



Province of Newfoundland and Labrador

FORTY-EIGHTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND AND LABRADOR

---

Volume XLVIII

FIRST SESSION

Number 48

---

HANSARD

*Speaker: Honourable Tom Osborne, MHA*

Thursday

24 November 2016

The House met at 1:30 p.m.

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

Admit strangers.

Yesterday there was a point of order raised by the hon. Member for St. John's East – Quidi Vidi. I have reviewed the transcripts. I had indicated yesterday that I thought it was simply a disagreement between two hon. Members. After having read the transcripts, I am satisfied with that ruling, that it is simply a disagreement between two hon. Members.

I would encourage Members, I know during the thrust of debate and sometimes heated debate, emotions get high. I would remind all hon. Members to maintain a level of respect and decorum in the House, but yesterday was simply one of those thrusts and cut of debate.

I would like to welcome to the Speaker's gallery, Norma Reid. Norma will be the subject of a statement a little bit later.

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

#### Statements by Members

**MR. SPEAKER:** For Members' statements today, we have the Member for the District of Virginia Waters – Pleasantville, Topsail – Paradise, Exploits, St. George's – Humber, Bonavista, and Stephenville – Port au Port.

The hon. the Member for Virginia Waters – Pleasantville.

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

I rise in this hon. House today to congratulate the St. John's Regional Fire Department's High-Angle Rescue Team Platoon A, who recently won the Firefighters of the Year award from the Rotary Club of St. John's. The eight-member team includes Gerry Locke and David Wheeler, who are both residents of Virginia Waters – Pleasantville.

The award was created last year to recognize bravery and service to the public by members of the St. John's Regional Fire Department. The High-Angle Rescue Team stood out among the

excellent work of their colleagues for the rescue of Andrew Picco, who fell from a 300-foot cliff on Signal Hill last June. They managed to rescue Mr. Picco in the dark. He has since made a full recovery from his injuries, and is playing hockey in the Quebec Major Junior Hockey League.

I ask all hon. Members to join me today in congratulating members of the High-Angle Rescue Team, as well as the entirety of St. John's Regional Fire Department, and indeed all firefighters across Newfoundland and Labrador for their tireless work in protecting all citizens of Newfoundland and Labrador.

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

**MR. SPEAKER:** The hon. the Member for Topsail – Paradise.

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

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

Mr. Speaker, the first Bell of Hope was unveiled at the Dr. H. Bliss Murphy Cancer Care Centre in April, 2015 as part of the National Cancer Awareness Month. For cancer patients, there are many milestones along their journey with their disease, and this is why the Dr. H. Bliss Murphy Cancer Care Centre Foundation launched the Let Hope Ring in partnership with Newfoundland Power's, Power of Life. It gives those with cancer a special way to celebrate milestones in their life, to celebrate and enjoy the big events that are important.

I had the pleasure of taking part in the first time the bell was rang with 30-year-old breast cancer patient, Nikki Parrell. With the installation of the first Bell of Hope, word quickly spread among cancer patients and families all over this province. Cancer patients in communities throughout Newfoundland and Labrador were looking for a Bell of Hope to be installed in their local chemotherapy clinics so that they could celebrate milestones with their own cancer care teams.

Mr. Speaker, I ask all Members to join me in congratulating Newfoundland Power and the Dr. H. Bliss Murphy Cancer Care Foundation, and cancer care teams across the province who now

have a Bell of Hope at all of our province's 14 cancer care sites.

Thank you, Mr. Speaker.

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

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

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

I rise in this hon. House to recognize the Bishop's Falls Knights of Columbus, an organization that recently celebrated its 50th anniversary of service to the Town of Bishop's Falls and surrounding communities.

The Bishop's Falls Knights of Columbus council serves the community of Bishop's Falls and Botwood, and as far away as Fortune Harbour, and they've done so for over half a century. This is a significant milestone that marks five decades of dedication to making their communities a better place to live.

The Knights of Columbus have served in churches, schools and the community sector steadily and faithfully and, oftentimes, far from the public view. This humility and selflessness is to be admired and celebrated – and so is their long-standing legacy of service and good works in their communities. They have touched the hearts and lives of so many people over the years.

I ask all Members of this hon. House to join with me in congratulating the Monsignor Finn Council 5904 of the Knights of Columbus for 50 years of great work in the communities of Bishop's Falls, Botwood, Fortune Harbour and beyond.

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

**MR. SPEAKER:** The hon. Member for St. George's – Humber.

**MR. REID:** Mr. Speaker, in every community around this province there are individuals who make things happen through their volunteer work. Today I want to pay tribute to two of these individuals: Frank Bonnell of Pasadena and Dave Rex of the Bay St. George area.

These two individuals were recently recognized by Lions International as recipients of the president's leadership development recognition award. This award is designed to acknowledge and honour Lions who contribute to the future vitality of the Lions Clubs International and demonstrate dedication to excellence in training and leadership development.

As the people of these communities are well aware, Frank at the Pasadena Lions Club and Dave at the club in Stephenville, have been driving forces behind these very active clubs for years. They exemplify the motto of the Lions Club which is, "We Serve." They have set an example for others through their actions, and through their mentoring they have ensured the long-term viability of the Lions Club they are involved in.

Both these individuals, through their work with the Lions Club, have made communities and indeed the whole province better. I call on all Members to join me in recognizing the tremendous contribution of these individuals.

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

**MR. SPEAKER:** The hon. Member for the District of Bonavista.

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

I'm honoured to stand here today to recognize an extraordinary person who may be the oldest in the province. Mrs. Emma Hookey, or Amy as she's known to most, celebrated her 107th birthday on Saturday, November 19, at Golden Heights Manor in Bonavista.

Born in Champney's East, Amy became a resident of Champney's West after marrying her husband of 66 years, Alonzo. They lived a very simple life by choice until Lon's passing in 2001, with Amy only moving to the manor after a fall left her unable to walk.

Surrounded by friends in five generations of her family, Amy shared stories of her life, including the years she worked in St. John's for a wealthy family. Her quick wit and humour was present when she recounted the story, stating, "You didn't just tell them when dinner was ready,

there was a gong you had to ring, and was it ever loud!”

Just prior to her 106th birthday, Amy voted in the provincial election, something women didn’t have the right to do when she was born.

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

**MR. KING:** I ask all hon. Members to join me in congratulating Mrs. Hookey on this milestone, and give her wishes for many more.

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

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

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

Mr. Speaker, I rise today to acknowledge 21-year-old Jillian Forsey of Kippens. Jillian is an exercise physiology student attending West Virginia University in Morgantown, West Virginia and has excelled as a member on the West Virginia Mountaineers cross-country running team.

A recent second-place finish in a field of 198 athletes at the NCAA Mid-Atlantic regionals qualified Jillian to represent West Virginia U at the NCAA national championships. The November 19 championship was the third time Forsey qualified; however, it was the first time she would qualify as an individual competitor.

Despite a fall early in the six-kilometre race, Jillian bounced back and finished with a time of 20 minutes and 49 seconds, placing her 97th in a field of the top 250 female cross-country runners from across the United States.

Jillian’s remarkable fitness and passion for running is also complemented by her academic success, as Jillian was recently named to the Mid-Atlantic Conference’s All-Academic Team for maintaining a GPA above 3.6.

I ask all Members to join me in congratulating Jillian on her outstanding athleticism and academic achievements and wish her all the best in future competitions. I know this is not the last time we’ll hear about Jillian.

Thank you.

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

**MR. SPEAKER:** I thank the indulgence of the Members of the Legislature. I’m sure that Members who came in through the scum area today noticed the beautiful murals carved out of wood that are on display in the scum area. One of those murals is of schooners in the St. John’s Harbour, with the mouth of the harbour in the background. The other is of a salmon fisherman, probably on the Humber River.

When I became Speaker, one of the goals that I had set was to try and recover items of historical significance to the Legislature. We see the wooden mace up in the visitor’s area, as you enter the visitor’s gallery, and that was almost lost. In fact, a staff member from one of the parties a number of years ago had noticed that in storage in Pleasantville and it’s the only reason we have that on display here today.

My Clerk had informed me that she was aware of chairs and tables that were once used by Members of the Legislature at the Colonial Building being used in a café on Bell Island. Earlier this year, I had heard that Murray’s Pond had a number of items that had come from the Colonial Building and I contacted Darryl at Murray’s Pond to see if we could get some of those items back, as I believe they would add to the historical significance of the Colonial Building, once restored.

To my great pleasure, Darryl had informed me that they, in fact, had still a number of items originally belonging to the Colonial Building and were happy to donate those items back. So I’d like to thank the board of directors, and we have our guest Norma Reid in the Speaker’s gallery from Murray’s Pond. Their president is Dr. Wayne Gulliver, Vice-President Howie Young, honorary lifetime member Noel Hutton who are proud to present these wall-mounted carvings back to their place of origin.

When the Legislature had moved from Colonial Building to Confederation Building, these wall mountings were gifted by the Government of Newfoundland and Labrador to Murray’s Pond Fishing and Country Club. For almost six decades, these beautiful pieces of art graced the

walls of the club and were viewed by hundreds of people with awe and admiration.

So we thank all members of Murray's Pond Fishing and Country Club for returning these beautiful pieces of historic art back to government. I understand that Murray's Pond also has a number of other items, originally from Colonial Building, and they're in the process of gifting those items back to the province as well.

I'd like to thank Dean Brinton and his team at The Rooms who cleaned the mold from the wall murals and have offered as well to restore them.

Now, I bet you're still wondering about those tables and chairs that went to Bell Island. Those chairs and tables were used by Members of the Legislature post-riot but pre-move from Colonial Building to Confederation Building.

I made contact with the Member for Conception Bay East – Bell Island and asked for his help in recovering those items. He's been very helpful in trying to facilitate that process. So I thank him.

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

**MR. SPEAKER:** I understand from the Member that we're hoping to have one of the desks and chairs for display as early as next week.

While we do have these important items of historical significance to be able to hopefully someday display at Colonial Building, there are many other items that were either gifted by government after the move from Colonial Building to Confederation Building or were taken during the riot or maybe some still in storage.

I guess I'm putting a plea out there to the general public, if you know of any other items of significance to the Legislature, we would be absolutely honoured to accept those back as gifts as well.

I encourage all Members to view the wall-mounted murals in the scrum area at some point during the day.

Thank you again for your indulgence.

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

**MR. SPEAKER:** Statements by Ministers.

### Statements by Ministers

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

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

Mr. Speaker, I rise in this hon. House today to highlight the fact that Dominion Bond Rating Service, or DBRS, confirmed the province's credit rating at A (low). The rating confirmation is based upon the rating agency's view that credible action is being taken by this government to address the province's fiscal situation.

I'm encouraged, Mr. Speaker, that DBRS advised us of our rate confirmation in advance of the Muskrat Falls loan guarantee being finalized. DBRS acknowledged our commitment to our fiscal targets established in *Budget 2016* and which were reiterated as part of the fall Fiscal and Economic Update.

Mr. Speaker, DBRS noted the fall Fiscal and Economic Update demonstrated the fiscal performance was tracking ahead of budget. DBRS listed the province's strengths as being significant energy resources, a commitment to restoring fiscal discipline and a low reliance on federal transfers.

I would also like to point out, Mr. Speaker, that Moody's Investor Services also recently provided an update which stated that the province's 2016-17 fiscal performance, as well as preliminary details on an addition to the federal loan guarantee for Muskrat Falls, were both credit positive for this province.

Mr. Speaker, our government recognizes the challenges that remain and will continue to take the actions necessary to meet our short-term and long-term financial targets. We are very pleased that we have improved our fiscal performance with respect to our budget targets and will continue to practice strong fiscal management on behalf of the people of this province.

Thank you, Mr. Speaker.

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

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

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

I thank the minister for an advance copy of her statement. Mr. Speaker, while the minister would like to highlight the recent Dominion Bond Rating Agency confirmation of a rating at A (low), I would like to remind her and all Members of this hon. House that each of the three bond rating agencies downgraded our credit rating since this government has taken power almost a year ago.

On January 29, 2016, Standard & Poor's downgraded our credit rating from A+ to A; the Dominion Bond Rating Agency downgraded our credit rating from A to A (low); in July, Moody's downgraded our credit rating from Aa2 to Aa3. All three ratings were downgraded under the watch of this current government.

Mr. Speaker, the government opposite has been in power for a year and still hasn't demonstrated a realistic plan to guide our province's fiscal policies. The government has done nothing to boost the economy, nothing to ensure the stability of our province's finances and nothing to ensure the future of our province.

Mr. Speaker, adding taxes and fees is not a plan. *The Way Forward* vision is not costed and has not demonstrated a commitment to fiscal responsibility.

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

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

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

**MR. SPEAKER:** The hon. 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 her statement. While we all in this House recognize the role of companies such as DBRS and Moody's, this announcement means little or

nothing to the average person in this province. Government has – the disaster 2016 budget and beyond created a mood of fear and uncertainty in this province.

Good news regarding our credit rating may cheer the Premier and his ministers, but when are they going to do something to give the same comfort to the people of the province?

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** Further statements by ministers?

The hon. the Minister of Fisheries, Forestry and Agrifoods.

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

Mr. Speaker, I rise today to congratulate the winners of the Daphne Taylor Milk Quality Awards of Excellence and Merit. The awards, which commemorate Ms. Taylor who passed away from cancer, were created in 1997 to recognize excellence in the production of quality milk.

Mr. Speaker, the Daphne Taylor Milk Quality Awards of Excellence were presented at the Dairy Farmers of Newfoundland and Labrador's Annual General Meeting last week in Corner Brook by my colleague, Minister Joyce. The winners were Riverbend Dairy Ltd., Lethbridge; Sunrise Dairy Ltd., Musgravetown; Connors Farm, Torbay; and Beauty View Farm, Port Blandford.

The Daphne Taylor Award of Merit was presented to Pond View Farms and Burnt Hill Farms, both of Goulds, and WhiteClift dairy of Robinsons.

Government supports the farming industry through research and development initiatives focused on decreasing the cost of production. Through *The Way Forward*, our vision is to streamline and significantly speed up applications for Crown lands for agriculture use.

Mr. Speaker, I applaud the award winners for their achievements. Our government will

continue to work with our farmers and producers to further strengthen our dairy industry.

Thank you, Mr. Speaker.

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

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

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

**MR. K. PARSONS:** The beautiful District of Cape St. Francis, Mr. Speaker.

I want to thank the minister for an advance copy of his statement. We join with government in congratulating this year's winners of the Daphne Taylor Milk Quality Awards of Excellence as well as the Daphne Taylor Award of Merit. We commend all of the people in the dairy industry for their dedication.

This industry is a vital part of Newfoundland and Labrador's economy, particularly in rural parts of our province. Our administration was focused on growing the industry and supporting local farmers and producers, so it's good to hear a similar message from this government.

It's troubling, however, to hear of the recent closure of the Scotsburn facility in the province with little or no reaction from this government, over 160 employees out of work.

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

**MR. K. PARSONS:** Many serious concerns from industry stakeholders regarding the impending negative impact this will have on our province.

Thank you very much, Mr. Speaker.

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

**MR. SPEAKER:** The hon. 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'm delighted to join with him in

congratulating all the winners of the Daphne Taylor Milk Quality Awards of Excellence and Merit.

It truly is an exciting time for the dairy industry with successful initiatives such as forage self-sufficiency boosting their bottom line. But with almost 200 jobs lost when Scotsburn closed its ice cream facility in St. John's, dairy farmers now are looking at shipping 2 million more litres of milk off the Island.

Thank you, 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, Bill 46, An Act Respecting Procurement by Public Bodies, is being debated before the House.

I ask the Premier: Will you make a draft copy of the regulations pertaining to Bill 46 available to Members of the House before a vote takes place?

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

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

As we know, this procurement act, I think the Reid Report was done in 2008 – eight years ago that this government committed to bringing it in. In 2012, it was Bill 1 – the signature bill that they were going to bring in was never brought in.

Mr. Speaker, we worked very hard with all the partners. We had many consultations over the last year, and I know the previous government had many consultations also. We had great ideas. We're trying to protect the people of

Newfoundland and Labrador. But as the former premier knows, he knows very well – to the Leader of the Opposition – this is the first step but once you get this done, you can bring in the regulations. He’s well aware of that. He was a minister. He knows we set up the bill and the regulations will come later.

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

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

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

What’s actually before the House is simply a framework. As is quite often said, the devil’s in the details, but there are no details in the framework. And actually the bill allows for government, for Cabinet and the minister, to create 20 aspects of the bill through regulation, which the House will have no say in, Mr. Speaker. This deals with \$4 billion dollars in spending a year.

So I’ll ask the minister again: If you want the House to make informed decisions, will you bring the regulations to the House before this is asked to be voted on?

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

**MR. JOYCE:** Mr. Speaker, this bill is for the people of Newfoundland and Labrador and helps savings of their money and helps small communities, which was endorsed by MNL.

I find it very odd that he, who was the minister at the time in 2012, wouldn’t bring it forward, and he’s asking for the regulations. I didn’t want to make this political and I won’t, but I will have to read something from *Hansard*.

Reading from the *Hansard* of May 20, 2014, and I quote the former deputy premier, “We are establishing an arm’s-length, not-for-profit corporation but we will retain authority for Cabinet to appoint the board of directors, to approve or alter the telephone levy, to make regulations relating to civic addressing, and to approve any borrowing or pledging of its assets.” He knows – ask his former deputy

premier – that the regulations were made once the act was brought in.

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

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

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

I’ll remind the Premier, as my questions are going to go to the Premier, but I’ll remind the Premier that it was the current government who came to the House on numerous occasions, and I’ll be quite happy to bring forward examples of that when time permits me to research them – and I will bring them forward. And said that they should have all the information available, Mr. Speaker.

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

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

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

They said Members of the House should have all of the information. Mr. Speaker, this is about \$4 billion of spending – according to the minister’s own assessment when spoke on the bill – \$4 billion of taxpayer spending each and every year. What they brought to the House is simply a framework. It’s not a bill; it’s not decisions. We don’t know when the act applies; we don’t know what the rules will be. That will be in regulation.

**MR. SPEAKER:** I ask the Member to get to his question.

**MR. P. DAVIS:** Premier I ask you: Will you bring the regulations to the House so Members have the information before they’re asked to vote on it?

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

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

**MR. JOYCE:** Mr. Speaker, I can see why this was never brought in before. He does not understand the procedure and he was the minister. I want to say if you don’t understand



procedure, ask the Member for Mount Pearl North about the procedure.

Mr. Speaker, we committed, the first thing the Premier said we're going to bring was procurement. We're bringing this in. Go ask MNL do they agree with this here and help out communities of the province. Go ask a lot of the associations that we met with do you agree with what we are doing to protect the people of Newfoundland and Labrador. Go ask many of the groups that we met with do you agree with this.

Everybody that we met with had input in this. Everybody understands this is the first step. Regulations will come in. We gave some guidelines what we're going to bring in. We will have consultations on the regulations as they ask for it.

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

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

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

I'm glad the minister is telling us that everyone in the province agrees with this bill because the people who have contacted me in the last couple of days are concerned about it because the details have not been presented in the bill.

Now, the minister talks about regulations. This is \$4 billion of spending each and every year; \$4 billion is what the minister said when he rose and presented this bill. Mr. Speaker, that's significant. And 20 regulations will decide what the rules will be and when they apply and how they apply to each circumstance. It's not contained in the bill, Mr. Speaker; this is simply a framework. That's all they have brought forward.

Will you provide the regulations and the details so all Members of the House will know what it is that they are voting on?

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

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

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

I say to the Leader of the Opposition if you have some groups who have concerns, call me and we'll have a meeting and we'll discuss it. I'm open to any discussions whatsoever on the regulations.

Mr. Speaker, these regulations will be made in consultation with all parties involved. They will be made public and they will be brought into the spirit of the act. When this act was brought in – and they are well aware of the procedure – regulations will follow. There are parameters that will guide us.

Mr. Speaker, the majority of the people that we met with, the majority – there was one or two who are saying, well, we'd like to have more consultations just on the regulations, which we agreed to, to the person – agrees that this is great for the people of Newfoundland and Labrador. That's who we're standing up for here, Mr. Speaker.

**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: Will you allow those meetings to take place before a vote is called?

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

**MR. JOYCE:** Mr. Speaker, we're after having numerous – well, I'm not sure. Seven years that they were in, how many meetings did you have in seven years and couldn't bring it in?

The number of groups we met with are pleased with this legislation. For the Member now to try all of a sudden to make this political – because he was the minister who would not bring it in; I would be embarrassed also. I would be embarrassed if I wouldn't bring it in either.

Mr. Speaker, I remember Bill MacKenzie, Clerk of the House, they took the Clerk of the House to bring in a procurement act. Guess what? It's being brought in now by this government here.

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

**MR. JOYCE:** I call tell you, Mr. Speaker, people will be consulted on the regulations. People are pleased with this bill. The people of Newfoundland and Labrador are pleased with this bill. I'm not going to sit on this for another eight years, Mr. Speaker.

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

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

**MS. PERRY:** I ask the Minister of Children, Seniors and Social Development: What is the total number of children and youth currently receiving services from your department?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Mr. Speaker, there are currently, approximately under 1,000 children receiving services.

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

**MS. PERRY:** I ask the minister if she can elaborate. Of those 1,000, how many are considered under government's care – because, of course, as you are aware, not all children and youth receiving services are under government's care. So of those, how many are under government's care?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** I'm not quite clear on the question. All the children who are receiving services are receiving in-care services from government.

I guess the Member means how many children are actually in care?

**MS. PERRY:** Yes.

**MS. GAMBIN-WALSH:** About 170.

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

**MS. PERRY:** Thank you, Minister.

Have there been any children or youth who have died or have suffered serious injury while in care or receiving services from your department over the last 12 months?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Mr. Speaker, I can't give those details here in the House, but what I can say is that we have been reporting all deaths to the Child and Youth Advocate.

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

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

**MS. PERRY:** In October of 2015, the department of child, youth and family services signed an historic agreement with the Sheshatshiu and Mushuau First Nations which recommended joint committees.

Can the minister tell this hon. House if the joint committee process has been established yet in each community?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Yes, Mr. Speaker, the committees have been established. I, in fact, as the minister, have been in Hopedale and Sheshatshiu myself. We have developed a great relationship with the Aboriginal community.

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

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

**MS. PERRY:** I ask the minister: How many matters have you referred this year to the Child and Youth Advocate?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Mr. Speaker, just to be clear on the question, how many matters have been referred to the Child and Youth Advocate.

Well, all deaths have been referred to the Child and Youth Advocate, Mr. Speaker.

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

**MS. PERRY:** Can the minister give us an update on the status of the development of the Innu risk prevention program?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Yes, Mr. Speaker, I met with the Nunatsiavut Government. And as I just said earlier, I was in the community of Sheshatshiu and Hopedale and everything is on schedule and going well.

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

**MS. PERRY:** What is the current client to social worker ratio in the province?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Well, Mr. Speaker, I'm sure they probably know the number, that it's 1-20; however, in Labrador we are having issues with keeping social workers, recruiting social workers. So the number is a bit higher.

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

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

**MS. PERRY:** Can the minister provide for us what that number ratio is for Labrador?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** No, I can't report exactly today what the number is because it is fluid, it's changing and it varies. It depends on what part of Labrador you are asking about.

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

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

**MS. PERRY:** Thank you, Minister.

I ask if you could table the most recent numbers you have from your officials in this hon. House.

I also would like to ask the minister: How many children are currently in independent living arrangements?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** The Member for Fortune Bay – Cape La Hune is asking questions that perhaps we could sit down and have a brief on.

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

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

I ask the Minister of Education: How does a ballot box go missing for over 12 hours with no one questioning its whereabouts?

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

**MR. KIRBY:** I don't know how that happens, Mr. Speaker. I haven't heard that, that happened anywhere. I think the Member might be referring to the school board election results in Zone 12. There was no ballot box that went missing there.

I heard the Returning Officer for the English School District on the radio this morning. He was very apologetic. He said it was a technical error with their fax to email system, where the fax failed and the information failed to transmit. So that information was not included in the preliminary results of the election. As I pointed out yesterday the election results were preliminary until everything was finalized. Now the results are finalized, basically.

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

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

**MR. BRAZIL:** Mr. Speaker, another example of how the minister is not on top of the situation that he's responsible for obviously.

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

**MR. BRAZIL:** Why were not all ballot boxes accounted for prior to declaring candidates elected? You were responsible for this election.

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** I'm not aware that happened, Mr. Speaker. The deputy returning officer in Zone 12 at that poll did their job. The returning officer did his job.

It's unfortunate that the total result was not available, or the result that's public now was not available that night. I know staff worked very hard well into the night to get as much done as possible. There was a lot of pressure to get the result announced.

As I said, the returning officer has been very apologetic to the individual who subsequently was reported to have lost the election. These things happen from time to time. It's been seven years since we had a school board election. We'll use the learnings from this one to improve the process next time.

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

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

**MR. BRAZIL:** Mr. Speaker, another example of how the process of due diligence wasn't done by the minister and his department.

I ask the minister: Will the newly elected school board have the authority to reverse the decision to close Whitbourne Elementary?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Mr. Speaker, the school board trustees have the authority that's vested in them under the *Schools Act* to administer primary, elementary and secondary education in the province.

I find it galling to take lessons from the Member opposite on due diligence when his ferry fiasco has basically resulted in the taxpayers of this province being overcharged something like \$15 million. This election did not go over budget.

That Member over there put taxpayers in this province on the hook for \$15 million because of his incompetence. I'm not taking any lessons from him on due diligence, I'll tell you that much.

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

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

**MR. BRAZIL:** (Inaudible) hasn't been able to do due diligence in education. Now he wants to be the minister of TW. Maybe the Premier will make a shuffle in the coming months.

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

**MR. BRAZIL:** I ask the minister: Will the newly elected school board have the authority to reconsider the decision to cancel the school at Witless Bay?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Mr. Speaker, every year the boards of trustees of the school districts make recommendations to government on what their capital requests are every year. The government then considers those requests. I'm surprised this gentleman was minister of Transportation and Works and he doesn't even know the process for capital projects in the province. He doesn't know basically what it was his job to do when he was the minister.

It's surprising to me, Mr. Speaker, but in any case, government then decides which capital projects are going to proceed, which ones are considered and so on. But I'm surprised to hear he doesn't know this because he was the minister responsible for that.

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

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

**MR. BRAZIL:** You're right; I was the minister responsible. All I do know about seven schools were completed, two ferries were arriving here and three wharfs got built; the last one will be finalized by my colleague there the Minister of Transportation and Works.

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

**MR. BRAZIL:** I ask the minister: Will you respect and support the new school board's decision that they make over the coming years?

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

I've recognized the hon. Member for Conception Bay East – Bell Island.

**MR. BRAZIL:** I ask the minister: Will the new school board have final decision-making authority?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Mr. Speaker, the *Schools Act* is pretty clear about the responsibilities, roles and the authorities of these school boards of trustees. I know why the Member is upset, Mr. Speaker. The people went out and decided who they wanted to be their boards of trustees. They elected their own people, instead of the practice of the Members opposite which was to pick the people they thought the people should have as their boards of trustees.

They're upset that we have had a democratic process, which basically removed the people that they appointed to be school board trustees. I make no apologies for that. These people have a big job to do. I congratulate them all for coming forward to run.

I'm going to let them do their job, as I've said about 100 times. I'm not going to strong-arm them or interfere, like the previous government.

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

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

**MR. BRAZIL:** It's only the Member that seems to get upset. You haven't seen me upset other than one time when you cut all the libraries.

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

**MR. BRAZIL:** The past history of this minister was not to meet with previous school boards. I ask the minister: Will you commit to meet with the newly elected school board?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Mr. Speaker, I met with the previous board of trustees. In fact, the first meeting that I had as minister was with the board of trustees. I met regularly with the CEO and the chair, Mr. Peach. We had a great working relationship. I expect I'll have the same relationship with the incoming board of trustees. Of course, I'll meet with them.

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

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

**MR. BRAZIL:** I hope they'll also commit to meet with all the other stakeholders that have a real role in the education system here in Newfoundland and Labrador.

*Budget 2016* cancelled the desperately needed expansion to Riverside Elementary. There has been lots of talk and consultation since.

Can the minister update on the new proposed plan?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

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

I was out at Riverside Elementary for Remembrance Day a few weeks back. I have to say, it's a great school, great teachers there, a lot of great things being done. I had an opportunity to tour the school, look at the requirements there. I think one of the major concerns is around space for lunch time. They have to have a couple of different sittings.

We've added a number of modular classrooms there. That seems to be working well. Over the course of the next few months, I understand the school district is going to be reaching out to parents in the surrounding communities to see what their preferences are for moving forward. We'll take that information and we'll go from there.

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

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

**MR. KENT:** Mr. Speaker, Eastern Health revealed today that patients who have had open-heart surgery in this province in the last four years could be at risk of infection. Eastern Health found out about this problem from Health Canada in October.

I ask the Minister of Health and Community Services: Why the one-month delay in publicly disclosing this?

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

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

This is part of an international recall affecting Europe and North America, including the United States. The information was passed from Health Canada. Eastern Health have set up a database and have now contacted all 2,500, or thereabouts, individuals who had used on them in open-heart surgery this disposable heater cooler system.

The public service announcement today, in line with recommendations from Cameron, was to ensure that anybody who may have missed that communication was also contacted. They will continue to work through with these individuals to deal with any problems that may or may not be related to it, and I have confidence that's going ahead well.

Thank you.

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

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

**MR. KENT:** I thank the minister for the comprehensive answer; however, in line with the recommendations from Cameron, events such as this should be disclosed relatively quickly.

Why did it take a month?

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

**MR. HAGGIE:** Mr. Speaker, the situation was that this is a very low incident. Less than 0.1 per cent has been reported internationally.

The system Eastern Health chose to adopt was based on best practices, which was to set up a database, a central number to contact the patients individually after contacting their primary care practitioners. PSA, at the end of this process, is a safety net as recommended by Cameron.

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

**MR. SPEAKER:** The hon. Member for Mount Pearl North.

**MR. KENT:** Mr. Speaker, this week the Town of Wabush has written the Minister of Health and Community Services identifying a mental health crisis following a number of tragic suicides in Labrador West in the past few weeks.

I ask the minister: What proactive measures are being taken to address these concerns?

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

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

It is unfortunate that such an event as this has occurred. There have been five suicides in that region in the last eight months. Labrador-Grenfell has reached out to the community. I have been in contact with Labrador-Grenfell, as has the Member for the district there.

There is a link with IOC in that most of the people involved recently have been employees

there. Labrador-Grenfell has put extra counselling resources in place. IOC are bringing in counselling resources of their own, and IOC are working hard to look at that workplace environment.

So I think at present the response is appropriate, and we'll keep an eye on that.

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

**MR. SPEAKER:** The hon. Member for Mount Pearl North.

**MR. KENT:** Mr. Speaker, I thank the minister again for his response. I would acknowledge that the Labrador-Grenfell Health team, the mental health staff on the ground, are doing a great job. I'm pleased to hear that extra resources have been allocated.

I ask the minister to comment specifically on what additional resources have been allocated on the ground, and how he's going to work to improve access to mental health services to help individuals and families deal with this crisis.

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

**MR. HAGGIE:** Mr. Speaker, thank you.

Labrador West now has slightly more counsellors per capita than would be normal. There will be 11 on the ground when the IOC appointed counsellor is added to that. In addition to that, the counselling staff will actually be working evenings and weekends. In addition to that, there is the Mental Health Crisis Line and 811.

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

**MR. SPEAKER:** The hon. Member for Mount Pearl North.

**MR. KENT:** I thank the minister once again for the response. The Town of Wabush and other community partners aren't aware of some of what was just outlined.

I ask the minister respectfully: Would he commit to meeting with the town and other partners in the community to discuss some of the immediate

actions that are being taken to help address these concerns?

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

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

The Member for Labrador West has already met with and will meet again. I received communication in actual fact within the last hour and a half from the mayor of Lab West. We are, as we speak, organizing a meeting for them to come in and talk to the department.

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

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

**MR. KENT:** Thank you.

I thank the minister sincerely for the responses to the questions today on a couple of very serious issues. We're hearing concerns from people on the Burin Peninsula.

I ask the Minister of Health: Can he confirm that there are plans to reduce X-ray and blood collection services at the Grand Bank medical centre?

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

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

I spoke with the Member from the district yesterday. I can confirm that there are no plans to change the level of services at Grand Bank currently.

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

**MR. SPEAKER:** The hon. the Member for Mount Pearl North, for a very quick question.

**MR. KENT:** Thank you, Minister.

I ask: Can we anticipate changes to the location of services, or even the removal of services in some rural areas in the province in 2017?

**MR. SPEAKER:** The hon. the Minister of Health and Community Services, for a quick response.

**MR. HAGGIE:** The short answer is if he reads *The Way Forward* he will see that Burin, in particular, will be getting a primary health care team added to the area in 2017.

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

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

**MS. ROGERS:** Mr. Speaker, in 2012, the former government undertook a review of the *Residential Tenancies Act*. The report of the hearings was submitted that same year with a promise of revised legislation by spring 2013. It did not happen. It's been almost five years and still no revised act.

I ask the Minister of Service NL: He's had a whole year to work this out; where is his act, what is his plan?

**MR. SPEAKER:** The hon. the Minister of Service NL.

**MR. JOYCE:** Mr. Speaker, I agree that the former government did commit and were in consultations with bringing in the act. It had been brought to my attention 11 months ago that we need a new *Residential Tenancies Act*. Our department is in consultation now to start changing the *Residential Tenancies Act*.

It will take time. I agree there is a need to change a lot of the residential amendments in the act. We are committed to do that. It will be done. There will be public consultations on the act. I can't give any time frame of when it will be done, but I can assure I'll inform the Member when we start, where the public consultations will be, and we're open to improve the *Residential Tenancies Act*.

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

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

**MS. ROGERS:** Mr. Speaker, again, no clear commitment as to when we're going to see a new *Residential Tenancies Act*.

Mr. Speaker, at the residential tenancy review hearings social workers, community workers, mental health and addiction workers all reported on the deplorable, unhealthy and substandard conditions in many boarding houses.

I ask the Minister of Service NL: Will he commit to including the critical and long-overdue regulation of rooming and boarding houses in the new act?

**MR. SPEAKER:** The hon. the Minister of Service NL.

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

The Member is correct that boarding houses are not included in the *Residential Tenancies Act* as we speak. That is a concern of the department. In the bigger picture of the whole act, that will be one of the pieces of the review that we will have, to have it included, to see how we can include it.

It is a concern that has been brought to our attention. It is a concern that we will be looking at. I can assure the Member if I give a timeline, six to eight months, and it's missed – I can guarantee you one thing that if I commit that we're going to review the *Residential Tenancies Act*, it will be done and there will be public consultations open for anybody.

Mr. Speaker, there is no one on this side of the House who don't want the best for the residents in the Province of Newfoundland and Labrador and (inaudible) –

**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.

It is well known that poor housing conditions lead to serious health problems which are a cost to the health care system.



I ask the Minister of Health and Community Services: Has his department done an analysis of the health care costs in this province of people living in sub-standard, unhealthy boarding homes?

**MR. SPEAKER:** The hon. the Minister of Service NL.

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

I thank the Member for the question. The people on this side of the House understand that boarding houses and living conditions are just not an issue for government; it's for landlords and for the City of Corner Brook. And I can assure the Member that under the review of the act, we will look at all scopes of the act.

I understand that there are some people, landlords, who aren't keeping their properties up, but we have to work together. Under the legislation and under the review that is going to take place, we'll have it pretty broad, we'll have a wide scope, we'll take in all ideas, all suggestions, because we are committed to bringing in the residential act and we are committed to make it better for residents to live in better conditions and ensure that there are standards that we need to keep and maintain.

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

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

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

A 2013 accreditation report on Eastern Health stated that sub-standard housing is a significant issue for many clients. It recommended that Eastern Health work with the Department of Health and Community Services to develop minimum housing standards and public health legislation as it existed in other provinces.

I ask the Minister of Health, has he started working on that recommendation with Eastern Health.

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

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

I would refer the Member opposite to *The Way Forward* document which references health and all policies. As part of the discussions from my colleague, the Minister of Service NL, the issue of social determinants of health and how our new regulations, our new legislation, will go forward will be viewed through a health lens with the aim of remedying these kinds of issues.

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

**MR. SPEAKER:** There's about 15 seconds left so we'll –

**MS. MICHAEL:** (Inaudible.)

**MR. SPEAKER:** The hon. the Member for St. John's East – Quidi Vidi, you weren't recognized on the camera, if you want to ask the question again very quickly.

**MS. MICHAEL:** I wonder if the Minister of Health could give us a timeline for these wonderful ideas that he has, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Service NL.

**MR. JOYCE:** As we said earlier, we're going to review this. One of the things that has been brought to attention, and I know the Member is very concerned, is the in-house assessment for seniors, which we do now. That is part of this government, in-house assessment for seniors. So we are making improvements.

Can we change everything in 11 months? Of course not, but I can assure you that this government is going to stand up to make lives better for the people of Newfoundland and Labrador in every way we can. *The Way Forward* is giving us a path forward and we will live to the recommendations and the standards that we set for ourselves.

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

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

The hon. the Minister Responsible for Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** I stand on a point of order, please.

**MR. SPEAKER:** The Minister of Children, Seniors and Social Development on a point of order.

**MS. GAMBIN-WALSH:** When I said 170, it was 170 children receiving level four services. The number of children in care is 982. The number of children receiving –

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

This is not a point of order. If the minister wishes to stand when we come to Answers to Questions for which Notice has been Given, I'll permit her to provide her answer.

Presenting Reports by Standing and Select Committees.

#### **Presenting Reports by Standing and Select Committees**

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

**MR. A. PARSONS:** Yes, Mr. Speaker.

I'm happy to stand here and indicate to this House that as Chair of the Standing Orders Committee, our committee has had a number of meetings over the past few months and I'd like to thank my colleagues who sit on that committee: the MHA for St. John's West, the Minister of Natural Resources; the MHA for St. George's – Humber; the MHA for Mount Pearl North, as well as the MHA for Conception Bay East – Bell Island, and the Member for St. John's East – Quidi Vidi.

We think we've had very productive meetings. Meetings that are intended to advance and improve the Standing Orders of this House; and, as such, I hereby table a report of the Standing Orders Committee for this House.

**MR. SPEAKER:** Further 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:** Mr. Speaker, I give notice that I will tomorrow move the following motion in this House of Assembly as follows: – and I'll apologize for the length of it, it is quite lengthy but I have to read it through for the record.

That the Standing Orders of the House of Assembly are amended to come into force on the date of their approval:

1. Standing Orders 12 to 14 are deleted and the following substituted:

Quorum

12(1) The presence of at least 10 Members, including the Speaker, constitutes a quorum for a meeting of the House for the exercise of its powers.

(2) Any Member may direct the Speaker's attention to the fact that there is not a quorum present.

(3) If at any time a question of a quorum arises, the Speaker, upon determining that there is no quorum, shall sound the division bells for five minutes, and then following this account if the Member shows that there is no quorum, the Speaker shall adjourn the House until the next sitting day.

(4) While the Members in the House are being counted the doors remain open and Members can come into the House during the whole time occupied by the counting.

(5) While in Committee of the Whole, if a question of a quorum arises, the Chair shall count the Members present and if 10 Members, including the Chair, are not counted, the Chair shall rise the Committee and report the lack of a quorum to the Speaker who shall then follow Standing Orders 12(3) and (4).

(6) Whenever the Speaker adjourns the House for lack of a quorum, the time of the adjournment, and the names of the Members who were present shall be inserted into that day's Journal.

2. Standing Order 15 is deleted and the following is substituted:

Lieutenant-Governor arrives

15. When the Sergeant-at-Arms announces that the Honourable Lieutenant-Governor is at the door or announces a messenger from the Lieutenant-Governor, the Speaker shall take the Chair whether or not there is a quorum present.

3. Standing Orders 22 and 23 are deleted and the following are substituted:

Withdrawal of Strangers

22. If a Member takes notice that one or more strangers are present on the floor of the Assembly Chamber, the Speaker, or the Chairperson (as the case may be), shall, if he or she considers it proper and without permitting any debate or amendment, order that strangers withdraw.

Conduct of Strangers and visitors

23. Any stranger or visitor admitted into any part of the House or galleries, who misconducts himself or herself, or who does not withdraw when directed to do so while the House or any Committee of the Whole House is sitting, shall be taken into custody by the Sergeant-At-Arms and no person so taken into custody shall be discharged without a special order of the House.

4. Note 1, headed "Parliamentary Calendar" of the Appendix to the Standing Orders of the House of Assembly is deleted.

AND FURTHER THAT the following changes to the Standing Orders be implemented for the sittings of this House of Assembly for the 2017 calendar year and that the replaced provisions of the Standing Orders be held in suspension for that same period as follows:

5(1) Standing Orders 8 to 11 are deleted and the following are substituted:

Annual Calendar

8(1) Unless otherwise ordered, the House of Assembly shall meet each year

(a) for the Winter-Spring sitting, commencing not later than the first Monday in March and concluding not later than the first Thursday in June; and

(b) for the Fall sitting, commencing not later than the first Monday in November and concluding not later than the first Thursday in December.

(2) The House shall not meet on the days which are paid Government Holidays.

(3) During the sittings held under Standing Order 8(1), there shall be

(a) one constituency week for every three sitting weeks unless varied by the calendar provided by the Clerk under Standing Order 8(5); and

(b) a break commencing after the end of the sitting day on Maundy Thursday until the third Monday following that date.

(4) In a calendar year in which there is a general election, the Government may indicate to the Speaker that the commencement of a sitting will be postponed or varied or that there will not be a sitting and the Speaker shall inform Members.

(5) On or before January 31 of each calendar year, the Clerk, following consultations with the Government House Leader shall distribute to all Members a calendar indicating the intended sitting days for the next calendar year.

(6) On or before January 31, immediately after the commencement of this Standing Order, the Clerk shall also prepare and distribute in accordance with Standing Order 8(5) a calendar for the sitting days of the current calendar year.

(7) If the Government advises the Speaker that the public interest requires the House to meet at any time because of emergency or extraordinary circumstances, a reason for the recall must be provided and the Speaker shall

(a) advise Members that the House is to meet at the specified time; and

(b) advise Members of the reason for the recall.

(8) The Winter-Spring or Fall sittings of the House referred to in Standing Order 8(1) may be shortened or extended by the passing of a motion with notice made by the Government House Leader which motion shall be decided without debate or amendment.

#### Daily Sittings

9(1). The time for the meeting of the House is

(a) 1:30 p.m. until 5:30 p.m. on Mondays, Tuesdays and Thursdays inclusive;

(b) 10 a.m. until 12:30 p.m. and 2 p.m. until 5 p.m. on Wednesdays.

(2) At 5:30 p.m. on Monday, Tuesday and Thursday the Speaker shall adjourn the House.

(3) At 5 p.m. on Wednesday the Speaker shall adjourn the House.

(4) When the House adjourns on Thursday, it stands adjourned, unless otherwise ordered, until the following Monday.

#### Business to stand over

10. All business not disposed of at the termination of a sitting day shall stand over until the next sitting day when it will be taken up at the stage where its progress was interrupted.

#### Extended sittings

11. (1) The Government House Leader may move that the House not adjourn at 5:30 p.m. on Monday, Tuesday and Thursday afternoons but notice of this motion must be given at a previous day's sitting and once put by the Chair is not debatable.

(2) Notwithstanding Standing Order 11(1), at midnight on Monday, Tuesday and Thursday, unless the Closure Rule (SO 47) is in operation, the Speaker shall adjourn the House.

(2) Standing Order 24(3) is deleted and the following is substituted:

24(3) On Wednesday except when otherwise ordered by the House, after motion, of which due notice shall have been given, the following shall be the order of business:

(a) from 10 a.m. until 12:30 p.m., Motions of which notices have been given by the Government and Government Orders;

(b) from 2 to 5 p.m., following the ordinary daily routine of business

(i) Motions of which notices have been given by Private Members;

(ii) Motions of which notices have been given by the Government;

(iii) Member's Orders;

(iv) Government Orders.

That is the motion.

Thank you very much, Mr. Speaker.

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

Answers to Questions for which Notice has been Given.

#### Answers to Questions for which Notice has been Given

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development.

**MS. GAMBIN-WALSH:** Mr. Speaker, when asked a question by the Member across, I said 170. In actual fact, 170 are the Level 4 children placements that we have. The number of children in care is 982, Mr. Speaker. The total receiving services is just under 6,000 and there are 40 ILAs at present.

**MR. SPEAKER:** Further 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 government has once again cut the libraries budget, threatening the closure of 54 libraries; and

WHEREAS libraries are often the backbone of their communities, especially for those with little access to government services where they offer learning opportunities and computer access; and

WHEREAS libraries and librarians are critical in efforts to improve the province's literacy levels, which are among the lowest in Canada; and

WHEREAS already strapped municipalities are not in a position to take over the operation and cost of libraries;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to keep these libraries open and work on a long-term plan to strengthen the library system.

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

Mr. Speaker, this particular batch of petitions has been signed by the people in Bishop's Falls and in that surrounding area. The Bishop's Falls public library is planning to hold an art exhibit next year to celebrate its 50th anniversary as an important pillar of the Central Newfoundland community, if it is still in business by then. There have been no guarantees by this government because they've hired a consulting firm, an accounting firm, to see whether or not we need our libraries.

Well, Mr. Speaker, Bishop's Falls is one of 54 public libraries in rural communities placed on the chopping block in the wake of last spring's budget. Like nearly half these –

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

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

**MS. ROGERS:** – 54 libraries, the Bishop's Falls facility is housed in a main municipal building in the town. That means there is no cost to government for rent, no cost for utilities, no cost for snow clearing. It's a bargain, Mr. Speaker. It's a gift horse that the Minister of Education and Early Childhood Development decided to look in the mouth.

Now, Bishop's Falls is a community with no Boys and Girls Club. The library is an important part of their lives. It is a community with a significant number of low-income earners, many of whom don't have a computer at home because they can't afford one. So they come to the library to upgrade themselves, check the job market and use the Internet and the like. Because so many of the costs are covered by the Town of Bishop's Falls, the library costs government relatively little, but its closure would indeed, Mr. Speaker, impoverish the lives of the people who use it on a regular basis.

So, Mr. Speaker, I urge government to rethink its ill-advised attack on literacy so that the people of Bishop's Falls don't end up marking the 50th anniversary of the facility with a wake.

It's rather ironic, Mr. Speaker, when you think that the town values this library so much because they know how important it is to the health and well-being of the library, and they implore the Minister of Education to save this library, to not close it and take away from the people of the town.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

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

**MR. BRAZIL:** 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 *Budget 2016* closed the Advanced Education and Skills office in Bonavista; and

WHEREAS the residents of Bonavista and surrounding communities require and deserve the appropriate level of service;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reconsider the decision to close the Bonavista Advanced Education and Skills office.

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

Mr. Speaker, as I mentioned last week, I've been getting a lot of inquiries from the Bonavista Peninsula about the cut in services and the impact it's having on the residents there; particularly those who have some inquiries around the services that are offered by Advanced Education and Skills, and now Labour, which there are numerous ones.

Great programs were developed over the last number of decades to meet the needs of individuals, particularly those that may be struggling from low-income situations, from some health-related situations, from social issues, but also from education issues. They see the benefits, and they've seen the benefits for decades of what those services can provide and how it can give clients and residents a hand up. They're not looking for a hand out.

Unfortunately, with the closure and not being able to provide those services that were normally supplied through that process, and the indications that this was a stepping stone to other services that may be available. Not having that bridge is detrimental. Not having direct access to information to be able to determine what is out there, what programs or services, what kinds of support mechanisms are there, is detrimental.

There is no doubt, when you look at the geography of the Bonavista Peninsula, just that in itself dictates that you need to have a centre where the surrounding communities, a hub, can fill into, particularly around – if Bonavista is the key area in that part of the peninsula where a lot of the other services are being offered, the health

care is there, obviously, the post-secondary education is there, it would only make sense that as you come to avail of some of those services you would have another mechanism that would provide you with adequate services. It would provide you with advice, it would steer you in the right direction.

It would also be a gathering place where – if there were certain concerns about programs and services that are not yet developed or not offered in that particular area, they could be then generated through the staff. Because as we all know, as a former civil servant for over a quarter of a century, I realized and knew that programs and policies get driven based on the information we get from the grassroots. And the best people to be able to get the information from the grassroots are those who represent the government.

When I say represent the government, are those civil servants who provide services. Because if there's a crack or if there is some way people are slipping those cracks, or if there's a type of program that is now necessary, then that can be developed. If there's a program that has done its ride, has done its benefits and no longer is necessary, that frees up the ability for government to put a new program in place, then that's necessary.

So, Mr. Speaker, again, we'll be asking the government to reverse the decision that's made and it's detrimental.

Thank you.

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

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

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

WHEREAS the recreational ground fishery is part of our culture, history and heritage; and

WHEREAS the federal government is proposing a tag system for the recreational ground fishery in 2017; and

WHEREAS participants would have to purchase a licence and purchase tags in order to participate in the recreational fishery;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the federal government not to implement a cost or fees for those participating in the recreational ground fishery in 2017.

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

Mr. Speaker, I listened to the Minister of Fisheries last week and one of the answers he gave me was that he wants Newfoundlanders and Labradorians to be treated just like the rest of Atlantic Canada. So next year, there is no tag system that is going to be implemented in any of the Atlantic Provinces.

I urge the minister to talk to his counterparts and to talk to the federal government and his good friend, Judy Foote, to cancel this program and have us equal with the rest of Atlantic Canada.

The big thing about the tags – and we understand, as Newfoundlanders and Labradorians, we want to make sure whatever we do when the cod comes back that we do it properly, that it's managed properly and that the proper stats are kept and everything else. But we also want to be treated fairly.

I think there are other ways rather than a tags system that's charging people money. If you talk to most people that are involved in the recreational fishery, they do it for the right reasons. There are very, very few people out there that are not doing it the proper way. They'll get caught. If not, people that are in those communities will report them because we want this done properly. I know most Newfoundlanders and Labradorians enjoy a day on the water. They enjoy the privilege and it was something that we have in our heritage, something that we've done for years to catch a codfish.

To me, there's no better feeling to be out a day on the water – and you know too, Mr. Speaker – catching a codfish. This is part of who we are as Newfoundlanders and Labradorians. But to put a cost to it and put a cost to our people –if they want records kept, if DFO needs the records of what fish are caught, perhaps they should hire people to be on the wharves. In one week, you could have a good estimate of how much fish is actually getting caught. You'd have an idea of what fish is taken out of the water.

I'm sure, knowing what I've heard from fishermen and what I heard when I went to the consultations at the Capital Hotel, that we're a very low percentage. The percentage of the recreational cod fishery and the number of cod that's taken out of the water, the talks that night – the minister asked me to get the figures, because nobody knows. But the talks that DFO and the people did, that's around 1 per cent.

We need to make sure Newfoundlanders and Labradorians are treated fairly. We're not criminals. We'll do what needs to be done. And if we need to make sure there's something in place that shows how much fish is taken out of the water, we'll do it.

Thank you very much, Mr. Speaker.

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

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

Mr. Speaker, I'm pleased today to rise and present a petition. 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 change to busing times, routes and schedules are negatively impacting the lives of students and their families;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reconsider their ill-informed decision and implement a system that better reflects the needs of students and their families.

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

Mr. Speaker, this was a decision that was made in the 2016 budget in regard to busing and reduction in the actual amount of buses, and what's resulted in many cases is double-streaming now, buses taking double routes that they hadn't done in the past. At the time, certainly in the filibuster that we had here in the House and through other capacities, through Question Period, we had a tremendous outpouring of information and concerns from residents where this was directly affected.

Certainly, in my district, in the District of Ferryland, we heard it from many parents and caretakers. I met a number of times with concerned groups, whether it was in the Goulds-Petty Harbour region for that school bus system, whether it was from Bay Bulls to Bauline school bus system for the Mobile-Witless Bay school system, about that changes that has made to families and to students. In particular, the early rise, the early hours in regard to busing and picking up younger children and, as well, leaving school at an earlier time for the younger kids, as well for the older students, the high school students that are leaving later.

It's has huge implications on families in regard to daycare, having to get other means for daycare. It's an extra cost for families. It's been devastating for routines in families in regard to the operations of their household and getting kids to and from school.

Since that time, I've spoken to parents and I continue to hear from parents, where it's having an effect on the very younger kids in that they're up earlier in the morning. In the evening time, because of the longer days these younger kids at school, it's having an effect on their learning ability in regard to doing homework in the evening and those types of things.

So this is an ill-conceived plan. There were reductions in the school buses which are not conducive to servicing our school systems, servicing our education and we're seeing the results of that now, as we've starting with this in September, started with this reduction in school buses. There's a huge concern coming with the weather in regard to can we meet the capacity if

a school is closed because of inclement weather. It's something this government certainly needs to revisit and revisit now.

Thank you, Mr. Speaker.

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

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

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

WHEREAS government has once again cut the libraries budget, forcing the closure of 54 libraries; and

WHEREAS libraries are often the backbone of their communities, especially for those with little access to government services where they offer learning opportunities and computer access; and

WHEREAS libraries and librarians are critical in efforts to improve the province's literacy levels, which are among the lowest in Canada; and

WHEREAS already strapped municipalities are not in a position to take over the operation and cost of libraries;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to keep these libraries open and work on a long-term plan to strengthen the library system.

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

This petition, Mr. Speaker, is signed by many residents from Lumsden, another community that was totally shocked when they got word their library was closing.

The public library is an integral part of this small but bustling community. Programs offered at this library include programming for children, for teens, for adults and seniors. Residents use the library to set up their e-readers, to



troubleshoot any problem they have with their e-readers or computers, to help them set up email accounts, do online banking or get connected with social media.

The volunteer local library board arranges to have books delivered to seniors who are unable to go to the library. The library in Lumsden is busy during all seasons, especially in the summer when its services are widely used by tourists.

Mr. Speaker, the Minister of Education and Early Childhood Development in trying to rationale his ill-advised decision to close these libraries said it wasn't much of a service if a particular library was only open 15 or 20 hours a week. Mr. Speaker, the library in Lumsden delivers all the services and programs I've just described based on a budget that covers wages for only 13 hours a week.

If the minister feels these are insufficient hours, you should increase the funding, not close this valuable and highly valued facility.

Thank you, Mr. Speaker.

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

#### Orders of the Day

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

**MR. A. PARSONS:** Yes, Mr. Speaker, I'd like to call from the Order Paper, Motion 3, Bill 46, An Act Respecting Procurement By Public Bodies.

**MR. SPEAKER:** The hon. the Member for Conception Bay South.

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

So a continuation – I ran out of time the other day – on procurement. Mr. Speaker, I spent a lot of time speaking about sections 28 and 29 of the act. I guess there's a lot of conversation and we've been reading up on it and reviewing it. I think there's a lot of uncertainty within this legislation that it is incumbent upon us, as an Opposition, to highlight for the public.

As has been stated many times, this is a very important piece of legislation. The public, us as a former administration, everyone is aware our current *Public Tender Act* needed updates; no one questioning that. Our attempt there too is to highlight some possible shortcomings within the legislation and make it a better piece of legislation.

We're looking at over \$4 billion in spending regarding this bill. As the minister referred to in his response in Question Period, he was talking about a municipal act or numbering, something about regulations come after. We have to compare apples to apples.

All due respect, this procurement legislation, when you're looking at like \$4 billion worth of spending a year for the economy for the province, I mean for a government that has a budget of around – that's almost half your budget. It's probably more disingenuous to compare it to a municipal act because that's not what we're talking about. We're talking about a very serious, a very important piece of legislation actually.

The way it appears to me, as we review, you get all these regulations or all these issues, like you have your thresholds. There's a list in section 28 and 29. It's almost like you're not sure where to fit them to, so you'll throw them in there and Cabinet, not the House as has been stated, decides. That to me is a huge issue I think that needs further debate and discussion.

I personally believe the public. I know the public and a lot of groups out there that are very keen on this legislation are doing their own work on it. I think that the public needs to be aware of – you have a very important piece of legislation with a lot of regulations that's going to have a huge impact on how this functions throughout the business community, throughout anyone that's doing business with government. Yet, they won't see the regulations until six months' time, who knows, whenever Cabinet decides to sit down and decide what the regulations will be and what will be the guidelines.

That brings an element of doubt and uncertainty. There's no one questioning anyone, but when you're doing something behind the closed doors of Cabinet, that does draw questions. I mean this

is the House of Assembly; this is the people's House. This is where most stuff like that should be debated.

We're debating a bill that hasn't got all of the guts to it. A lot of that bill was already drafted by the former administration, but the major details – the devil is in the details they say. A lot of the details we won't know for another – so we're passing a piece of legislation that we won't know the real guts, the real important stuff that a lot of people want to know for months out.

So it's an odd occurrence. What are you debating? You're debating a partial piece of legislation that has \$4 billion worth of spending attached to it, and that's significant, Mr. Speaker.

I'd like to point out section 7 of this legislation. There are important issues that should be brought up. It says: "Notwithstanding section 6, the Lieutenant-Governor in Council" – slash Cabinet – "may exempt procurement from the requirements of this Act where it is in the best interest of the economic development of the province."

That's a pretty broad statement to make, "... the best interest of the economic development of the province." With all due respect to the current Cabinet, is that a decision they should be making? Isn't that a decision that the 40 elected Members of this Assembly should sit down and decide, debate what is the best interest of the economic development of the province?

That's a huge statement to have in there. The strength of this legislation is being watered down by having statements in there like that because this could mean anything. The legislation could become a very weak piece of legislation.

Another issue, Mr. Speaker, as my time is winding down that I'd like to highlight, too. A procurement officer and the advisory council to the procurement officer – the advisory council will be decided by the minister. The procurement officer will go to the IAC, but we all know about the IAC. That will end up going to the Cabinet room. So regardless of whom the IAC pick, Cabinet will get the final decision.

I'd like to point out and be on record; I heard yesterday in the media, there was a comment said: If there's one snip of patronage in the chief procurement officer, this piece of legislation is almost worthless. It's a very strong statement but when I heard it, I said you know that makes a lot of sense.

Again, you're dealing with all government purchasing procurement, \$4 billion. We're not talking about a \$50,000 consulting contract to do a marketing plan for a certain aspect of a division within a department; you're talking about \$4 billion. These decisions will be picked ultimately by the minister and Cabinet; but, then they're going to follow the regulations and the guidelines that are decided by Cabinet, not the House.

The minister thinks, he's so proud, that we're all going to jump up and clap for his legislation, but in actual fact we don't know what we are going to – what are we voting on? What are the regulations? Lay the regulations out, lay the thresholds out, lay everything on the table then we'll have a sensible debate. Then we may be able to say we are in agreement with that.

Right now, we're in agreement with a pie in the sky. We don't know what we're voting on. How can you expect the House to sit there and in clear conscience vote for a bill that's going to affect \$4 billion in spending when you don't know the rules of the game?

For government it's fair to say be proud and raise the flag, you have a great piece of legislation, but we need facts before we can really get into serious debate on this bill, Mr. Speaker.

Thank you very much.

**MR. SPEAKER (Warr):** The hon. the Member for Mount Pearl North.

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

I'm pleased to join with my colleague today in speaking to Bill 46, An Act Respecting Procurement by Public Bodies.

As government Members like to remind the hon. House in recent days, this is something the

previous government was working on for a long time. I have to say in all sincerity, Mr. Speaker, that a great deal of groundwork was done.

There was a first reading of the procurement by public bodies bill given in 2012, but the legislation was not ever introduced in this House. I'll speak to that during my time to speak to Bill 46 today.

I want to start by saying, though, that I believe in public procurement reform. I support it, I believe it's necessary. I will acknowledge that it's long overdue, but I think there are also good reasons for why it has taken some time to get to this place where we are.

I think because of the approach the new government has taken with its proposed public procurement legislation, I think we're at risk. I think there are some real concerns that need to be fully discussed and debated in this House before we could lend our support to the bill. But many of the principles that are in this bill, in this proposed act, are principles that I certainly support, and I believe some of my colleagues, if not all, support as well. Reform is needed, no doubt.

The strongest objection I have, and I suspect others have as well, based on what I've heard in second reading so far, is that there are some holes that are yet to be filled. I recognize, as the minister pointed out in Question Period today, that these holes are often filled through regulations after the fact. In this particular case, the holes are so significant in terms of the spirit and the intent of the legislation, and given how complicated and how large this procurement reform initiative is, the holes in this case need to be discussed and there needs to be more disclosure about government's intentions before we can simply lend our support to this bill.

So I'm glad we're having a debate about it. I suspect there will be Members who raise some more specific questions about this in second reading – sorry, in Committee of the Whole stage of the bill. I look forward to those discussions.

For a brief period of time in 2015, I was the Acting Minister Responsible for the Government Purchasing Agency. For that reason, I do have a

little bit of knowledge about what my intentions were, anyway, when it came to procurement reform. There are some things in this bill that I do support in principle, that I do think make a lot of sense. So I'd like to comment briefly on some of that and then talk about some of the specific concerns that I do have with the legislation.

I am really pleased to see a focus on best value. I think when it comes to public procurement reform, that's a principle that we should all get behind and support. I think one of the things I would like to see in the legislation is a reduced burden in terms of administration on public bodies, and also on suppliers. I'd like to see public bodies, ultimately, as a result of procurement reform be more proactive when it comes to public procurement, which is a bit of a mouthful, Mr. Speaker, as you can tell.

While I know the approach of this bill calls for an increase in standardization, which I think makes sense, I think there's also a need to be much more proactive in managing relationships with suppliers. As the Leader of the Opposition pointed out in Question Period today as well, Mr. Speaker, we're talking about billions of dollars of spending annually – not one time, but annually. So there is reason to ask questions and to be concerned.

I think that exceptions to open calls should be defined in the legislation. I recognize and I respect the fact the minister is saying, well, that will be in the regulations, but in this case some of these things are so significant in terms of billions of dollars of spending that I think we need a bit more clarity on what exactly government's intention is. So yes, it's not uncommon to bring in regulations after the fact, that's normal practice, as the minister quite rightly pointed out today; but, in this particular case, there are some more questions we have and we don't feel it's simply good enough to say, well, don't worry, it will all be covered in the regulations, trust us.

So exceptions to open calls is one example. Another example relates to supplier performance management. While it will be contained in regulations, I think that's something that needs to be fully discussed while we're debating this legislation.

There are also some concerns that hopefully we'll have a chance to talk about in the Committee stage related to public reporting of exception reports and award information as well.

One of the things I didn't find in the legislation that I thought I would see, just based on my brief time as the acting minister and as someone who was keen on seeing this advance, I didn't see reference to annual procurement plans. I just recall from my time as the acting minister that that is something that should be required within government, and government departments and agencies should identify opportunities for consolidation of purchases which would lead to lower prices and increased value.

So I'd ask the minister to comment on that perhaps when he closes debate, or maybe during Committee stage; perhaps that's being addressed somewhere else, but I can't see it in the legislation that's proposed.

I also acknowledge that the supplier complaint process will be contained in regulations or it will be determined by Treasury Board. And I have some real concern with that as well. To me, I think at this stage that should be clearly defined.

I realize that the final text, the final wording of the regulations may not be available or not be finished at this point in time; I suspect that those regulations are drafted. I would hope those regulations are drafted and I would hope that the minister in his comments could talk about what government intends when it comes to the supplier complaint process. And maybe through the course of debate, he'll be able to give us some more confidence that some of these issues where we have big questions right now will actually be addressed, and some firm commitments around some of those issues may help.

I'm also concerned about timing. I think it makes sense to address the timeline for full implementation of the act and the regulations that are yet to be revealed. The legislation doesn't appear to give guidance on that. I understand that government is committed to full implementation in 2017. There's a lot of work to be done, a lot of change that needs to be managed.

Thankfully, I do know for a fact that a lot of ground work has been laid, so it's not like this is a complete surprise or shock to, for instance, people who've worked with the Government Purchasing Agency in government, who know that this has been in development for some time. But some clarity around timelines for implementation is something else that I would personally like to see some more about.

I want to talk about a couple of the sections of the act. I will be able to ask specific questions in Committee about various clauses, but I want to give the House and the public a sense of some of the issues we feel need to be better addressed and clarified before we could support this legislation. Because frankly, for me it's not about what's in the bill. I think much of what's in the bill is actually really good and it's consistent with what I would have envisioned in a bill that I hope we would have brought forward.

But it's not just about what's in the bill; it's about what's not in the bill. That's what I'd like to speak to in a little more detail this afternoon. We don't know what the process is going to be when it comes to the regulations and when the act is applied and when it's not going to be applied. Cabinet appears to have a lot of discretion.

I think my colleague for Conception Bay South made a really good point about the chief procurement officer. It's one thing to say a recommendation will come through the Independent Appointments Commission and then Cabinet will make a decision. Based on the activity through the Independent Appointments Commission so far, we have real concerns about whether we will end up with someone who is truly non-partisan in that role.

I think as a radio show host commented recently, and as the Member reiterated today, the person in that position has to be absolutely impartial and non-partisan in their role and in their work, and I'm sure government would agree with that. But based on what we've seen through the Independent Appointments Commission process now, to date, we're concerned. We're legitimately concerned about where that might go.

I draw your attention to some of the things that government may make regulations about after this bill has passed and the act comes into existence, but issues that are not addressed directly in the bill today that cause us concern: “The Lieutenant-Governor in Council may make regulations (a) respecting the manner in which public bodies procure commodities; (b) respecting when an open call for bids is not required respecting the procurement of commodities ....”

That’s significant, Mr. Speaker: “respecting when an open call for bids is not required respecting the procurement of commodities ....” So Cabinet will decide at some point about when exceptions can and will be made. I understand that government has a right and a responsibility to govern, but when we’re talking about billions of dollars of taxpayers’ money, I believe there’s a need for a greater level of transparency.

Hopefully in the regulations that eventually are brought forward, those concerns will be addressed. But they’re so significant at this point in time, Mr. Speaker, that we don’t feel we can simply just say, okay, we’ll trust you to make good decisions about a whole list of things that are outlined in section 28, for instance, of the legislation.

Another one is “(c) respecting alternative procurement approaches for the procurement of commodities;” – so alternatives to the prescribed approach – “(d) respecting the manner in which public bodies shall maintain records respecting procurement of commodities; (e) respecting when annual procurement plans shall be required from public bodies, and the form and content of those plans ....”

Sorry, so there is a reference. There is a reference right there to the procurement plans but it’s not specified. It’s not guaranteed that they will actually be required. I find that troubling. I thought the act would spell that out and be clear that it is actually indeed required.

Also, “(f) respecting the manner in which bids are to be evaluated; (g) respecting the manner in which contracts are to be awarded; (h) establishing the processes to be followed for the submitting and treatment of supplier complaints; (i) respecting supplier performance; (j)

establishing monetary amounts at which an open call for bids is required ....”

That’s a real concerning one, Mr. Speaker. Those thresholds, those monetary amounts at which an open call for bids is required, I would have thought when we finally got to the day where we’d be debating public procurement reform in this House that there’d be some clarity around that.

I didn’t see the minister’s press conference, but I did see some of the media coverage and I do believe there was some discussion in the presentation about those thresholds, those amounts; yet, it’s not being addressed in this House in debate. So, hopefully, as we move into Committee stage we’ll be able to get some more clarity around government’s intentions in some of these areas.

Another one, “(k) establishing monetary amounts below which there is no requirement to issue an open call for bids; (l) governing the form and content of the electronic notification system; (m) defining the scope, content and limits of policies respecting the procurement of commodities that may be established by the chief procurement officer; (n) defining the information about procurement activities that shall be published ....”

There is not even clarity at this stage around what information will actually be published and disclosed. So that causes concern for sure; “(o) establishing time periods for the required publication of information ....”

These are issues that we feel we need more clarity on before we can support the legislation. Even though, as I said in my opening comments, there’s lots about this bill that I think is great and it’s consistent with what I would have hoped we would have brought across the finish line.

Before I go further, and in case I run out of time, let me speak to that a little bit more. A previous Progressive Conservative government brought forward the first public procurement reform with the *Public Tender Act* in 1984. While the act has been updated numerous times since then, including in 2009, we’ve acknowledged many times that the act is really in need of reform. So I’m pleased that that’s moving forward.

Those original moves did bring a level of integrity and fairness and good value and transparency to public procurement. That's why we were working on it, but any legislation that comes forward is going to be imperfect and the needs of government and the needs of society are going to evolve over time.

The trade and the business and the procurement environments have changed a lot since back in 1984, even since 2009 when changes were made to the *Public Tender Act*. So in the trade environment, things are continuing to change rapidly. These are issues that are always influx. That was some of the challenges we had. It wasn't just about resolving some of those issues I just raised, which was an ongoing piece of work that the previous government was engaged in. It was bigger than that. It was about responding to the changing needs of the business environment, of the trade environment we found ourselves in.

For instance, CETA is just happening now. The Agreement on Internal Trade is being renegotiated, and it includes procurement and could potentially impact what we're doing here.

Donald Trump makes things interesting as well when it comes to NAFTA, and where trade agreements could end up related to the Asia-Pacific regions and so on.

Trade issues also end up before tribunals and the courts. That, too, can change the rules and the environment. So the legislation anticipates some of those challenges, but I speak to all of that, Mr. Speaker, to illustrate there is a lot changing. For that reason, it has not been easy to get to this stage. I do commend government for bringing forward this legislation. In light of all that's going on in that changing environment and some of the challenges we've seen in recent years, there's a need for some more clarity on some of those points that we've already raised and will continue to raise.

Some of the parts of the bill are so vague and so open ended that people can only guess where this will lead. This is not what we were promised when the Liberals in their recent election campaign promised to bring forward procurement legislation, because it's not

decisive and there are so many questions that still need to be answered.

This is a good framework. I think there are lots of things about it that are quite reasonable and some are actually quite progressive, but there are more answers that are needed in order to give us confidence, more importantly to give the public confidence, that we're doing the right things for the right reasons here. I think the logic and the purpose behind public procurement reform is sound for the most part, and much of it is stuff that I can support, to put it simply.

I only got a couple of minutes left. I said at the beginning of my remarks that I really like the shift in this bill from the principle of least cost to best value. I know the minister has spoken about that in his news conference and in presenting this bill to the House. Best value is the concept of selecting the bid that'll give the greatest return in terms of quality and cost over time. That's a good thing. That's something we can absolutely support, and I suspect other Members who will speak to this will elaborate on that as well.

The lack of detail pertaining to regulations is what's most concerning. The framework that is presented still leaves a lot of questions, and we don't know what's going to be in the regulations that will be brought forward. We also don't know when they'll be available.

Government has said sometime in 2017, which is good, but in my view, and I think in the view of some of my colleagues, that's not good enough, because we need answers around when an open call is not required. We need answers around how records are going to be kept. We need answers around how bids are going to be evaluated. We need answers around establishing when and how a call is to be conducted. We need answers for sure on what information is going to be made public. So these are some of the issues we have.

I commend government for bringing forward this legislation, but I'm hopeful we can get some answers to these questions, and they're the very questions that I know I was struggling with during my brief period of a few months as the acting minister responsible for the act; that and

the changing trade environment speaks to why it has taken us so long to get to this place.

Mr. Speaker, I'm glad to have the opportunity to speak in second reading, and I look forward to continued debate.

Thank you.

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

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

Once again, it is an honour and a privilege to stand in this hon. House and speak to this very important bill that has been brought forward, and I thank the minister for bringing it forward,

It's certainly a bill that many people in the province have been looking forward to and recognize the need for modernization, Mr. Speaker. Of course, our role here in Opposition is to scrutinize bills, and on behalf of the people of the province, ask the questions that need to be asked to ensure that any bills which are passed are truly in the best interests of the people as a whole. So that is what we will be doing over the course of the next few days.

This bill will replace the current *Government Purchasing Agency Act*, the *Intergovernmental Joint Purchasing Act* and the *Public Tender Act*, along with some public tendering regulations. It also makes updates to various other pieces of legislation as they relate to procurement.

And the aim of this bill, according to the minister responsible, is to help modernize the procurement process. That is something in principle that we can all support, but as many of my colleagues have already stated in their speeches thus far, the devil is in the detail. A grave concern for all of us is the lack of detail outlined in the bill pertaining to exactly how decisions will be made and contracts will be awarded.

The process which this bill outlines is based upon the Reid & Associates report of 2008, along with public consultations. Municipalities, health boards, school boards, Crown corporations, agencies and commissions, and core government will all have to follow this

framework. And like many of my colleagues who have already spoken, one of the things that we do like in particular about this bill is the option of best value.

Certainly as a Member who represents a cluster of small rural communities, you do find yourself in situations sometimes where the lowest cost bid is not necessarily the best value bid. If I could pick a service arbitrarily, something like garbage collection, you want to ensure that the contractor awarded is someone you know who will get the job done, has reliable equipment; but, in some instances, you could find yourself in the situation where the lowest bid doesn't permit you to acquire the best value. So these are some parts of the bill that we see as having some merit.

Here's another example: say if there are two bids for a printer receipt, one printer costs \$100 and is expected to last for two years and the other printer costs \$300 but is expected to last for 10 years. The taxpayers' dollars are best put to use if the contract is awarded for that \$300 printer because you won't find yourself having to spend \$200 again in two years' time; you'll actually get 10 years from it. And that can happen a lot, Mr. Speaker. So that part of the bill is something that we think will benefit the taxpayers of Newfoundland and Labrador.

It also allows bids to be judged based on quality not just price. And if a bid is received from a provider who has a documented history of not providing quality service, then the purchaser can choose another bid as the successful bid.

I should also mention that those bidders who are not successful are able to sit down with the chief procurement officer to review their bid and to see where their bid fell short. And this mechanism, I'm sure, will help industry build better bids in the future.

Mr. Speaker, while we agree that procurement needs to be reformed in this province, as I started out in my opening comments, we are concerned about the lack of detail contained in this bill. The framework here leaves many holes to be filled. The indication is that these holes will be filled through regulations, but the unfortunate problem we have is that those regulations are not yet available. So we, here in

this hon. House, are going to be asked to support a bill that we really don't have full knowledge or awareness of what we are supporting and what the people of the province will have to face.

These regulations that we hope to see before the vote comes to the House – and we certainly hope that government gives that very serious consideration – they're going to cover things such as when an open call is not required, how records are kept, how the bids are going to be evaluated, which is something in fairness to the bidder, the bidder should know these parameters upfront.

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

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

I ask hon. Members to lower the volume of their conversations, please. I'm having trouble hearing.

Thank you.

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

Establishing when and how a call is to be conducted, establishing what information will be made public and when and more, Mr. Speaker – in total, there are 20 regulations that the Members of this hon. House are being asked to vote blindly on. Not just Members of the Opposition but Members of the backbench. We're all being asked to vote blindly to support something that we may or may not be aware of issues our constituents will have with them.

They are all listed in sections 28 and 29 where the legislation gives ability for the regulations to be made. These items – which will not be contained in the legislation, not debated in the House of Assembly and will only be made public after the decisions have been made and regulations determined – cover a great deal of the procurement activities.

As our leader talked about in Question Period earlier today, \$4 billion worth of contracts, Mr. Speaker, is what this legislation covers – \$4 billion. That's \$4 billion of the taxpayers' money for which we all have a responsibility in this hon. House to ensure is spent in the fairest, most equitable manner to all persons of this

province. Regardless of their political stripe, regardless of who their friends are, this legislation should cover equally each and every person and each and every business person in the Province of Newfoundland and Labrador.

As we all know, Mr. Speaker, there are some businesses, particularly in the capital city, whose sole existence rely on government contracts. They should not have to now worry about playing politics to acquire a contract. So it's an open worry that's out there and it's something that we really need to have addressed in the best interest of the taxpayer of Newfoundland and Labrador.

I'll talk again now a little bit about the regulatory power, such as when an open call is required. Depending on what Cabinet decides – not even Members of government opposite, Mr. Speaker, Cabinet only decides. This will have a great impact and it can have some very negative consequences. That is a decision which should be debated here in the House and not at the Cabinet table because the hon. House – and we all take our responsibilities here very seriously – is a place where we have to first and foremost have the well-being of the citizens of all of Newfoundland and Labrador as our uppermost priority.

We cannot truly determine the effectiveness of this bill without knowing what the details of the regulation will be. We're all very gravely concerned about being asked to vote on a bill and not knowing the details, Mr. Speaker, of what we're actually voting on.

We also cannot determine how transparent this process will be without seeing the regulations, Mr. Speaker. For many of us – I will use the Independent Appointments Commission as a case in point. While Members opposite talk the good talk, actions speak far louder than words. The Independent Appointments Commission, thus far, has resulted in anything but independent appointments. So we have the same worry that this will also happen when it comes to calling tenders. It's one of things that I often marvel when I see Members opposite stand up and talk about the IAC with a straight face.

Mr. Speaker, in terms of consistency, one of the benefits to a new procurement framework is that



all public bodies will be using a consistent approach; health boards, school boards, municipalities, government commissions and all others will be using the same process to purchase their supplies. This will help the industry.

This will help bidders to write better bid documents and this will help industry to take feedback and incorporate into future bids. But again, the devil is in the details, and at this point in time we have no knowledge of what those details are. We certainly will continue to call upon government to bring those details forward to the people of the province and to the people's House before they ask for a vote on this most important bill that affects \$4 billion worth of business for Newfoundlanders and Labradorians.

As we all know, we're in a time of fiscal constraint. We can't afford to be subjected to political favouritism. This has to be a fair process. Business people in this province have to have fair and equal opportunity to the contracts that are let by the Government of Newfoundland and Labrador, regardless of who is in power.

While this legislation is being passed today and we have a Liberal government, governments change. Every four years the opportunity for government to change is there. Certainly, I strongly believe that the people of the province will hold government accountable. This legislation will apply to all future governments as well. So that's something that I'm sure they will take into consideration.

Nalcor and the Research and Development Council will also be subject, Mr. Speaker, to this new piece of legislation, but it does carve out exemptions for each of these entities. Within the Research and Development Council, section 33 allows activities which are not daily activities of the Research and Development Council to be exempt from the procurement framework. This means procurements that are used specifically and only for research and development can be purchased outside of the act. However, these exceptions have to be reported to the minister within six months and the exceptions made public via the procurement website.

Regarding Nalcor, there are three circumstances where Nalcor would not have to follow the

procurement process as outlined. These are: where the purchase or procurement is related to energy or energy products; second, where it is acting in a strategic partnership, joint venture or equity investment with other public bodies or private sector entities; and thirdly, where it is meeting the requirements of a benefits arrangement.

So like the Research and Development Council, all of Nalcor's routine purchases like furniture, vehicles and the like, would have to go through the procurement framework. Also, like the Research and Development Council, anything purchased outside of the procurement framework would have to be reported to the minister and made public within six months of the purchase.

Mr. Speaker, there are some broad exemptions here in the bill. I'd like to look at section 7, in particular, of the legislation which states: "Notwithstanding section 6, the Lieutenant-Governor in Council may exempt procurement from the requirements of this Act where it is in the best interest of the economic development of the province."

Again, Mr. Speaker, I will go back to the whole issue of trust, or lack thereof that people in this province have for the current Government of Newfoundland and Labrador. It will be a handful of people who will be making a decision as to what is in the best interest of economic development in the province.

It is a very, very broad definition, Mr. Speaker, and I truly hope we won't see an onslaught of businesses whose doors are closing because of unfair treatment or favouritism as a result of the regulations which we do not see in this act. It's a grave concern, and I'm sure if Members opposite were sitting here in our chairs in Opposition, they would be raising these same concerns, of that I have no doubt whatsoever, Mr. Speaker.

It's quite a bit of discretionary power for Cabinet. The power can be defended if it allows the province to protect local interests, but will this clause withstand the challenge before a trade tribunal for example? Some things are very important, Mr. Speaker, that we need to consider.

This proposed bill also creates a chief procurement officer and a procurement advisory council. The chief procurement officer will have a variety of duties, powers and responsibilities. They are outlined in section 16 of the legislation. He or she will administer the procurement agency, supervise the procurement process and all those entities which will have to follow it, publish the information which is made public, develop standard procedures and so on.

The chief procurement officer will also have the ability to review the practices of public bodies and make recommendations, and may limit the ability of a public body to make a purchase. They will be appointed for six years by Cabinet and can be reappointed multiple times.

The procurement advisory council is outlined in section 25 of the legislation before the House. The advisory council will consist of provincial public sector employees. They will make recommendations to the minister about procurement processes and this framework.

Other than that, the legislation does not give a full picture of their involvement. Will their recommendations be binding? How often will they meet? Will they review procurement activities as the chief procurement officer will? Again, a lot of issues here in this bill and we're very gravely concerned about the absence of details that we're being asked to vote on.

Section 31 of this bill gives the Independent Appointments Commission the responsibility for recommending people for the chief procurement officer position, but as section 15 makes clear – and the *Independent Appointments Commission Act* makes clear as well – the Cabinet retains the authority to appoint. And as the *Independent Appointments Commission Act* indicates, the Cabinet is not bound to choose from the list of people that the IAC committee recommends. Again, one of the reasons why I marvel at how they can stand up and support the IAC with a straight face because it talks a good talk but it certainly doesn't walk the walk.

Cabinet may already, for we know, have a chief procurement officer in mind, and nothing the Independent Appointments Commission does will prevent them from appointing the chief procurement officer that they want with the

legislation as it is currently written, Mr. Speaker. I truly hope that future governments will be strengthening that legislation and get rid of a lot of the loopholes that are there.

The actions of recent weeks demonstrate that this government has no commitment to take politics out of appointments. As I said a little while ago, they give a great lip service but actions speak far louder than words. And none of us are blind or deaf.

They are freely appointing relatives and friends. It's not just that they promised not to do it. More than that, the problem is they are pretending they have kept their promise by establishing the Independent Appointments Commission. The Liberals rejected our amendments to require disclosure, when Cabinet ignores the IAC list of recommended candidates for the chief procurement officer and have to have independent reviews of appointments to determine whether Cabinet is respecting the merit principle.

So let's be crystal clear, the Cabinet can appoint anyone it likes to this post, irrespective of anything that the IAC does. The Cabinet can also fill a vacancy. The House can vote to remove a chief procurement officer for cause but even then, the Cabinet may, not shall, remove that person. They are not duty bound, Mr. Speaker.

The Cabinet retains absolute authority over the hiring of this person, and if they ignore the Independent Appointments Commission recommendation, which they have full authority to do given the weakness of the bill, no one will even find out. So that's an area, Mr. Speaker, of grave concern to me as a Member of this hon. House and to me as a taxpaying citizen of Newfoundland and Labrador.

Professional services, Mr. Speaker, is one of the big changes we see in this proposed framework, because more professional services are included in this act. Engineering services, architectural services, accounting, land surveying services, banking services, insurance, telephone and other technical or expertise services presently are included in the act. They can be found under section 2(t).

This means that the procurement activities will now apply to more areas than it did previously. Legal services and financial services which relate to borrowing and monetary policy will still remain exempt from the legislation. The legislation also brings in a common professional services policy for all public bodies, Mr. Speaker.

I see that I am quickly running out of time on the clock. I haven't covered half of the things that I wanted to cover, but I will end by saying this: \$4 billion of business –

**SOME HON. MEMBERS:** Annually.

**MS. PERRY:** – annually – each and every year. Four billion dollars that we have no accountability for because the Cabinet can do as it wishes with all the loopholes that are in the bill, Mr. Speaker. The question of trust comes to mind. Do we trust that the decisions will be made in the best interests of the people or will they be made in the best interests of the Liberal friends?

Grave concern for Newfoundlanders and Labradorians – we should all be very, very worried about that. I truly trust that they will prove me wrong; bring the regulations before the House and let us all have fair and equal opportunity to make decisions that are in the best interest of the people of Newfoundland and Labrador.

Thank you, Mr. Speaker.

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

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

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

I am very happy to stand and speak to Bill 46, An Act Respecting Procurement by Public Bodies. As has been stated by my colleagues on both sides of the House, this is a major bill. It's a bill that will guide and govern expenditures of this province up to \$4 billion a year. That's a lot of money; it's an awful lot of money. Sometimes that's money, that's cash going right out of the province, and maybe we will get goods or

supplies in return for that; but, Mr. Speaker, ideally, what we would like to see is for us to get as much bang out of our buck as we possibly can.

I believe that's what we're all here for. Because it's not just about spending our money, trying to get the cheapest and the best deal; it's about what is in the best interest of the people of Newfoundland and Labrador. That's really what we're all here to talk about.

As we've heard, particularly from this side of the House, that there are great concerns with this bill, because this bill really is only a framework. That's the language most of us on this side of the House have been talking about. We say that there are no specific identifiable, comprehensive sets of regulations in the bill. That the bill, in and of itself, does not set up legislation that has teeth that will guide the procurement process, that a lot of that work will be done in the regulations.

And those regulations are not done here in the House. And when you think of the incredible amount of money that this bill will guide, the spending of an incredible amount of money, that there's not enough bite in this particular bill to give confidence to the people of the province and give confidence to the people in the House here that our money will be spent in a way that's in the best interest of the people of the province.

Although I'm sure that's everybody's intent to make sure that the money is spent in the best interest of the province, but if we are leaving it up to good will, or to niceties, or a few individuals own decision-making processes that's not enough of a guarantee that we are, in fact, spending the money in the very best interest of the people of the province.

And one of the areas that I'm particularly interested in, as the critic in our caucus responsible for the Status of Women and critic also that looks at the issues of the disability office, is, again, section 3(f) that we must value diversity in procurement. That's a pretty broad statement. I believe it's kind of a high-level statement that says well these are some of our guiding principles, but there's no teeth to this at all, Mr. Speaker.

And we've already seen when we leave the issues of diversity and ensuring that diversity is included in all decision making, that it isn't done. It really isn't done.

One of the questions I have for the minister is to ask the minister whether or not this particular bill was passed by the Women's Policy Office. Perhaps it was, I don't know, but we need to know that. Has the Women's Policy Office had a chance to look at this bill and to apply a gender lens? I don't know if that's the case and I would certainly like to hear from the minister concerning that issue. I'd also like to know whether or not this bill was passed by the Disability Policy Office. I don't know if it was. There's no indication.

I guess, Mr. Speaker, the other thing that this points to is if we had real legislative committees, then this bill would have gone to that legislative committee and some of the work that we are doing now would have been done in that legislative committee process. Then we would probably have a much stronger bill. We would have a bill that was more comprehensive, that was more in-depth and that didn't leave as many open-ended questions.

One of the issues that I would like to look at, Mr. Speaker, when we look at the services that are covered in this particular bill, they identify what does services mean. The services are: "(i) all services incidental to the supply of goods including the provision of transportation of all kinds ...." That would be buses. That would be trucks. That would be ferries and I'll come back to the ferries. "(ii) Printing and reproduction services ...." – so we're going to choose who will be doing our printing, who will be doing our reproduction. Some of those may be local companies, some of them may not.

"(iii) Accounting, land surveying and voice telephone services, (iv) engineering services, (v) architectural services ...." It's possible that all those services will be done by men and that there may not be any women who will get jobs. Those are areas that are predominantly male: engineering services and architectural services. So how can we make sure that women in our province also have equal access to the \$4 billion, equal access to jobs, equal access to opportunities for jobs, opportunities for training?

There's nothing in this bill that guarantees that. There's nothing in this bill to guarantee that will make sure that people with differing abilities or people with physical disabilities would have any kind of opportunity for some of the jobs or provide some of the services or to have the opportunity for some of the training.

"(vi) Banking services ... (vii) insurance services, (viii) services that require the giving of an opinion, creativity, the preparation of a design, or technical expertise except those services defined in paragraph (p), and (ix) all other services not considered to be professional services; and (u) 'supplier' means an individual, partnership, corporation, joint venture or other form of business organization engaged in the lawful supply of commodities."

One of the things is we know for sure that we want to be able to spend our money locally with local companies, local suppliers, local architects and local engineers as much as possible. But, again, there's no guarantee at all in the bill as it is stated that diversity will be honoured. There's no definition of what that diversity means.

It says we value diversity in procurement. What does that mean? Does that mean that there's a gender lens that has been applied to this particular bill? Does that mean that there's been a disability lens applied to this bill? Does that mean then that we value diversity in procurement? Does that mean, in fact, we'll ensure companies that bid on major contracts – if there are companies that bid on major contracts, are we asking to make sure that they have a diversity clause, that they have a diversity policy in their companies before we'll deal with them? If not, we can't guarantee.

This government makes a lot of statements about their commitment to ensure equal opportunity for women, equal opportunity for people with differing abilities and physical disabilities, but there's nothing to compel that. In this bill there's absolutely nothing to compel or to assure that whatever they mean by diversity, that that in fact will be an element in scoring or evaluating any kind of proposal.

Aboriginal people; there's nothing here – I imagine value diversity means also including Aboriginal people to ensure that our First

Nation's people have equal opportunity. There's nothing here to show that that's the case. It's just a very vacuous statement with absolutely no guidelines, with no legal binding, with no indication at all about whether or not that will be evaluated in any proposal.

Our leader in the women's debate during the campaign said he proposed in tendering government contracts that government could require bidders to provide their stance on employment equity policies. So we can say, all right, not only are we looking for costs and quality assurances but we are also looking for assurances that you are a company – any company that's bidding – that you have an equity policy; whether it be around gender, whether it be around people with disabilities, physical disabilities, whether it be around race issues.

We can ask potential companies for their diversity policy, but there's nothing here in this bill that compels them to do that. We don't know whether or not government is going to compel companies and then consequently score them and evaluate them on their proposal in terms of what those policies might be.

This is a major piece of legislation. Again, if it had gone before a legislative committee we would have been able to talk about those issues. We would have been able to come up with legislation that was stronger so that when we bring it to the House there is more agreement to start off with.

In private industry, we know in many large companies, particularly, for instance, if we look in the oil industry, oil companies, many of them have ways to really demonstrate their policies on – they have policies and guidelines on quality assurance. They have policies and guidelines on the environment, and how they do business and how they ensure that they are environmentally sustainable.

They have policies and guidelines on diversity. It could be gender, it could be people with physical disabilities, it could be geographical variances, it could be race. Then when they call forth and ask for proposals, they evaluate the proposals not only on the cost that is put before them; they evaluate the proposal also in terms of

quality assurance guidelines, environmental policies and diversity policies. Then, in the end, their bid is scored not just on the money; their bid is also scored according to their stated policies. Those are evaluated, and that affects the overall score of a proposal.

I would think as a government, if all of our purchasing is done with the best interests of the people of the province that we would require those kinds of policies as well. That we would want to be doing business with companies that have pay equity, that have equal access to jobs for women, that have a policy about ensuring that people with physical disabilities have the opportunity for work, that they have policies about racial and geographical diversity, if it's appropriate to geographical diversity.

So, Mr. Speaker, this is a huge, huge missed opportunity. Again, I wonder, the Minister Responsible for the Status of Women and Minister of Finance, has she ensured that this legislation has gone before the Women's Policy Office to apply a gender lens?

I ask the minister who's responsible for physical disabilities, for the Disability Policy Office, has she ensured that this policy, that this legislation has gone before that office and has that lens been applied? I don't know. I'm thinking probably not, which is a real missed opportunity. Because when we look at spending our money it's not just about cash out first, specific service or a specific commodity.

We want to make sure our people get trained. That the rollout benefits are people get trained. People who are underemployed get the chance to be employed, and we want to make sure that we are really, really addressing the issue of inequality, of gender inequality within business, within manufacturing and within particular trades where men have predominately been the majority of workers in different areas.

So a gender lens needs to be applied. A lens around disability needs to be applied. We need to make sure that Aboriginal folks have access as well to bidding or to be also involved in those who are able to work on contracts.

We also know this legislation provides for a chief procurement officer and a procurement

council. What is the guidance that will be given to them around the area of diversity and equity? Again, there's nothing in this legislation that gives any guidance or compels them to hold and be committed to any aspect of diversity except this vague statement of we value diversity in procurement. It's pretty vague. There are no teeth in that.

There are all kinds of tools that are available. There are tools available through United Nations that look at specifically, how do you nail that down? How do you give that teeth so that, in fact, it's not just a vague notion of niceties or if somebody thinks of it offhand or will give it second thought, but that really compel governments and compel companies specifically on how to render this a reality, in terms of not just a vague value diversity in procurement.

I would say, Mr. Speaker, we need guarantees that the specific issues of equity and diversity would be applied. I believe the procurement council – that there needs to be within this bill so that this legislation in fact is committed to diversity and equality. I believe there needs to be something in this bill that compels the procurement council, that gives them more specific guidance and that compels them to not just a vacuous commitment to diversity, not just a vacuous commitment to equality, but some very measureable, actionable instructions that ensures that in fact we do see the values of diversity, of equity and of equality, actually measureable and given the opportunity to be scored on proposals that come to government.

We need to be able to give this council, we need to be able to give government employees who are dealing with proposals the proper tools so they can evaluate whether or not this vague commitment to diversity in procurement is actually being realized. We need to give them those tools of assessment. Also, they need to be compelled to ensure that those tools are used.

We need to be able, without specific regulations – and again those regulations aren't here. Without specific regulations, all we have here is goodwill or hollow niceties. I know that's not the intention. If in fact government is committed to – and I would hope that the Minister of Finance and the Minister Responsible for the Status of Women would absolutely want to see

this vague statement that value diversity in procurement, I would believe that she would want to ensure that women are included in the jobs that are generated by our procurements, that people with physical disabilities are.

It cannot just be left to these vague niceties. We have to have teeth in this legislation; we have to have teeth in this bill in order to assure that the absolute reality of diversity in our procurement.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Topsail – Paradise.

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

Thank you very much for acknowledging me and giving me the opportunity to speak to Bill 46 this afternoon, an Act Respecting Procurement by Public Bodies. There's been a fair bit of debate; I know pretty much every Member on this side of the House now has spoken to the bill, and for good reason.

As my colleague here behind me and others have referenced during debate, this is really, what the minister has told us, about \$4 billion worth of purchasing each year, not only just by government but by public bodies. So organizations and groups that are funded partially or in whole by government as described by the bill, and they are defined in the bill – I'll get to that in a few minutes, Mr. Speaker. It encompasses every organization that would come under the direction and the law – because this is about creating law – of this particular bill and the new act. The new procurement act would total about \$4 billion annually in public spending.

So it's very significant – very, very significant. I know the Members, today in Question Period, asked some questions of the minister about regulations and he did some commentary about that a short time ago, and I'll explain shortly what our concern is about that. When we asked questions and the minister said, oh, they had 12 years to do that. Well, yes, we did. It was 12 years we could have done it and the government, for 10 years before that, could have done it and so on and so forth.

I can tell you that I personally, as a minister, when I first became a minister in 2011, a brand new minister, one of the first things that I discussed with the deputy minister was procurement, an effort on reforming purchasing, the securing of services, doing work with consultants, purchasing commodities and so on, that we needed to overhaul the *Public Tender Act* as it existed. I have a copy here with me from 1990, the *Public Tender Act*, a fairly big piece of legislation that has a fairly long number of sections here, a fairly big bill that encompasses all of the purchasing. And there are other pieces of legislation that go with them, there's a set of regulations that go with them as well and they deal with purchasing and how that business is done today.

So what it does, it lays that out in this 1990 bill. It talks about what goods and services are, and it gives a very brief explanation, it means "goods or services provided to government funded bodies ..." We know after all these years that further explanation and understanding and being cognizant of the varieties of goods and services, the value of goods and services, how they're obtained, what's actually a good and what's actually a service and so on has become much more complicated and difficult.

Under section 3 of the current act, Tenders required, it talks about, and I'll read from the current legislation: "Where a public work is to be executed under the direction of a government funded body or goods or services are to be acquired by a government funded body, the government funded body shall invite tenders for the execution or acquisition." Then the next section says, "Notwithstanding" – what I just read – "the government funded body is not required to invite tenders (a) where the estimated cost, in the case of goods or services is not more than \$10,000 ..." So basically what it says, if it's under \$10,000 for the goods or service then in cases here, as allowed by under this act, then you don't need or you're not required to invite a tender.

That's one of the differences in this legislation and what the government is proposing, because this lays out these thresholds. So "in the case of goods or services is not more than \$10,000, and in the case of a public work is not more than \$20,000, exclusive of goods and services tax ...

of the *Excise Tax Act* (Canada); (b) and where the estimated cost of the work or acquisition is not more than \$25,000, exclusive of tax ... and it appears to the head of the government funded body that in view of the nature of the work or acquisition it is not advisable to invite tenders ...."

So those types of thresholds are actually in the current act. Now, Mr. Speaker, we fully agree that the act needs to be replaced; there's no two ways about it. It does need to be replaced, it's outdated, times have changed, how acquisitions are done changed, how processes occur have changed as well. What the government has brought forward is a framework. It's a framework for how purchasing and acquisition of commodities and services and so on would take place. It actually says that right in the act, right in the bill, under section 3. It says, "The purpose of this Act is to establish a statutory framework which, through its operation, enables public bodies to achieve best value, transparency and accountability in procurement."

Mr. Speaker, no mistake about it, we all agree in the principles of best value, transparency and accountability. There's no two ways about that; we all agree that. I'm sure every Member in the House agrees with that. I'm sure everyone in the province agrees the government should be focused on best value. Under current legislation it's based on lowest price, not on best value. So there are times when lowest price is not best. There have been some examples given here today about photocopiers as an example.

I know through my lifetime dealing with vehicles as an example, you go to tender to buy five vehicles – you know what I'm talking about, Mr. Speaker – or to meet a certain standard and certain requirement. A tender goes out and says it needs to have this size, this much legroom and this much horsepower. It has to have four doors and a back seat and so much trunk room and so on. Most of the car manufacturers meet those specifications. The specifications on the tender would be written to meet the needs and to allow for a broad base of submissions from different manufacturers.

The lowest bidder receives the bid. They purchase, say, five vehicles if that was the case. Over the next six or eight or 10 months there are

numerous troubles, difficulties, breakdowns; a high level of maintenance required because of maintenance requirements under warranties and so on. When you compare what would have been the case if you spent a little bit more money to buy a different vehicle which required less maintenance, had less breakdown and less cost associated to the operations of it that would have been better value. That hasn't been allowed for under the current *Public Tender Act* and that should change. We fully agree with that.

So what's changed here is a number of things to address those. In the very act that's before the House today there are a number of definitions and they've changed it. I read you a very simplistic definition under the previous piece of legislation, the previous *Public Tender Act*, which said: "'goods or services' means goods or services provided to government funded bodies ...." Now we have a much expanded definition.

We have a definition for goods which means "goods, chattels, material, personal property, movable property and other physical objects of every kind, including items required to be manufactured or on which a labour or skill is required to be expended before, upon or after delivery to a public body ...." It talks about commodities: "'commodities' means goods, services, public works and lease of space ...."

It talks about, under a number of sections, a number of definitions here. Best value is defined right underneath the Definitions section: "'best value' includes the best balance of cost, quality, performance and support, as achieved through a transparent, efficient and competitive procurement process using clear and fair evaluation and selection criteria ...."

When someone reads that – and I talked to someone who was at the briefing the other day. I talked to a couple of people, actually, who have had briefings on this over the last couple of months by the current government. They say when you hear about best value I'm sure that makes people excited. It makes them feel good.

I felt good about it when I read it. When I read about best value I felt good about it because everybody wants to make sure what best value is. As I said, it includes the best balance of cost and quality and performance and support. I just

gave you the example of where best value didn't exist under the old act. To get that best value of cost, quality, performance and support it should be done and achieved through a transparent, efficient and competitive procurement process using clear, fair and evaluation selection criteria. No two ways about it.

One of the challenges that has been expressed and discussed by Members on this side of the House – we're not hearing from that many Members on that side of the House. They're not speaking to it today; it is only Members on this side of the House who have spoken. I know the minister is going to close debate and I know he's over there listening carefully. I'm sure that he will take his – I think he has 20 minutes to close debate.

**AN HON. MEMBER:** Can't hear.

**MR. P. DAVIS:** It is a job to hear him, yeah.

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

The Chair is having an awful time trying to hear the hon. Member speak. I'd ask for full co-operation.

Thank you.

**MR. P. DAVIS:** Thank you very much, Mr. Speaker.

I know the minister is going to close debate. Maybe he'll address some of the concerns he's heard throughout this debate on this bill from Members on this side of the House. Or I expect he is going to close debate. I shouldn't presume I suppose. That wouldn't be right or respectful. I apologize if I'm taking it for granted, but at some point in time we are going to close debate. I'm not sure if it will be today or not.

That's what best value is about and we want that. We also want to know that there's a process. But the bill has come to the House here and what we as parliamentarians, we as Members of the House of Assembly who are elected to come here to make these decisions, have been asked to do is to make a decision if we have to approve or not approve the bill. As I said, when we look at the intent of it, if we look at the purpose of the bill, when you look at



where it says: “The purpose of this Act is to establish a statutory framework which, through its operation, enables public bodies to achieve best value, transparency and accountability in procurement,” we agree. We agree with achieving best value and transparency and accountability. This is the framework but it’s not the details, Mr. Speaker.

So when we’re being asked to approve it, we have questions about how are you going to achieve the goals that you’ve set out in your purpose? How are you going to achieve best value, transparency and accountability in procurement? Well, we don’t know. They’re asking us to support a bill in which accountability is a factor, yet we don’t know what that accountability is going to be. I talked yesterday on a private Member’s resolution about trust. They’re asking us again today, through this bill, to trust them, Mr. Speaker.

So we want to get best value and I’ve gone over what that means. It talks about what a bid is: “‘bid’ means an offer from a supplier, submitted in response to a call for bids, to supply commodities” so people can enter a bid. And it describes commodities which I think I’ve spoken to already. It means “goods, services, public works and lease of space ....”

It defines what a contractor is, which is a supplier that has been awarded a contract. Electronic notification system; it’s very unlikely we would have found that in a piece of legislation from 1990 when electronic notification systems were far, far away; a thing that happens today in modern technology today. It’s been a wonderful thing in transition for governments, but you wouldn’t have seen that back in 1990.

“‘Framework’ means the sum of this Act and its regulations, and the policies that govern procurement of commodities ....” That’s an interesting one, Mr. Speaker, because it actually says the framework also includes the regulations. Under section 3 it says that this is the framework, but we’re being asked to vote on this without seeing what the regulations are.

I know there have been lots of times in the history of this House, many, many times, when bills have come to the House and the regulations

weren’t attached. But it’s not many times that a bill comes to the House which will control, on an annual basis, \$4 billion in procurement. Not many times, maybe never before did a bill come to the House that will allow for the annual procurement, the use of taxpayers’ dollars, at a level of \$4 billion. Part of that framework is the regulations. It says so right in the bill. It’s not included with the information provided to Members here before they vote on this.

It talks about group purchasing which I believe is a good thing. That’s simply the securing or “purchasing of commodities by two or more public bodies” and they do it jointly. Group purchasing happens today, Mr. Speaker. In my time when I was a municipal councillor, there were times when councils would talk to each other. They might want to buy a new pickup truck, it could be a wheelbarrow, or it could be a snowplow with a full wing, sand and salt spreader and so on. Municipalities say let’s go to suppliers together. Instead of me buying one – I buy one, you buy one – someone else might want to buy two and you’ll get a better value.

We saw that in government during the time that I was there with SMART boards. I toured the new Octagon Pond elementary school in Paradise this past week and very quickly noticed the technology that exists in classrooms today. We know that if you buy a large quantity of SMART boards – we experienced that when I was in government – you get a much better price than if you went out and bought one or two or five. You get a much better price by buying in bulk.

Computers are the same way. When you purchase computers for government – which there must be tens of thousands of computers in government – they’re purchased in bulk. Government, and through OCIO, the Office of the Chief Information Officer, will go out and may attempt to purchase, it could be hundreds or several hundred or it could be a thousand computers, a laptop for a certain specification, or tablets or whatever it is they’re securing, or whatever the electronic need is at the time. Group purchasing or bulk purchasing creates a better value, there’s no two ways about it.

Mr. Speaker, the next section under Definitions is very interesting. What the government has

done here is they have a definition for head of a public body. Under section “2(j) ‘head of a public body’ means (i) in the case of a department, the deputy minister ....” So the deputy minister is the senior employee, senior staff person, the senior person paid to manage and be the executive and operator. The senior staff person in a department is the deputy minister.

The next part under the next section says the “‘head of a public body’ means (ii) in the case of a public body referred to in subparagraph (q)(iv) ....” and subparagraph (q)(iv) refers to the *Municipalities Act*, the local service district under the *Municipalities Act*, the City of Mount Pearl, the *City of St. John’s Act* or the City of Corner Brook.

Under a case where a public body is a municipality, it could be a small town in a rural part of our province; it could be a larger town or one of the cities or in the case of a local service district. So in those cases it’s the council who’s responsible. In a department where you have a highly qualified and very capable deputy minister – so it’s not the elected minister who’s responsible, it’s actually the deputy minister who’s responsible. But in the case of a council, it’s the council or local service district committee themselves that are responsible. In government, the equivalent would probably be the minister or Cabinet, but in a council it’s the councillors.

Under our rules in Newfoundland and Labrador, all councils have clerks. Some of them have part-time clerks; some of them have full-time clerks. Some have town managers or CAOs or CEOs as well, but they all have clerks. Instead of having the deputy minister as the senior staff person who is responsible, and then the senior staff person who could be the clerk or the CAO for a council, they’ve actually made the elected councillor responsible, or the elected or volunteer local service district committee members who are responsible.

Then in the case of other public bodies, which can include corporations and the like, which I’ll get to shortly, the person responsible for the administration of the public body. So it’s not the volunteer board of directors, which would be similar to a council or similar to a council or a

local service district or a group of people who volunteer to direct the operations, it is actually the administrator.

To me, there seems to be a little bit of an inconsistency there. You don’t have the minister and the council and the board of directors, you have the deputy minister, the council and the administrator, the person responsible for the administration of the public body. So there seems to be an inconsistency there. I’m sure the minister may refer to that, or when we get in committee we’ll have a time to have a question on it or talk about it.

“(k) ‘Joint purchasing agreement’ means an agreement entered into by the province and one or more other governments to provide for joint acquisition of commodities ....” It’s similar to what I already explained, but in a larger level from the province’s level.

Lease of space is covered there. Minister, of course, is the minister under the Executive Council who is there to administer this Act. Open calls for bids means a publicly-advertised invitation to a supplier.

Then procurement is actually defined as well, “... means the acquisition of commodities or professional services by public bodies by any means, including by purchase, rental or lease ....” Procurement really is a very broad definition of what procurement means.

Then there is “(p) ‘professional services’ means the following services required by a public body: (i) legal services, and (ii) financial services relating to the provision of credit and instruments of monetary policy ....”

Then it defines a public body. I should flip over to services for a minute while I do that one because professional services meaning “(i) legal services, and (ii) financial services relating to the provision of credit and instruments of monetary policy ....” There is a definition of a service as well.

Professional services, then there is a service. The service says “(i) all services incidental to the supply of goods including the provision of transportation of all kinds, (ii) printing and reproduction services ....” I know people in the

printing business who might say well I'm a professional service as well, but they're not listed as a professional service. They are only a service.

“(iii) Accounting, land surveying and voice telephone services,” – is a service – “(iv) engineering services, (v) architectural services, (vi) banking services not captured by” the one over here in professional services, and “(vii) insurance services ....”

So there are a number of services that are included under the act, but they're not professional services. I'm not sure why there's a designation on both, but the minister can speak to that.

“‘Public body means’ (i) a department of the government of the province, or in the case where procurement is on behalf of a department of the government of the province by the agency, the agency, (ii) a corporation in which not less than 90 % of the issued common shares are owned by the Crown ....”

I said a little bit earlier, when I was talking about what a head of a public body means, that I would get to what a public body is, and this is it, a corporation which is not less than 90 per cent owned by the Crown.

“(iii) A corporation established by an Act under which the corporation is made an agent of the Crown, (iv) a municipality or local service district” as I've already referenced; so municipalities, local service districts, and the cities under each of their individual acts. Because each city has its own act, but municipalities come under one umbrella act.

A school board, an agency or authority of the province, a regional health authority, a board, commission, corporation, Royal commission or other body designated by the LGIC – Lieutenant Governor in Council.

Public work, a definition of a public work “means the construction, re-construction, extension, enlargement, repair, maintenance, improvement and demolition of real property, including improvements to leased property ....” So public work really covers everything that most of us would reasonably expect to be under

a public work – I would, anyway. I can't speak for most of us, but I can speak for me.

And “‘real property’ means land, buildings, structures, improvements and fixtures erected or placed upon, in, over or under land or affixed to land, and includes an interest in any of them.”

Services here, I already mentioned that one. And then also supplier; and supplier is “an individual, partnership, corporation, joint venture or other form of business organization engaged in the lawful supply of commodities.” I talked earlier, there's a definition for contractor and there's also a definition for supplier.

So that's all the definitions in the act. I've referenced the purpose a couple of times. The purpose being “to establish a statutory framework which, through its operation, enables public bodies to achieve best value, transparency and accountability ....”

The next part of that section, that's section 3 on purpose; 3(2) says, “For the purpose of the efficient, effective and ethical procurement required by public bodies to carry out their mandates, public bodies shall (a) promote the integrity and fairness of, and public confidence in, procurement ....”

When I read that, Mr. Speaker, I kind of thought, well, they shall promote it. I don't know if maybe a more proper way to do it would be to ensure that the public bodies – to carry out their mandate, public bodies shall ensure the integrity of fairness and public confidence, not promote it.

It also says, “(b) foster and encourage participation in procurement by suppliers ....” So that's a good thing to do to encourage and look for a broader variety of suppliers. It brings better value. We all know that in our society, competition, we believe – except for those on the shorter end of the competition scale, but we know competition is good. It drives prices down. It creates better value. It causes people to work harder to create a better product, a better service at a better price. Competition is good for that. So this encourages participation by suppliers – foster and encourage.

“(c) Promote competition among suppliers in procurement” – which is good – “(d) provide for the fair and equitable treatment of all suppliers and contractors ....” That’s a good thing to do. Then it also says in “(e) promote making information on procurement publicly available.”

Again, it’s the word promote that strikes me as kind of interesting because you could have said: promote, identify means of making information on procurement publicly available. It could say: ensure information on procurement is publicly available. They could have used a number of descriptors there but they used “promote” – which to me seems a little bit soft – “making information on procurement publicly available; and (f) value diversity in procurement.” So the public body shall value diversity in procurement. I fully support that as well.

There are a number of very interesting comments and statements here. I’m going to flip over to section 6 which deals with procurement because this is an interesting one. The current *Public Tender Act*, the 1990 act, does lay out thresholds of when the rules apply and gives some identification through regulation of how they will apply.

What we have before us today doesn’t tell us when this act applies and how it will be applied. That’s probably the highest level of fundamental concern that I have with this bill is that it’s not clear when it applies. That’s going to be in regulation which I’m going to get to in a few minutes.

For those who are watching and say: Why does he keep talking about regulation? This is a bill. The bill becomes an act and the act becomes law, but the bill allows for the government to make regulations. In 17 areas it allows Cabinet to make those rules. In three areas, it allows for the minister to make those rules. So that’s a problem because we don’t know what those rules are going to be. We don’t know what the thresholds are going to be.

Thresholds, like in the current act which I referenced a little bit earlier in my comments this afternoon, talk about, “where the estimated cost, in the case of goods or services is not more than \$10,000, and in the case of a public work is not more than \$20,000” and so on.

Now, the minister and the department went out and did a number of presentations. We know they talked to some stakeholders. They got a variety of views because some of them have expressed concern to me personally, have spoken to me about some of their concerns. Some of them have talked about thresholds as a concern as well.

The problem with thresholds is that it was included in the handout that was presented to us and presented to others and to people in the public, so it leaves people with the idea that this is absolutely what those thresholds are going to be. But we don’t know that, Mr. Speaker. We don’t know that. We don’t know what the thresholds are going to be.

I asked the minister in Question Period today if he’ll provide the regulations and the details because the important part is what is in the details. He didn’t agree to that, but he did take some time to talk about how we never brought forward a bill. I wouldn’t have brought this forward myself. I wouldn’t have done that because it didn’t conclude and deal with the issues that the current *Public Tender Act* presents.

The current *Public Tender Act* causes many concerns. When I was minister I never reached a point – yes, I first went in, in the fall of 2011 and 2012, and it was on my plate. I had discussions about it throughout my time as a minister and also as premier as well. We continued to identify concerns and challenges.

I will give you one, Mr. Speaker. I know depending on how you change the thresholds, the process and the rules – and I’ll use this example. You take a small rural town. All Members represent communities and have mayors and councils. Many of the Members opposite have very small councils who will have quite often, quite frequently a local supplier to clean their town halls. It may be a local supplier who cleans a local health clinic or a government office. Maybe the department of advanced education and skills that has a local office, maybe Housing has a local office. Quite often, small local business operators provide those services.

Depending how you change the thresholds and depending how you change the rules of procurement – and remember here bulk buying and bulk contracts, bulk services, joint initiatives is contained in the bill to get best value. But if you go out and say I'm going to take the fire hall, the town hall and the three government offices in this town and go down the road and say their town hall and three more government and we're going to tender all that together. Well, maybe now it could have set up a circumstance where that local supplier, the only business and work they do and source of income they have says I'm not capable of doing all that work. That's too big for me; I can't bid on that tender.

That's a concern and it may not need to be a concern. But the problem, Mr. Speaker, is that we don't know what the details are. We don't know how the government, the Cabinet under – and Cabinet works, there's a level of confidentiality. That's the way our democratic society works and I have no problem with that, but it's the Cabinet that can make those decisions, issue the regulations and announce them without any input from Members in the House of Assembly except those that happen to be Cabinet ministers. And that's a problem.

I spoke to a person who works in what will now be defined as a service, and I said service includes printing and reproduction, accounting, land surveying, engineering, architectural services, banking services and not to mention any other professional services, insurance and so on. I spoke to someone in services who said, well, government does a fair bit of work in the consulting area where this particular person worked and said right now they're not included under the act. If you include them under the act, then they get probably – they put in submissions and so on when they do bids and so on. This person estimated that maybe 20 to 30 per cent of the bids that they put in to get work they're successful in getting the work.

So it's a fair bit of work for architects and engineers and so on to submit bids for work. So if there's a project that is a \$60,000 or \$70,000 project, you want an engineering consultant you've got to hire an engineering consultant. Now you'd have to go to a bidding process. They have to submit a submission to be competitive and bid on it. And they're telling me

that maybe 20 to 30 per cent of the time they'll be successful.

Now they're going to have to do a lot more bidding. So who's going to absorb the cost of all of those unsuccessful bids? If 70 to 80 per cent of the time they're not successful in those bids, but they're bearing the cost of developing and writing those bids, then somewhere, somehow that cost has to be covered off. What this person, gentleman I spoke to, suggested was that if we have to do all these bidding, somehow these additional costs are going to have to be absorbed, and when they're absorbed that means someone is going to pay the bill. If they're doing primarily publicly funded work, work that's paid for by taxpayers' dollars, then that means taxpayers are going to have pay for that additional cost.

But, Mr. Speaker, they may have all that resolved. Their processes and what they plan on doing may have all that looked after, but we don't know because the regulations are either not done or if they are done, they're not sharing them with the House of Assembly. And that's a problem.

Now, under Part I, on Procurement, it does say: "Where commodities are required by a public body, the public body shall ensure that procurement is conducted and the commodities are acquired in accordance with the framework." It doesn't say the act; it says the framework because the framework includes the regulations. That's where the rules are going to be.

"Notwithstanding section 6," – which I just read – "the Lieutenant-Governor in Council" – which is the Cabinet – "may exempt procurement from the requirements of this Act where it is in the best interest of the economic development of the province." I get that. I believe the last act had a similar kind of statement.

Here's one: "The Treasury Board may establish a policy for the procurement of professional services by public bodies." So they may do that. But, again, professional services are a fairly small group: "(i) legal services, and (ii) financial services relating to the provision of credit and instruments of monetary policy ...." Those are the only services that are included under that section.

Further to that particular comment it says: “Where professional services are required by a public body, the public body shall ensure that procurement is conducted and the professional services are acquired in accordance with the policy referred to” by the one I just read, which is Treasury Board. So it’s very narrow; it’s just essentially financial.

Under section 9: “The chief procurement officer may require that public bodies coordinate the group purchasing of commodities or jointly purchase commodities where, in the opinion of the chief procurement officer, it is in the best interest of efficiency to do so.”

As I said, strategies have been used before but you had to be very careful how you do that, because in those small, remote communities there may be a single operator doing an office of government, a single operator doing another office of government and so on and a procurement officer in maybe two or three communities, the procurement officer may say we can save what would probably be a very small amount of money. We have to be very, very careful of that. The nuts and bolts of the rules are not in the act. It will be in regulation.

Mr. Speaker, let me get to that. I’ve talked about that so many times, let me get to what’s going to be in regulation because that’s where what’s actually going to happen is going to be placed. We’re putting a lot of faith in Cabinet and the minister to make these rules when we know it impacts \$4 billion of taxpayers’ money every single year – \$4 billion.

Section 28 says: “The Lieutenant-Governor in Council may make regulations ....” The Lieutenant Governor in Council is Cabinet. That’s elected Members of the government side of the House who form the Cabinet and run the government. So the Cabinet may make regulations, not the House, the Cabinet, “(a) respecting the manner in which public bodies procure commodities ....” There it is, the very first one: “respecting the manner in which public bodies procure commodities ....” We don’t know what that is, Mr. Speaker. We don’t know what that manner is going to be.

“(b) Respecting when an open call for bids is not required respecting the procurement of

commodities ....” The Cabinet can establish a set of guidelines of when an open call is not required without bringing that to the House or without the House knowing it.

“(c) Respecting alternative procurement approaches for the procurement of commodities; (d) respecting the manner in which public bodies shall maintain records respecting procurement of commodities” – that will be under regulation – “(e) respecting when annual procurement plans shall be required from public bodies, and the form and content of those plans; (f) respecting the manner in which bids are to be evaluated; (g) respecting the manner in which contracts are to be awarded; (h) establishing the processes to be followed for the submitting and treatment of supplier complaints; (i) respecting supplier performance; (j) establishing monetary amounts at which an open call for bids is required ....”

Thresholds are in the current legislation, Mr. Speaker. They’ve done a handout suggesting what could be the thresholds, but there seems to be some concern across the way from Members opposite, when they determined that we were provided with the thresholds that were shared with some stakeholder groups and so on, but I could suggest it’s still a Cabinet decision to make. I don’t think the minister could stand here and say they will be the thresholds because it’s not his decision to make. It will be Cabinet’s decision to make.

“(k) Establishing monetary amounts below which there is no requirement to issue an open call for bids; (l) governing the form and content of the electronic notification system; (m) defining the scope, content and limits of policies respecting the procurement of commodities that may be established by the chief procurement officer; (n) defining the information about procurement activities that shall be published ....”

This is an important one too, Mr. Speaker, because we have a piece of legislation on the books – everyone in the province is well aware of the access to information legislation. Our government did a tremendous amount of work on open government and proactive disclosures and releases. This legislation says that Cabinet will define the information about procurement activities that shall be published. So this is

taking that away from the open-government initiatives we had created – proactive disclosures and access to information – and allowing Cabinet to define the information about procurement activities that shall be published.

The next one is “(o) establishing time periods for the required publication of information ....” Again, putting those rules under what – we don’t know what it’s going to be because it’s going to be done in regulations established by the Cabinet. “(p) Defining a word or phrase not defined in this Act ....” The last one says, “(q) generally, to give effect to this Act.”

Mr. Speaker, that’s about 17 areas of operations of procurement that are not contained in this legislation that have not been provided. Even if the minister stood and said here’s what the thresholds will be, we’ve already decided, but we’re not going to release the regulations until the act is done, then it would have given us a bit more. I would say that if he has the regulations done, he should have shared them with the public and shared them with us.

If he doesn’t have the regulations done in a manner where you’re going to carry out \$4 billion of activity – \$4 billion with a B of activity – you might run into a problem when you’re doing your regulations where you might come back and say, I’m going to amend the act now because when we’re creating regulations to fit \$4 billion worth of activity we found an area where we have to change the act. Maybe the regulations are already done. I don’t expect them to tell us that, if they are or if they’re not. But they could have supplied them and made it quite easier for everyone to support the bill and the regulations.

Section 29 says the minister may make regulations. So not only can the Cabinet make regulations but the minister can make regulations as well. “The minister may make regulations respecting (a) the terms of reference for the Procurement Advisory Council; (b) the composition of the Procurement Advisory Council; and (c) the duties of the Procurement Advisory Council.” The minister can do that.

So we have two sets of regulations or two categories of regulations that say one is for the Cabinet to make and one the minister has control

over. That’s not unusual in legislation. There is lots of legislation around where you have one or the other; you have Cabinet to do certain regulations or you have the minister that can do certain regulations. There are 20 areas that this act allows for the making of regulations. The whole point of it – and I go back to my \$4 billion worth of services is significant. It’s a significant amount of coin I say, Mr. Speaker. A significant amount of taxpayers’ dollars is \$4 billion.

I remember speaking to people who are in the printing business. One of the problems the current act has is defining what is a good and what is a service. Some believe that when you acquire printing services, then that’s a service you’re providing, but the service provides to you a good, a book, a publication, pamphlets, printed matter or whatever. Some debate has happened over the years. So is that actually a good? Is that a commodity? Is that an item you’re purchasing that’s produced and so on, manufactured locally in Newfoundland and Labrador or in other provinces or is it a service?

I think government actually still calls what they – in-house printing that government has right here in the Confederation Building right below us in this wing of the Confederation Building is Printing Services, but the service provides a good. I raise that because in talking to and the many groups and organizations I talked to when we were trying to find a bill that was going to work for the province and give best value, which we’d done a lot of work on and hadn’t completed, but Printing Services said, well, here’s one of the problems that they had. The threshold for not requiring bids in Newfoundland and Labrador is at one level, but where they did require bids was fairly low compared to other provinces.

So they told me the case that was developing at the time, a couple of years ago now, it was developing at the time, that a printing company in New Brunswick was now bidding on printing services in Newfoundland and Labrador. And because of the way they were set up, they were able to provide a good service and a good cost of that service and do it fast and quickly and so on because they had bulk power.

The larger sometimes you are, the more efficient you can operate, the better value you can achieve – economies of scale. They were able to underbid Newfoundland and Labrador companies to get that printing service. So a company in New Brunswick, another province, would underbid quite often Newfoundland and Labrador companies, and it was cheaper for them to produce in New Brunswick and ship it down – you've got to ship the paper in anyway. So if you're going to have the words and the images on the paper or going to send it in blank, you've still got to ship it here; you've still got to ship the paper to our province.

They were able to print it at less cost and ship it here. The problem was, Mr. Speaker, is that when Newfoundland companies bid on work in New Brunswick, the thresholds didn't allow it. Because the thresholds in New Brunswick were higher, then those \$20,000, \$30,000 jobs, all the local companies in New Brunswick were getting them because of their bidding rules.

So the rules worked in the benefit of New Brunswick companies coming here to do work, but it worked against Newfoundland and Labrador companies wanting to go to New Brunswick. So we were working to fix that, make sure that part of what we were going to do was to try and fix that. The problem we ran into is that when you fixed one circumstance to benefit Newfoundland and Labrador companies, sometimes you created a deficit or a negative impact to other Newfoundland and Labrador companies.

That was some of the problems that we were working through. That's an example of the problems that we were working through to try and find not only best value of purchasing for government, because it goes way beyond that, but you have to think about the impact on the economy. You have to think about the impact on local jobs, on families, the social impacts that the bill or the regulation could have.

We were working through that and we are still working through that. What the government has done is those challenges that we are working through, they've taken it out of the bill and put it to regulation and they're not providing the regulation. We don't know what those

regulations are going to be or what the government intends for those regulations.

That's why I asked the minister today in Question Period if he would provide them. He didn't say yes. He talked about oh; we had 12 years to do it. I suppose I should say they had 10 years before that to do it but I'm not going to do that. What they've done is brought in a framework.

I could tell you, Mr. Speaker, I would have been much happier if they waited another six months or 12 months and waited until they had the regulations done, had some of the policies developed, could say to people this is what the thresholds are going to be. Instead of saying trust me, they could have said: Here's what the thresholds are going to be. These are absolutely going to them. The decisions are made, they're done. Cabinet has decided that's what the thresholds are going to be. But we're not there now; we're just not there at this point in time. So government is asking us to take a leap of faith in trusting that their regulations are going to do what's right for people and business and they want us to trust them.

Yesterday here during the private Member's resolution I referenced the concerns that people have about trust. I referenced the most recent polls that show a very high level of Newfoundlanders and Labradorians have a problem with trust with the current government. I know the polls go up and down. I'd never hang my hat on polls but we do know they're indicators. The polls indicate they don't have trust.

So the problem we have is that we're elected as individual MHAs and we have formed the Official Opposition. As forming the Official Opposition we've still taken on a very serious and very important responsibility for Newfoundlanders and Labradorians, and that is to come to the Legislature, to come to the House and to pour through the bills that the government brings to the House of Assembly and make a determination are they good for Newfoundland and Labrador, should we support them? Are they good for Newfoundland and Labrador or are they not.



In the last two weeks – this is our last day sitting this week – we’ve had lots of examples where we’ve stood on this side of the House and said: Good for you. In Question Period today, my colleague for Mount Pearl North, on several occasions, turned to the Minister of Health and said: Good for you. I’m glad to hear that, I’m glad you’re doing that.

It’s not about us just standing here saying you’re wrong, it’s bad government. That’s not what it’s about. We had bills in the House in the last week where we’ve talked about that’s a good bill, we like that. I like the concept of this one. I do. I like the merit. I like the concept of this one. I do. The purpose of it is very important. I like that, but I’d like to know more about it as well, Mr. Speaker.

But knowing that we have 20 areas of regulation, that we are not privy to the details because they will be done by Cabinet at some time in the future – unless they’re done already and they’re not telling us. We’ve seen cases where that type of activity has happened with this government in the past. They’re asking us to trust them. That’s what they’re asking us to do. They’re asking us to trust them. There is a trust problem in Newfoundland and Labrador today with this government.

They’re going to be allowed to make regulations about the thresholds. There are two sections here, one is: “(j) establishing monetary amounts at which an open call for bids is required” – and it also says – “(k) establishing monetary amounts below which there is no requirement to issue an open call for bids.” It’s probably going to be the same number. You’re required to have bids above the number and you’re not required below the number.

Thresholds are so important. I use the example of rural Newfoundland and Labrador; small business. Husband and wife may have been running a cleaning business for years. I know a husband and wife who run their small cleaning business. Good people and they work really, really hard. They depend on their clients in order to feed their family, to feed themselves, to live and to contribute to the economy. They do a good job of it. They’re good people.

In rural Newfoundland and Labrador there may not be a lot of options in these small communities if this act is going to impact that small operator and take away their job, and bring in one of the larger companies who can say: I’m going to come in now with one person, I’m going to drive to these two communities overnight. We’ll start at 5 p.m. and have them all done by 8 tomorrow morning and through the coastline, we’re going to do all these businesses.

Yes, that’s going to save money for government on the contract, but it’s going to cost government more because you may put six or eight small companies, the husband and wife, the parent and child, the neighbours, the family members, the two friends: you may put several of them out of business along the way. If they don’t have an income, now they’re not contributing to the economy and government is going to have to pay for that. So is the cost really going to be better if that’s what happens?

We don’t know if that could happen. We don’t know if that’s a possibility because we’re not provided with the details. This bill does not provide us with the details of how that’s going to operate. I’ve asked as nice as I can for some of the details. All I got thrown back at me was: Oh, you guys over there, you had 12 years in government to do it; you didn’t do it.

Well, I wouldn’t have done this and that’s exactly what happened to us. We spent an enormous amount of time moving procurement through all these processes, but we weren’t willing to take chances with people’s lives. We weren’t willing to take chances with \$4 billion of taxpayers’ money. We weren’t willing to jeopardize or threaten communities, large business or industries – as I talked about printing. Imagine if we changed the thresholds here and somehow a nuance occurred that government didn’t foresee, and you now have much more of those companies in Atlantic Canada, Nova Scotia, New Brunswick, or PEI or wherever coming in here, doing work and someone else shuts down and leaves.

Well, that’s not good for our province. We need the jobs here; we need to protect them here. I’m sure their intention is to do that, Mr. Speaker. I don’t think for a minute that the minister or Members opposite had any intention of causing

harm to our economy or the people. I'm sure they don't have any intention to do that, but I do know from my own experience of being a minister that this is a very tangley piece of legislation. This is a complicated business; \$4 billion worth of services, \$4 billion worth of procurement and it's a very tangley piece of business. It's important to get it right. I wasn't satisfied that we were getting it right and we shouldn't rush it through just to say we did it.

One of the people I spoke to in the last couple of days said: I kind of get the feeling – that's exactly what he said – they're rushing this through so they can say we did it; you wouldn't do it and we did. Well, we've heard that already here in the House; you wouldn't do it and we did it.

As a matter of fact, during the briefing with the media one of the reporters asked the minister about it. He said you'd better ask – and he named me by name – him; he was the minister over there, he was the premier and he didn't do it. I didn't do it because I wasn't comfortable and satisfied where we had landed on the legislation because \$4 billion impacts a lot of people. Mr. Speaker, it impacts a lot of people, a lot of businesses and communities all over our province. And there were so many diversities within what's happening within procurement and should be within procurement, you have to walk very, very softly.

Now I'm going to suggest unless they have the regulations all done it's quite likely going to be some time before we see advancement on this bill. I assume Members opposite in the government are going to vote for it and then the bill will pass at some point in time over the next few days in the fall sitting here. But I'm going to go way out on a limb and say it's going to be quite some time – unless they've already got the regulations done and wouldn't share them, wouldn't bring them to us, wouldn't let people be able to assess it, wouldn't allow industry and stakeholders to analyze it and so on, unless they already got it done. Then it's going to take them a long time to do it.

There was a lot of work done during my time on the other side of the House, and there was a lot of work done on it and there was a lot more than just a framework done; there was a lot deeper

than that done. But we weren't there yet. Government have brought this here now – and Members opposite should think about this. If it's a small business in their own community that's impacted by this or their next-door neighbour or someone down the road, someone's going to come to them and say: Oh, did you let this happen? And their answer's going to be: Well, I didn't know.

I've seen examples. I have people calling me with examples of that already. They said; Well, I didn't know. I didn't know what was in the budget. I didn't know the budget was going to impact you like that. I didn't know. No one told me. I didn't see it; I didn't know that was going to happen.

That's what happens when you ask people to trust them. I went on a long list yesterday, Mr. Speaker, during the private Member's resolution about when government opposite, the Premier asked us as an Opposition and the people of the province to trust him. There's a pattern forming.

When they campaigned last year in the fall of 2015, Members opposite campaigned and said we're not going to raise your taxes. Trust us; we're not going to raise your taxes. Trust us, no job losses. Trust us, there are no job losses. And once the Premier is in for a few months and the budget came and there were tax increases like no one ever saw before, and they're saying, where's this coming from. They said: Well, that's what the people told us to do.

Because they went on their tour – they did it New Brunswick. It's not new for Liberal governments to do this. They did it in New Brunswick, they did a similar thing in Nova Scotia, but New Brunswick it's much like what they did. The Minister of Finance had talked in the House before how she visited – I think it was in the House, it might have been outside the House, but I know she's talked before about how she's visited New Brunswick and was learning how their House operates and so on and how they do government and how they operate. They did the same thing up there.

In New Brunswick the people of the province started calling it the blame-it-on-the-people tour, because the Liberal government up there started saying, well, we did what people told us to do.

But no one told them to do all of it, was the problem. No one told them to increase taxes and do a levy and so on. They said trust us on all of this. Last fall they said, trust us, we're not going to put up – and so they're asking us now to trust them on this bill, because the details are in the regulations, which we've not been able to get access to.

So it's difficult for us when we're being asked by government to trust, trust, trust and what seems to be one thing becomes something else. That's where we are today.

So, Mr. Speaker, I'm not sure why the urgency to get this through right away. If they haven't got the regulations done, they got the bill done, they could have brought it to the House in the spring, they could have worked all winter long to do the regulations. They could have brought the full package to the House of Assembly. They could have said to the people of the province and the industry stakeholder groups and they could have gone out to the chambers of commerce and the boards of trade and said here's what the regulations are going to look like. Instead of doing that, they brought it forward now.

We have to question why that is. Do they need the bill passed to do the regulations? No, I don't think they do. Do they already have the regulations completed? We don't know. If they do, they're not sharing it with us. If they don't have them, it's going to take them some time to do that. So it begs to question why wouldn't they have done the regulations before the bill?

The minister is going to say that happens all the time. He talked about my colleague for Mount Pearl North today. Lots of times bills come forward, the regulations follow; they're still being worked and so on. Yes, it does happen, but not on \$4 billion worth of spending. It's almost a money bill, Mr. Speaker. It's almost a money bill when you're dealing with \$4 billion worth of spending.

I'm hoping when the minister closes debate, if it be today or another day – it's probably going to be today. I hope when the minister closes debate – he's been listening to the debate today. I know he's very interested in what we all have to say about it. He's been listening to the debate throughout the afternoon. I hope he takes the

time to explain some of that, why the regulations are not available. If they're not done, why the rush in the bill; if they are done, why won't he share them.

I expect he's going to talk about 12 years of Tory rule and no bill. He's right, there wasn't, but I wasn't satisfied. When I had the say-so, I wasn't satisfied of what we were going to bring forward and I have concerns about what they've brought forward. So hopefully he'll use his time wisely to express some of that as well.

Mr. Speaker, my time is running out. I've been on my feet now for pretty much an hour talking about this. My time is pretty much running out. I want to thank you for the time. I thank all Members on this side for taking the time to debate it.

I would have liked to hear from more Members, especially rural MHAs opposite, on what their position is on this bill. I would like to hear if they had any concerns about the impacts it may have on rural Newfoundland and Labrador. If there would be any impacts in their own communities or any concerns about small business or operators about not knowing what's in the regulations.

In fairness, Mr. Speaker, there were some Members over there who spoke to it. Not as many that I would have liked to hear from. However, I'm sure when the minister closes debate today or whenever he does, that he'll provide some of those extra details because that's what we're here to do. It's not Question Period; it's a time to get details on the bill. I look forward to hearing from him.

Thank you, Mr. Speaker.

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

**MR. SPEAKER (Osborne):** If the hon. the Minister of Service NL speaks now, he will close debate.

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

**MR. SPEAKER:** The hon. the Minister of Service NL.

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

I heard the Leader of the Opposition talk about it, and I know he's here listening attentively. He said he couldn't get it right. Too bad he didn't wait for Muskrat Falls to get it right, I'll tell you that.

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

**MR. JOYCE:** If you want to start now and play politics here today with this bill. He can't wait to hear from us. We waited 12 years. He was the minister four years ago. All of a sudden he can't wait to hear from us, what we're talking about with the bill. Where was he four years ago?

Bill 1, Bill MacKenzie sat in that Clerk's chair. They said we're going to take you out of here and we're going to put you over there and do procurement. We're going to bring it in. Guess what? They never brought it in.

For them to stand over there today and play all this politics – except for the Member for Conception Bay East – Bell Island, except for him, for the two hours he spent at the MNL conference, if either one of them had the time over there from the Opposition, had to go down, they would have listened to Municipalities Newfoundland and Labrador saying bring it in, bring it in for rural Newfoundland and Labrador.

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

**MR. JOYCE:** If the Member for Conception Bay East – Bell Island had taken any time at all to go to any of the sessions, he would have heard that. So go over there now, after 12 years – four years ago the Leader of the Opposition was the minister who had this on his desk and didn't move it along, all of a sudden preaching to us: Tell us why you're failing rural Newfoundland and Labrador.

If you're concerned about rural Newfoundland and Labrador, you would have shown up at their convention. You would have sat down at the sessions. You would have listened to what they had to say, because they would have said: Thank you very much. This is what we've been asking for, for years.

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

**MR. JOYCE:** Mr. Speaker, I'll tell you what I'm going to do. I have something in front of me called the public procurement act. I'm going to read it line for line. I'll tell you why I'm going to read it line for line. I'm hoping someone is going to say table it. I'm going to table it because if they had to show up at the press conference or the technical briefing, they would have had it. That's what I'm going to do, Mr. Speaker.

I know the Opposition Member was there.

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

**MR. K. PARSONS:** A point of order, Mr. Speaker.

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

The hon. the Member for Cape St. Francis on a point of order.

**MR. K. PARSONS:** Yes, I'd like to let the minister know that I was at the briefing.

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

There is no point of order.

The hon. the Minister of Service NL.

**MR. JOYCE:** If he had to give me time, I was going to say the Opposition critic was out there. If you had to give me time. I know you're excited because you're upset with the rest of your buddies. That's fine, because for them to stand up and say they haven't gotten any information, with the Opposition critic who had the information. There's something wrong. There's a disconnect; there's an absolute disconnect. Either you didn't pass this along –

**MR. K. PARSONS:** I did.

**MR. JOYCE:** You did? Well, they didn't read it. For them to be standing up – and the Opposition critic, if I'm wrong, you just said you did pass it along.

**MR. K. PARSONS:** That's what I said.

**MR. JOYCE:** That's what he just said. So for them to stand up with this here in their hands

from the Opposition critic, who I admire, who has been a councillor, who understands this, who supports this, Mr. Speaker, who understands this, passed it along, and for them to stand up: Well, what's in the bill?

You have to show up, Mr. Speaker. I'm hoping someone is going to say table it so I can give it to every one of them over there across the floor.

Just to let know that the Member for Cape St. Francis was a councillor, and I know the Member for Cape St. Francis was a mayor. You tell me, when your leader stands up in the House of Assembly and says, I wonder what rural people – what do you think. You support this because it's going to help out towns, and he's shaking his head in agreement. He is going to support it. Do you know why? Because it's going to help out municipalities in Newfoundland and Labrador. He's shaking his head as a mayor. This is what they've been asking for.

When they stand up in this House and say \$4 billion, you have to be accountable. Do you know what you're saying over there? Do you really know what you're saying? Do you realize saying how we could waste – do you know most of this money, a lot of it, not all of it, but a fair bit of it is going to be capital works money.

So when they walk out and say you have to go to RFPs for capital works, they're accusing the towns of not being able to do their jobs. You're accusing the City of St. John's of not being able to do their job, the City of Corner Brook, Grand Falls-Windsor, all the rural towns. Mount Pearl, they can't do their job.

A lot of you this morning, it's not (inaudible). This applies to all the municipalities in Newfoundland and Labrador.

I just got to speak, and I have to stand up for this. I found two or three speakers over there, and I know the Member, I think from CBS –

**MR. PETTEN:** Conception Bay South.

**MR. JOYCE:** Conception Bay South; whatever you want to call it right now, Conception Bay South. Guess what? Dan Noseworthy walked in our office yesterday. Do you know what he did?

He shook my hand. Do you know what CBS are doing tomorrow – and this Member up trying to make a mockery of this. Do you know what they're doing tomorrow? They're putting a tender out through RFP for the contracts they have in Conception Bay South.

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

**MR. JOYCE:** And that Member there is standing up and making a mockery of it while his Town Council in CBS, Conception Bay South, is putting it out – is actually putting out an RFP. Why don't you call your town to see what they think? Obviously you never, obviously you never.

Mr. Speaker, here's the other thing I have to take great exception to. I have no problem, Mr. Speaker, anything I ever say I stand up for. Some people may like it, some people may not and some people say we got a different idea. I have no problem.

The Independent Appointments Commission, you heard three or four of them over there today challenge those individuals. It is demeaning. It is disgraceful, Mr. Speaker, to challenge those five people to say – the Member for CBS is over there laughing. Those individuals have a great reputation in Newfoundland and Labrador. There's nothing to laugh about, because you voted to have them there. You voted to have them there. So when you want to stand up in this House and try to assassinate their character because you got no confidence in them, someone got to tell them, Mr. Speaker, you voted for them.

You stood up in this House of Assembly, every one of you, and voted for this. This was unanimous in this House of Assembly. Now all of a sudden because they didn't bring a bill in for the last eight, 10 years, 12 years, number one bill, now the only thing they can criticize are the people who may appoint a chief procurement officer. The same individuals that each one of them here put their hand up and said we vote for that; we agree with those five people. And I heard them all say when they were over in the gallery: They're upstanding individuals. We make sure we know their reputation.

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

**MR. JOYCE:** What?

**AN HON. MEMBER:** (Inaudible) to shake their hand.

**MR. JOYCE:** Went over to shake their hand.

And now all of a sudden because they want to find something wrong with this bill they are going to assassinate their character, that's just absolutely disgraceful. If you're going to say something, attack the issue. I got no problem with anybody attacking the issue, because with the issue we can defend it. But with the Independent Appointments Commission everybody over there – three, for sure – said, oh we have no confidence in them; they're not going to do their job. How disgraceful is that – absolutely disgraceful. I wouldn't blame them for putting their heads down in shame, Mr. Speaker; I don't blame them.

Mr. Speaker, I've got to go on to some things the Member for Mount Pearl North said that he supports the bill, in principle. That's great. I think we all do, and the best value is very, very positive. A lot of the ceilings, if any of them had taken the time to read it, a lot of them had – it's the Atlantic procurement; we're moving up to that level. If anybody had a look at some and said: Okay, how much are you moving goods and services up? It's right in there; it's there. It's there 100 per cent. We have other agreements that we have to live by and that's what we're living by. If any of them had to show up, any of them had to ask –

(Phone ringing.)

**MR. JOYCE:** That's probably more people calling me and supporting this bill, Mr. Speaker, (inaudible).

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

**MR. JOYCE:** There's so much support for this bill, Mr. Speaker, I'm getting calls every day, I'm getting emails – there's another one right there calling and supporting this bill.

Mr. Speaker, the ranges that we're putting up, they're Atlantic ranges; it's in there. It's right there. Look at the red tape – and I know the Member for Mount Pearl North was talking

about the red tape. Mr. Speaker, someone should know that if you got a town – I'll use Cape St. Francis again. The Member for Cape St. Francis, if you had to send in every time you had to put in a tender for a smaller job, by the time you put the tender out, the time you filled the tender out, by the time you get it in, by the time you get it approved, we increased that threshold so you don't have to do that. Now you go with three quotes. The Member for Mount Pearl North was talking about red tape. This is a great opportunity to reduce red tape – a very great opportunity.

Mr. Speaker, he was speaking about the burden on buyers. I have to say, and I'm not sure if they realize it or not, once this bill is approved in this House of Assembly, part of the process is to have an education process for all the buyers. Here's what we're going to do. Then the other big part they're saying is: How do you know what's going to happen? How do we know? Again, if someone had taken the time just to read it – and I'll answer any questions. If I haven't got the answers, I'll get the answers. There may be some technical stuff, maybe some small stuff. I may not have it all. I have most of it, I can assure you that.

Mr. Speaker, guess what? Every RFP that's awarded in Newfoundland and Labrador will be posted online. There will be a setup that anybody can see. The Member for CBS is even nodding in agreement on that. That's a great move, Mr. Speaker.

Just remember this now, less burden. It's a lot less burden on municipalities when they know if they have a waterline broke – this is a big thing for municipalities, and over here we have a lot of people who are involved with the council. If you have a waterline break, the threshold is moved up for you to get three quotes. When they're talking about: How's it going to help rural Newfoundland and Labrador? That's a prime example: for goods and services in Newfoundland and Labrador. It's prime example. It's going to speed it up. It's going to cut red tape and it's going to ensure the job is done in a timely manner.

Even the Member for Mount Pearl North, I have to give him credit, he even said himself here today. He understands that once it's approved in

the House, regulations are brought in later. So he should just walk across two steps, speak to the Leader of the Opposition and say here's how it works. Obviously, the Leader of the Opposition does not understand it.

The Member for Mount Pearl North stood in his seat today – and I made a note – he admitted, regulations are brought in after. He admitted it. So can you just walk across and just tell your leader how the process works? Because he had it on his desk since 2012 and he didn't do anything with it. I don't blame him for not knowing anything about it because he did nothing with it, Mr. Speaker.

The Member for Mount Pearl North was attacking the IEC. You shouldn't do it. If you really feel those people should not be on the IEC, here's what I'll do – people know in this House of Assembly; we're all protected. I can say what I like in this House of Assembly and don't have to be accountable. If you all feel that those members of the IAC out there got something wrong or are doing something wrong, walk outside those doors and say it.

Clyde Wells, Shannie Duff, Derek Young, Zita Cobb, Philip Earle – let me tell you, I don't know if any of you know Clyde Wells like I do. You think about Clyde Wells or Derek Young, a well-established businessman in Corner Brook, or Shannie Duff. You let them send up four or five names and for us not to pick the names they send up.

I challenge anybody over there, go to Clyde Wells, go to Shannie Duff, go to Derek Young and say, by the way, we got three names from you, the best three out of 30 or 40; we're not going to pick one of them. I challenge anybody. I tell you there's no one in this House who has guts to do it because the next thing they know they'll have to go get another five members.

I can tell you one thing, as much as I know Clyde Wells, if he picked out of 30 names two or three names and we said, no, we don't want those two or three names, we're going to need another five for the committee the next day – and I don't blame him. That's the integrity they have.

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

**MR. JOYCE:** So for the Members opposite right now to attack them because they can't attack the legislation is absolutely shameful. There's the outside of the Legislature, attack us and tell us why. Say it publicly instead of in here where you're protected, Mr. Speaker.

The other thing we're talking about is exemptions, no more exemptions. Are they serious? Mr. Speaker, they have to read it. In the previous public tendering there were two ever done: one was when they built this cable across, when Trevor Taylor had to put some tape around it to keep it going if it ever broke again; and the other one is building a shipyard. They're saying it's strengthened now. The bill strengthens that part for regional economic activity. It strengthens it for rural Newfoundland and Labrador. It strengthens it for our province. So I can't just stand here and let them say there's nothing there if there's exemption for rural Newfoundland and Labrador or for Newfoundland. It's just absolutely not true, Mr. Speaker.

I spoke earlier about when they were saying, well, how is everybody going to know what to do. There will be an education process, both for municipalities, for people who want to apply for RFPs. Under the past government every RFP had to be approved by Cabinet – every one. Anybody who wants an RFP now has to be approved by council. Now there's going to be an education process so that people can learn how to supply it.

Mr. Speaker, the rule of thumb with RFPs is that the more information you can put in your RFPs, the less likely there's going to be a challenge. So our idea is to put as much information out so when people fill out the RFPs – and I'll give you another good example for rural Newfoundland and Labrador. Then I'll sit down because I'll have lots of time during Committee.

I'll give you another example in the bill, for anybody over there to say there's nothing in this bill that protects rural Newfoundland and Labrador. How many councillors in this hon. House had the opportunity of sitting on a council, watching someone do snow clearing, not doing his job properly, fighting with him all the time, on his back all the time. Next September, the same person puts a bid in and

there's nothing you can do. Under this act, bad behaviour is not rewarded. You can exempt people with bad behaviour, Mr. Speaker, to ensure you're getting the best value for the money, not the lowest cost.

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

**MR. JOYCE:** That's a big thing for rural Newfoundland and Labrador.

Mr. Speaker, I'll sit down because I know we'll have lots of time in debate.

**AN HON. MEMBER:** Take your time.

**MR. JOYCE:** No, no, but I definitely can't let some of the things they were saying. I see the Member for CBS rubbing his hands. I know. Mr. Speaker, I'll tell you why. He sees this document. What I'm going to do on Monday is I'm going to table this document because, obviously, the Member for Cape St. Francis who has it, he said he gave it to them all. They didn't read it.

So what I'll do, Mr. Speaker, I'll go over and I'll read it to him. I'll read it for him because the Leader of the Opposition stands up, stands in this House and tells us that the job of it now is gone to a council to make the decision, not the clerk. I can tell you one thing, you speak to any town council that I know in Newfoundland and Labrador; they want to make the decision. They want to make sure what they're doing for their towns is the best for the Province of Newfoundland and Labrador.

I can tell you one thing in closing, Mr. Speaker. The Members on this side will support this bill. Do you know why? We support the taxpayers of this province. We support the money they're going to save.

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

**MR. JOYCE:** We support rural Newfoundland and Labrador.

I can tell you, Mr. Speaker, I'm very confident when they get past the rhetoric, when they get past talking about the people on the committee who they don't trust anymore – they voted for, they don't trust anymore. I'm confident

everyone across there is going to vote for this because they know deep inside this is for rural Newfoundland and Labrador. This is for urban Newfoundland and Labrador. This is for the taxpayers of Newfoundland and Labrador.

This is the best thing, Mr. Speaker. Too bad they didn't have the intestinal fortitude to bring it in years ago. This province would be much better off.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** Is the House ready for the question?

The motion is that Bill 46 be now read a second time.

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

Carried.

**CLERK (Ms. Barnes):** A bill, An Act Respecting Procurement By Public Bodies. (Bill 46)

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

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, a bill, "An Act Respecting Procurement By Public Bodies," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 46)

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Service NL, for



leave to introduce a bill entitled, An Act To Amend The Vital Statistics Act, 2009 No. 2, Bill 50, and I further move that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded by the hon. the Government House Leader that Bill 50 be now read a first time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, the hon. the Minister of Service NL to introduce a bill, "An Act To Amend The Vital Statistics Act, 2009 No. 2," carried. (Bill 50)

**CLERK:** A bill, An Act To Amend The Vital Statistics Act, 2009 No. 2. (Bill 50)

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

When shall the said bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 50 read a first time, ordered read a second time on tomorrow.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Municipal Affairs, for leave to introduce a bill entitled, An Act To Amend The Emergency 911 Act, the Emergency Services Act And The Fire Protection Act, Bill 51, and I further move that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded by the hon. the Government House Leader that Bill 51 be now read a first time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, the hon. the Minister of Municipal Affairs to introduce a bill, "An Act To Amend The Emergency 911 Act, The Emergency Services Act And The Fire Protection Act," carried. (Bill 51)

**CLERK:** A bill, An Act To Amend The Emergency 911 Act, The Emergency Services Act And The Fire Protection Act. (Bill 51)

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

When shall the said bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 51 read a first time, ordered read a second time on tomorrow.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Member for Terra Nova, that the House do now adjourn.

**MR. SPEAKER:** It has been moved and seconded that the House do now adjourn.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

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

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

This House now stands adjourned until Monday  
at 1:30.

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