going to hire a new person in our department or we have to replace a person. He would sign off on the staffing action. What should happen is after that, he or she doesn't see that anymore until they're advised we have a new person hired through the Public Service Commission, here's the person who's been selected for the job. That's what independence is about.

However, that's not what's going to happen in this process because it still goes back to the minister, it goes back to the LGIC, Cabinet – Cabinet being made up of the governing Liberal Members of the House of Assembly. They still get to make that decision and they also have flexibility in the decision they make.

There are two different processes, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. P. DAVIS: I can hear the noise down in the back, Mr. Speaker. I'm just going to keep checking to see if the minister is heckling me down there. He's not; he's having his own conversation. Well, that's fine. I apologize for the interruption.

The second part in the bill then is there's reference –

MR. SPEAKER: The Speaker reminds the Member that the Speaker will keep order in the House.

MR. P. DAVIS: Oh, wonderful. Thank you, Mr. Speaker, I appreciate that. I appreciate your protection.

Mr. Speaker, in this act as well it refers to Schedule C. The Schedule I just referred to is just the Schedule that will be at the back of the act of the Independent Appointments Commission. I have to say I had to read this to figure out exactly because they have two Schedules and they refer to two commissions. Sometimes the commission is the Public Service Commission, sometimes it's the Independent Appointments Commission, but we sorted it out.

In the back there's the Schedule for the Independent Appointments Commission. There are 32 entities and statutory appointments listed

there. Entities are: the Marble Mountain Development Corporation, the Public Service Pension Plan Corporation with respect to government appointees. Statutory appointments include: the *Auditor General Act*, section 4; the *Child and Youth Advocate Act*; the *Centre for Health Information Act*, for example; the *Liquor Corporation Act*, subsections 5(1) and (2). There are a number of those. There are 32 of those under that Schedule.

Also, what's most interesting here to me, Mr. Speaker, is Schedule C. When I looked at it I said what's this Schedule C – because there are two different Schedules, what's this Schedule C about? Schedule C is actually the Schedule that will be put into the *Public Service Commission Act* and what role the Public Service Commission will play. Under that Schedule C I think I counted about 74 different entities. The group that goes to the Independent Appointments Commission, there are 32, but there are 74 that will come under the umbrella of the *Public Service Commission Act*.

When I looked at it and I read it – and we had a briefing on this from government. I couldn't find in the legislation, of those 74 entities – and I'll talk about some of them now in a few minutes. Of those 74 entities under Schedule C, I can't find where the Public Service Commission does their work. They do a merit-based approach. They do applications. They will develop recommended criteria for membership to a certain agency, board or commission. They'll do all of that.

Maybe they even go out to a research firm – some people call them headhunters, and they do recruitment for them. Sometimes they go out and they can do that. So the Public Service Commission will be empowered to do all of that.

Then I was trying to find in the legislation, what happens then, after the Public Service Commission does their act and they develop a pool of all those who applied – as I read it here – and they will have a pool of people who are recommended. So, for example, if we take the Premier's Youth Advisory Committee, I will just reference that one. I will use that one again because that's an entity under Schedule C. They take all of those names and I believe when we did it – the Member for Mount Pearl North,

maybe his recollection is better – we had a huge amount of applications for the Youth Advisory Committee: 170, 180, 200, something like that.

MR. KENT: It was close to that.

MR. P. DAVIS: It was a huge number, if I remember correctly.

The Public Service Commission would take all that and they'd do a group of recommended, and they'd take that pool – and I said: Where is it? I'm trying to find the legislation. Where is it that it goes to the Independent Appointments Commission? I can't find it. I couldn't find it in the legislation where that happens. So I asked in the briefing, under Schedule C, where is it that they go to the Independent Appointments Commission? I said it looks to me like they don't. I was told in the briefing by officials: You're right; they don't.

So 74 of those entities, when the Public Service Commission goes out and does the work that staff or political staff or Premier's staff or the minister's staff, whoever they decided back when we were there, go out and find its way of gathering a pool of names of people interested, the Public Service Commission will now do that and once they've completed that, they're going to take the pool and they pass it right over to the minister and say here's a group. There might be 100 people who are interested in it. They might be looking for a board of 10, for argument's sake, and they might make a recommendation. Here are 40 people that we would recommend you consider. It says may consider. They don't have to consider. It says may consider – and you can pick from there.

I will read right from the legislation, Mr. Speaker, if I can just have a moment to find it. Under section 21, what's being proposed as an amendment to the *Public Service Commission Act* – will become section 21 of the *Public Service Commission Act*, if I'm reading this right – it says, "The commission" – which means the Public Service Commission – "shall provide recommendations respecting appointments in accordance with a merit-based process." We're all good with the merit-based process.

Then it says "Subsection (1) does not apply to (a) a renewal or extension ...; or (b) an

appointment which, in the opinion of the Lieutenant-Governor in Council or the minister, as appropriate, must be made due to urgent or extenuating circumstances." So if they have to do something urgently.

If you go on down to section 22, it says, "The Lieutenant-Governor in Council" – Cabinet, a group of governing MHAs who are in Cabinet, so a group of them – "or a minister, as appropriate, shall consider the recommendations of the commission in making an appointment."

So what the law says is that they're required only to consider the recommendations. They just have to consider them. It doesn't say they're going to appoint them or they have to appoint them. The law just says the minister shall consider the recommendations. We have the Public Service Commission that do their work – doesn't even go to the Independent Appointments Commission – 74 entities who don't even go to the Independent Appointments Commission. It bypasses all of that and goes right to the minister. The legislation says the Cabinet or minister shall consider the recommendations.

Here's the next section, very next section, 23, "Notwithstanding section 22" – the one I just read to you that they shall consider it – "the requirement to consider a recommendation under that section shall in no way affect, alter or fetter the discretion of" – Cabinet – "the Lieutenant-Governor in Council or the minister to exercise an authority to appoint a person under the applicable Act or another authority."

What that means is even though this group is doing their work, they're set off now to do an important task. We're asking the Public Service Commission now to put together, go out and find hundreds of names for a commission or board, it doesn't matter that we don't have to listen to you. Now, we have to consider it and we have to – it says shall consider, we shall consider recommendations, but you can just push them aside and pick whoever they want.

Now, again, Mr. Speaker, the importance of this is that the whole intent was to take the politics out of appointments. As soon as appointments are made, oh, that's someone's neighbour or that's someone's friend or that's someone you

did business with before, people you know because of what you've done through your own lifetime or whatever. The conclusion will be reached very quickly by people who are going to say, oh, there we go, look, another political appointment. That's what they're going to say. There you go, look, the ministers are looking after their buddies again.

Doesn't matter about the law, that was only smoke and mirrors, or that didn't mean anything. That was only doing what he said he was going to do, the promise he made in the campaign. Doesn't mean he's going to do it. Doesn't mean that's what the Premier's going to do. They can do whatever they want. There goes the minister looking after his buddy again.

Well, Mr. Speaker, we don't want that. I'm sure Members opposite don't want that either. The whole exercise here was to take that out of the process. The whole intention of the Independent Appointments Commission was to take people's feeling that ministers were looking after their buddies. The whole intention was to take that out. Take the politics out of it. Remove that from the process. It was all about so people would have faith in a merit-based process, which we agree with. We agree with that. I agree it's a good thing to do.

If you read further into the legislation, the next section is "The Lieutenant-Governor in Council" – Cabinet – "may, by order, amend Schedule C." Schedule C is the list of those 74 entities. Cabinet could, at any time, amend that Schedule. If they decide they want to remove – I think the example I used was the Premier's Youth Advisory Committee. If they want to just take the Premier's Youth Advisory Committee out of Schedule C and not even go to the Public Service Commission, they can do that, too, or if they want to add some others to it. Maybe they want to move one from the Schedule in the back where they have the three recommendations; they want to move it to Schedule C where it doesn't even go to the Independent Appointments Commission. According to this, they can do that as well.

The problem here with this legislation, while the intention of it, I believe, has merit, is it doesn't achieve the goal. It doesn't because it says the ministers can still do what they want to do under

this particular act. If we take, for example, the *Apprenticeship and Certification Act* which is under Schedule C, under the *Apprenticeship and Certification Act*, under section 5 it reads, "The Lieutenant-Governor in Council" – which is Cabinet – "shall appoint a board known as the Provincial Apprenticeship and Certification Board which shall be composed of (a) a chairperson and, in equal representation, (i) 2 or more persons representative of employers, (ii) 2 or more persons representative of employees, and (iii) 2 or more persons not included in the groups named in subparagraphs (i) and (ii) and (b) the director or his or her designate."

It says Cabinet can appoint those. So what this section here says is that no matter what this legislation says, "... the requirement to consider a recommendation under section 4 shall in no way affect, alter or fetter the discretion of the Lieutenant-Governor in Council or the minister"

What it says is this is paramount. Yes, it's a nice bill. It's a nice act. It's a nice thought, but what the minister still has the right or Cabinet still has the right to do is outlined in the particular acts. There are several of them. I told you there are 74 entities listed under Schedule C.

Let's take another one for example. I'll just pull out the *Architects Act, 2008*. I looked up some of these. Mr. Speaker, I had asked in the briefing if I had to look up all of these myself or if officials could provide us with a list of what all of these sections meant, because it will say here *Forestry Act*, section 58, *Geographical Names Board Act*, section 3, *Government Money Purchase Pension Plan Act*, section 12.1. So I had asked: Do we have to go look all of these up ourselves, individually, as Members in the House or could officials provide us with those? They had offered to. Unfortunately, we never got them because I was looking forward to having a look at what some of these were about.

There are over 100 altogether. There are 74 under Schedule C and there's another 32, I counted, under the Schedule that are actually going to the Independent Appointments Commission. So there are over 100. I really don't want to have to look up all of them that have legislation about them.

The *Architects Act, 2008*, section 6(1) says: “The minister shall appoint as members of the board 2 persons who are not architects who are suitable to represent the public interest.”

That’s one example of all of these. It says the minister, and I draw attention back again to section 23 of the bill that says: “... the requirement to consider a recommendation under that section shall in no way affect, alter or fetter the discretion of the Lieutenant-Governor in Council or the minister.”

Again, another example here, this one is: the minister shall appoint as members. It still remains entirely up to the minister to make those appointments at his discretion and his wish, because that’s what the bill says. That’s what the act says. If passed like it is, that’s what the legislation will say. The legislation will say the minister can do that. That’s a problem, Mr. Speaker, for us on this side of the House, because it simply indicates to us or shows that the bill will not achieve its desired effect, which as I’ve said a couple of times, and I say again, we agree on the merit of the idea of the bill.

I want to back up to the front of the bill for a minute because I kind of started at the back, which I wanted to talk about the Schedules, which are usually located in the back of bills and legislation. I want to go back to the front of the bill. Note its very title: “This Act may be cited as the *Independent Appointments Commission Act*.”

Mr. Speaker, when you think about everything I just said, what’s really ironic through all of this is the Independent Appointments Commission will have no authority to independently appoint. They will have no authority to make any appointments. We’re going to have an Independent Appointments Commission that will not have authority to make any independent appointments – or any appointments, for that matter.

All the bill will do is create a new commission, a new level of bureaucracy in government under LGIC, under the Lieutenant Governor in Council, under Cabinet, under ministers for ministers’ use. It will create a new level of bureaucracy to go through a process to send names off that ministers’ can decide on, because

that’s what the legislation says. It says it doesn’t alter or fetter a minister’s ability to make appointments as each piece of legislation lays out. I’ve got more that I can share with you.

So when you look at the bill, section 2 in an act is always definitions. Then you get to the purpose: “require a merit-based process for appointments.” Mr. Speaker, I don’t believe it does that either. It does a merit-based process – for the Public Service Commission to do a merit-based process to make suggestions to Cabinet or to a minister, to make suggestions to them, however, the minister or Cabinet don’t have to take the suggestions. It kind of does away with the merit-based process for appointment under the purpose of the act. It’s hard to see how the act is actually going to achieve its purpose.

Then it says: “establish an independent commission to provide recommendations for appointments in accordance with that process.” The key word there, make recommendations. So it probably should be called the independent recommendations for appointments commission or words to that effect. It probably should be called the recommendations commission not the Appointments Commission because Lieutenant Governor in Council, which is Cabinet or a minister, will still have that authority.

Section 4 says, which I showed you is also contained in the bill elsewhere, that: “The Lieutenant-Governor in Council or a minister, as appropriate, shall consider the recommendations of the commission.” Again, they only have to consider them. They don’t have to accept them. They don’t have to abide by them. They don’t have to follow them. They don’t have to live with them. For whatever reason they want, they don’t have to follow them.

It’s interesting that we heard – I sat at the briefing when the Premier and the ministers did a briefing with the media, I think last week or the week before maybe. I think it was a week or so ago. I’m looking over at the minister. She’s kind of rolling her eyebrows like she’s trying to remember when it was. The Premier was asked – I know you’re listening and you’re thinking; I see that. I thank you for listening, by the way.

The Premier was asked: what happens if you don't follow it or what happens when you select one person? Well, we know who the other two people were. The Premier said, no, we can't do that because of privacy. Now, I get that. I understand that. That if I was a person applying for a job or a position, would I apply knowing that if I don't get it my name could be out there as a failed candidate? I probably wouldn't want that.

Bear in mind that will only happen for 32 entities because the other 74 don't even go to the Independent Appointments Commission. The 32 entities where the Independent Appointments Commission is going to put forward three names for consideration – not recommend one, just going to submit three names – there potentially could be one successful candidate and two failed candidates. I'm sure nobody would want to be identified as a failed candidate.

Not only that, Mr. Speaker, my reading of the bill and the explanation received in the briefing, is they don't have to pick any one of the three. You don't have to pick any one of the three recommendations from the Independent Appointments Commission. They could actually pick their own.

The Premier expressed concern about having people identified who weren't successful, and that creates a problem because the people of the province will be skeptical. They'll be cynical about did they pick someone for merit-based or they did they pick the person they wanted? Did they pick the person they wanted because of who they are, because they're politically involved, because they're their buddy, friend, they have some history with them or whatever the case may be? They support them and all those types of things that people look at when they say, oh, you're looking after your buddy. It opens that up again.

This bill, as it is now, will allow that to happen. It will create question marks. It will cause issues, I'm sure, for Members opposite. Once they go through – and I remember, I think it was the Minister of Finance who talked about the numbers of people who actually can get appointed through these agencies and boards. It was a huge number. I forget what the number was, but it was a huge number.

I'm sure along the way of making all those appointments, someone is going to go, hang on now, I never got appointed, but he appointed his buddy or she appointed her buddy. How come I never got appointed? Is it because I didn't support them in the election, or because I'm not a supporter of their party, or because I'm not old friends with them or whatever the case may be? That's not fair to anybody, especially when the appointments may be merit-based. It's going to raise a question mark in the public, and that's what part of this was supposed to eliminate and it's not doing that.

Now, go over to section 6, Mr. Speaker. Section 6(1) is: "The Independent Appointments Commission is established." This is Part II now of the bill, and 6(2) says: "The commission is an independent, non-partisan body whose mandate is to provide non-binding recommendations respecting appointments to the Lieutenant-Governor in Council or the minister, as appropriate, following a merit-based process."

Well, Mr. Speaker, I think that section there, 6(2), kind of sums up what I just talked about for the last 20 minutes or so. I think that whole section just kind of sums up, if you think about what's contained in it. Let's just break it down. It's a non-partisan body – I'm going to come back to that. Its mandate is to provide non-binding recommendations. It's there, clear, again. Very early in the bill, section 6, it very clearly articulated again that these recommendations are not binding on them.

If I was a minister I'd be saying, don't do this because this is going to cause me more trouble than it's worth. It's going to cause me more trouble than solve problems because when I make an appointment – I go, do you know what? I can't appoint this person for some reason and I don't believe this person is right for it. I don't believe this person and I pick someone else, you're going to be accused of political partisanship and political appointments.

If you get a group of people under the other process sent over to you and you have to pick 10 out of a group of 40, and there's two or three you don't pick who are very qualified – for some reason you don't pick them or they believe they're qualified, or one of those two people say, I'm very qualified at this. I should be chosen for

this role. I have all the qualifications. I would be a good person to do this. If for some reason they don't get selected, the first thing that's going to be suggested is, that's partisan, that's partisanship, that's politics again, get involved in the process and their politics is right back in the decision-making process which is contrary to what the intention of this bill was all about.

Then it goes on to say – we're getting to some good points here because I go back now to section 6(2) for a second, "The commission is an independent, non-partisan body" Let's deal with that for a few minutes. "The commission shall consist of 5 members appointed by the Lieutenant-Governor in Council on resolution of the House of Assembly."

It says five members appointed by the Lieutenant Governor in Council on a resolution of the House of Assembly. What that means is the Lieutenant Governor in Council – Cabinet – is going to select five people to become the commission. Now, I know this is done the first time around, but that's what is going to happen. They're going to select the first five members of an independent, non-partisan body.

We don't know how that's going to happen, Mr. Speaker. We don't know how Cabinet is going to do that. We don't know how the Lieutenant Governor in Council intends to do that, but they're just going to pick five members appointed by the Lieutenant Governor in Council on a resolution of the House of Assembly. What that means is they'll pick five and they bring it here to the House, for the House to vote on.

Now, we know government has the majority of the votes in the House. I would think the Whip will have their work done for that day and make sure that everyone's in line with the Premier's five who have been selected or the Cabinet's five who have been selected, and they'll vote for it.

I'm not suggesting there's going to be anything wrong with the five because we don't know. The problem is it raises that question again as to the merit. Why are these people appointed? How are they selected? We won't know who wasn't selected. We won't know who was turned away or not selected. We won't know that process

because it's not included in the bill. It's still left to be done under the secrecy of Cabinet. It's still left to be done under closed doors of a Cabinet meeting and decided by Cabinet in a closed-door manner. That's going to create a problem I'm sure in the very beginning.

Then it says, "The Lieutenant-Governor in Council shall designate one of the members of the commission to be chairperson." So very clearly, Cabinet, made up of Members of the governing party, will decide who the chairperson is going to be. Simply put, they will decide. So it's not an independent process. It's not merit based. It's the Cabinet gets to pick who they want to be the chairperson.

"The members of the commission may elect from among their number one person as vice-chairperson" So the rest of them now will get together – a lot of municipal councils do this. A lot of municipal councils will have a separate ballot for mayor. A lot of them do these days, but when council is elected – the mayor and councilors are elected – they have a private meeting. First of all, they get together and have a private meeting. They are usually going: What have I signed up for? What am I going to do here? How's this approached?

The first order of business that a council does at a private meeting, after they've been elected as council, is they elect a deputy mayor, which is very similar as a vice-chair. They elect a deputy mayor amongst themselves. This is a process that works with many councils. I think it's a good process, and then they decide who that vice-chair is going to be. So that's allowed under this particular piece of legislation.

The Premier talked about the significant amount of work that commissioners, which are the five commissioners, members appointed to be commissioners, are going to have an enormous amount of work to do because there's hundreds and hundreds and hundreds of appointments. I think it was somewhere 250 in a given year was estimated. Can anyone confirm that? I think it was about 250 appointments in a year is what they talked about the commission would be doing.

That's what the commission will be doing with those 35 entities because the Independent

Appointments Commission has nothing to do with the other 74. They'll have a couple of hundred a year to do, and the commissioners are not going to be remunerated.

I know the Premier said in the briefing that he did with the media – again, I sat in the room and I listened to it. They said: Well, what happens if they don't pick what you recommended? He suggested maybe they'd resign. Now, I don't know if that's a good process. We certainly don't want that. To say well, congratulations, we've selected you as a commissioner, you have a very important role to do and if you don't like what we do with your recommendations, you can quit. I don't think that's essentially what he wanted to do. He was asked what the recourse is if they don't like what you're doing, and he said they could resign.

They're not going to be paid anyway; they're not being remunerated. They will be paid for expenses and so on; they may travel from time to time or hold a meeting somewhere else in the province, or may have to go somewhere for an interview or work like that to do. There may be a board or a commission that's relevant to a certain geographic area, like Marble Mountain, for example. I'm sure that if Marble Mountain commission, which I think comes under the – yes, Marble Mountain does come under the IAC, the Independent Appointments Commission. Then I'm sure they would go to the West Coast to conduct their interviews or assessments of what skills they need, what's on the board today, what's lacking, what type of skills would be appropriate and so on.

So I would imagine there would be some travel associated with this but, no doubt, it will be a lot of work. They are going to create their own rules of procedure. "A commissioner shall be appointed for a term of 3 years, and may be reappointed for one additional 3 year term, to be served consecutively."

Mr. Speaker, the problem here with the commission itself and the establishment of the commission, for the first three years we're going to have a commission appointed by the government, selected by the government, picked by the government to act as commissioners. Again, I can't be any more sincere than what I'm saying; I am sure Members opposite do not

want to wake up week after week seeing *The Telegram* or the morning news and someone disgruntled because they felt that there was partisanship in an appointment because this legislation allowed for it to happen.

"The commission shall provide recommendations respecting appointments in accordance with the merit-based process." There it is again in a different section of the bill. It's here again in section 9. It is there in section 6, section 9 and it's again over here in the section that deals with amendments to the *Public Service Commission Act*. So it's very clearly laid out, in case anybody missed it, that they are to provide recommendations only. It is only recommendations.

That's a problem, Mr. Speaker. It's a problem for us, but it should also be a problem for Members opposite who, at some point in time, are going to have to be faced with the responsibility to make a decision to a board, they don't like the recommendations, if it's the ones under the Schedule of the IAC, or if they don't like the pool or the recommendations from the pool that were given to them by the Public Service Commission and they want to go outside of that, which no doubt is going to happen. But what this bill does, it's going to set up a problem for the minister or for Cabinet who are doing that process.

I have a few more minutes left, Mr. Speaker, and I'm going to clue up. To be clear, what's really ironic about this is under the bill, An Act to Establish an Independent Appointments Commission and to Require a Merit-Based Process for Various Appointments – and even under Schedule C, that's the 74 entities whereby it doesn't even go to the Independent Appointments Commission. There are 74 entities. So An Act to Establish an Independent Appointments Commission and to Require a Merit-Based Process for Various Appointments, 74 entities don't even go there.

No problem there. It appears from the reading of the bill, the full intention is for the Public Service Commission to establish a merit-based process. The bill lays out how that would happen, and how that would be developed. The problem that arises is once you've gone through the merit-based process, what happens then?

Because under the 74 entities in Schedule C what will happen is they will do a grouping. They'll say here are the people we recommend. It doesn't say if there are 10 vacancies, they're going to recommend 10. It doesn't say if there are two vacancies, they'll recommend two. It just says they're going to make recommendations.

In the other section that does go to the IAC, they're going to recommend three. But in these boards, in these entities, these statutory appointments that are listed in the bill, about 74 of them, then it doesn't say that. It says we're going to create a pool. We're going to create a pool of people. We'll make recommendations. It doesn't say how many. You could have 100 people apply, you could have 50 people recommended, you may only have five appointments so we don't know how that's going to work and here are the recommendations.

My point is that it's still left to the discretion and the ability of Cabinet or the minister to make that decision. The pool is done on a merit-based approach, but once it gets to the minister or Cabinet, who's going to know if it's done on a merit-based decision, because these decisions are recommendations. They can't make appointments. They are clearly recommendations. The bill, as I've laid out, clearly, clearly articulates in a number of places that the minister does not have to accept the recommendations.

Mr. Speaker, that's the problem with this bill. It's non-binding. The minister and the Cabinet do not have to accept it. They probably have good intentions to do so, but it speaks so loudly to the fact they don't have to abide by those recommendations. It's here over and over again in the bill, how it's non-binding and how it's only a recommendation, and clearly articulates how it in no way affects, alters or fetters the discretion of the Lieutenant Governor or the minister to make appointments under the individual piece of legislation.

So you've got the Fish Processing Licensing Board, as an example, which is one that's included here. The minister still has the right to make that appointment. Then, there's a level of issue – and I understand the quandary that

government finds itself in. What do you do when you've gone outside of that process? How do you know if there's three people that are shortlisted and neither one of them are chosen and someone else was chosen? How do you know the people weren't selected? How do you know the person that was selected outside of those three recommended is a better candidate than the three that were put forward by recommendation? Well, you don't know.

The Premier made a point of how do you do that? How do you expose someone publicly to the fact that you've been rejected as a candidate? You've been a finalist, but you weren't successful. That's not good. I was there myself, actually, one time. Many years ago I was a finalist, and I wasn't successful, but the three finalists stood on the stage and I wasn't picked. It's no different if you enter – and it wasn't a competition I entered. I was nominated and asked to go and enticed to go and so on.

It's the same thing when someone is in a competition and they're standing on a stage and they're shortlisted. They're down to three or four and they don't get picked. Well, that's a hard place to be. Here, it's your full credibility and professional ability that's on the line. It's your full – why I am the good person to be selected here is on the line, and you may not get picked.

I respect where the Premier was on this by saying that's not fair to do that to somebody. If you do it to someone, you're probably not going to get the best candidates. Fair enough, that's a good answer. That's a good answer and it's a good rationale for not disclosing it. However, it doesn't solve the problem of leaving the door open for a minister to make their own choice.

That's the problem we have here, Mr. Speaker. It's an enormous problem for us. I'm not sure how it can be rectified, only to say – and we've said earlier that our intention when we get to committee is to propose amendments to try and clear up some of these issues. We agree with the merit of the bill. We agree with the idea of trying to take politics out of appointments to volunteer boards and agencies. They do huge work in our province; huge work and have great value in communities and parts of our province, all over Newfoundland and Labrador. They have

great value for benefits to our youngest citizens, to our oldest citizens, to everything from rural councils, rural secretariats to – I mentioned Marble Mountain earlier.

There are so many here: *Crop Insurance Act*; *Credit Union Act*. There are appointments here under the criminal code where the province has to appoint someone as responsible for section 672 of the Criminal Code. There is the *Denturist Act* and how you have oversight on denturists and you have people on their board and also on their discipline boards. Ministers have authority to appoint people to those boards that are not necessarily affiliated with the particular profession. We see there are many cases of that.

Mr. Speaker, the *Health Research Ethics Authority Act*, *Government Purchasing Agency Act*, *Geographical Names Board Act*, I mentioned that one earlier, *Fish Processing Licensing Board Act*, *Financial Services Appeal Board Act*.

Mr. Speaker, there are so many of these here which will not be appointed independently. This legislation will not allow for people to be appointed independently; therefore, I believe that when we come to second reading we're going to propose a series – we have some amendments we're going to suggest to the House. We're going to suggest to the House amendments, based on what I've said here today and what I've stood on here today, that we agree with the merit and the intention of the bill. We don't believe the bill reaches the desired effect.

We don't believe it reaches the impact that the government was intending to reach on the bill. So we're going to provide – we said we would come to the House here and we wanted to co-operate with government. We want what's better for the citizens of the province as well. We all got elected here for the benefit and the betterment of Newfoundland and Labrador and Newfoundlanders and Labradorians, and that's what we're here to do. So we're going to propose those amendments. We'll do that when we get to committee, and we look forward to having I'm sure what will be a discussion.

Quite often what happens in committee is we'll propose an amendment. Members opposite will get up and say why it will or will not work, or

why there's a problem with that proposed amendment. At least I hope they do. They're not obligated to do that. They just may sit in their chairs and not respond, but we certainly hope they do. We hope they do respond to our amendments and our recommendations. Hopefully we can make some improvements to the bill so it's going to benefit how this whole process works.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Osborne): The hon. the Minister of Finance and President of Treasury Board.

SOME HON. MEMBERS: Hear, hear!

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

It's an honour to stand in the House today and participate in this debate, particularly since the Public Service Commission, of which I'm the Minister Responsible for, is going to have such an integral part of the operational role to be able to operationalize this legislation and provide the names to the Independent Appointments Commission and also do what the Public Service Commission is going to do for the tier-two boards.

I would remind Members in this House that in our province agencies, boards and commissions make up approximately 43 per cent of total government expenditures and 75 per cent of total public sector employment. For that reason, it's really important that we have directors who can bring skill sets to the boards, agencies and commissions that encourage and enable those organizations to have the highest level of performance.

Earlier today, listening to the debate, the Member opposite had the chance to speak around the gender lens. I certainly want to address that, particularly in the context of my responsibilities for the Status of Women.

Our government is striving for equality and diversity and we have made it clear that we take gender representation very seriously. In all areas we encourage women to actively participate and

seek leadership roles. That will be no different in this situation. This is the same for positions which will be considered by the Independent Appointments Commission. Women throughout the province are encouraged to submit their name for consideration, and all Newfoundlanders and Labradorians are encouraged to take advantage of the opportunities that are before them.

Our government's goal is to make this process as open and inclusive as possible. Through this process we will encourage diversity and regional representation. We would like to see the agencies, boards and commissions be diverse and reflective of the communities throughout our province. However, it is ultimately dependent on the amount of interest received from the open call for applications. To assist them in their pursuit of new opportunities, we will engage the Women's Policy Office as well as community and advocacy groups.

I can assure the Members of this House that I will be doing my part to make sure that the women of Newfoundland and Labrador are aware of the opportunities that are available to them through the Independent Appointments Commission.

SOME HON. MEMBERS: Hear, hear!

MS. C. BENNETT: I would ask the Member opposite to join me in that. It is very important for us, and for all women in this House, to ensure we have many applications for the Public Service Commission and, ultimately, the Independent Appointments Commission to consider. I look forward to working with my female colleagues in the House to make sure that happens.

Mr. Speaker, in addition to the gender discussion the Member opposite brought up earlier today, I would like just to remind those listening at home and here in the House that in establishing the Independent Appointments Commission – as has been discussed all afternoon – our desire is to take the politics out of government appointments. We believe the appointments in our agencies, boards and commissions should be merit based and not politically motivated as in the past.

I'd certainly remind the Members opposite when they have challenged and used the term recommendations, my understanding, from the research I've done, is that as a Minister of the Crown I have a fiduciary responsibility, legislative responsibility, to a number of these organizations to ensure they are fully staffed and there are correct directors and CEOs in place. And at the end of the day, the responsibility and accountability for ensuring that something happens, happens with the minister.

It's unfortunate we've had situations in our past in our province where we've had boards, agencies and commissions that have gone with positions not filled. I think that is something from my perspective, from the operations side, I certainly hope the work we do and the Public Service Commission in supporting the Independent Appointments Commission will help improve the rate of compliance with legislation and make sure we have people in the right place for the right reasons with the right skills.

It's important the performance of these agencies, boards and commissions is reflective of the huge responsibility we give them as Members of this House. We want to make sure they have the skills matrix, as the Member who spoke earlier today referenced. It's important we have a diverse set of skills. It's important our health care authorities and our Crown corporations have a variety of skills, including accounting and marketing and communications and operations, not the least of which would also include legal, et cetera.

Many would argue that in addition to taking the politics out of it, this process will allow us to make sure we have the skills we need on these boards to make sure the performance of the organization continues to increase.

I do want to echo what many Members of this House have said. Those people that volunteer to sit on a government agency, board or commission, or those people that take time from their families and, for a small stipend, participate in the agencies, boards and commissions around the province are to be commended. It's a huge amount of work that we ask people of the province to participate through these agencies, boards and commissions. It would be, as has

been reflected here in this House this afternoon, very wise and appropriate for us, as a House, maybe just to take a minute and congratulate and thank all those people who have done the work on these agencies, boards and commission in the past and also the ones that are going to do it in the future.

SOME HON. MEMBERS: Hear, hear!

MS. C. BENNETT: As has been discussed as part of this debate, there were initially questions about will the Independent Appointments Commission release the three names of the candidates that would be recommended for certain positions. No surprise, I think what I'm hearing from most of the Members in the House is that there is certainly an understanding from a credibility perspective, from a professional credibility perspective, that if an individual puts their name forward and they're not selected for a particular position, but we may want them to continue to pursue maybe another position, that we'd want to make sure that we respect their privacy.

I can't imagine any Member in this House not supporting that. I think that's something that we certainly heard in the debate from both sides in the Chamber today, that everybody understands the need for maintaining people's professional credibility when they step forward to put their names forward for these positions.

Mr. Speaker, the Public Service Commission, I can assure you, is very eager to begin the work that will underpin the legislation. I look forward as the minister to also working with the regulations, in creating the regulations that ensure the intent of the legislation that we hope to pass in this House is reflected in the regulations and reflected in the operations work that the Public Service Commission does. I have every confidence that based on the briefings that I had with the staff there that they're very eager to support what is our government's legacy legislation.

I would like to take a moment, before I finish, to say a huge thank you to our Premier for his clarity of thought on this Independent Appointments Commission. He has been championing this for several years. It's one of the reasons why many of us were very happy to

go out and knock on doors on his behalf and on behalf of our party. I'm very proud to stand here as one of the ministers that is going to have a role to play in executing his intent in the legislation.

I'd certainly like to thank him for the great work that he has done in spearheading this legislation into the House in this session. I'm very proud and hope that many men, women, Aboriginal people from all over Newfoundland and Labrador get a chance to participate in an opportunity through their volunteer or small stipend work through an agency, board and commission that will help us get the best value out of all of the work that these agencies, boards and commissions will do.

Mr. Speaker, I expect that over the coming days Members opposite will continue to ask questions. I think the consensus, though, that I'm hearing over the course of the debate this afternoon is that we all believe, very clearly, that it's important for us to have the best people we can have working in these leadership roles, these director positions, through the agencies, boards and commissions. I will look forward to supporting the work of this House in making sure this legislation is passed as expeditiously as we can make it happen.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

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: Those against?

Carried.

CLERK: A bill, An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments. (Bill 1)

MR. SPEAKER: Bill 1 has now been read a second time.

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

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, a bill, “An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments,” read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 1)

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

MR. A. PARSONS: Mr. Speaker, given the hour of the day, I move, seconded by the Member for Exploits, that the House do now adjourn.

MR. SPEAKER: It is moved and seconded that the House do now adjourn.

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against?

Carried.

This House now stands adjourned until 1:30 tomorrow afternoon.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.