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Speaker: Honourable Perry Trimper, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Trimper): Order, please!

Admit strangers.

Before we begin our proceedings, I would like to welcome to the public gallery two people today whose work will be recognized in a Member's statement: Angela Crockwell, who is the Executive Director of Thrive – Community Youth Network, and Cheryl Coleman, Director of the Blue Door Program.

Welcome.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I'd also like to welcome in the Speaker's gallery former MHA for Bellevue and former minister of this House of Assembly: the hon. Percy Barrett.

Welcome, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Also, while it may not be protocol and I anticipate that he's somewhere lurking in the hallways, but I'd also like to recognize the hon. Minister of Municipal Affairs and Environment today because it's his birthday.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today for Members' statements, we're going to hear from the Member for Labrador West, St. John's Centre, Harbour Main, Cape St. Francis, Harbour Grace – Port de Grave.

The hon. the Member for Labrador West.

SOME HON. MEMBERS: Hear, hear!

MR. LETTO: Thank you, Mr. Speaker.

Mr. Speaker, when the pager goes off at 1 in the morning, or anytime, a paramedic, EMR, firefighter, police or a search and rescue person is startled awake, jumps out of bed and is en

route to the unknown; regardless of the hour or weather conditions, they promptly respond.

Such was the case in the early morning hours of October 10 when the Labrador City Fire Department received a call from Switzerland that a gas balloon was making an emergency landing in a wooded area just south of Lorraine Lake. It turns out the balloon was competing in America's Challenge long-distance, gas balloon race, which is held each year as part of the Albuquerque International Balloon Fiesta – the world's biggest hot air balloon festival.

This balloon was piloted by Nicolas Tiéche and Laurent Sciboz of Switzerland. They had taken off from Albuquerque on Saturday evening and were aloft for nearly 60 hours. The distance they flew, 3,666 kilometres, set a new world record for the greatest distance flown in a gas balloon and earned them a first place finish.

Mr. Speaker, I ask all hon. Members to join me in thanking all first responders for the great work they do to keep us safe each and every day.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

Today I acknowledge the incredible work of a number of organizations and activists in St. John's Centre who came together to create a new program called Blue Door.

Housed within the organizational structure of Thrive, the Blue Door Program is a five-year project serving individuals 14 to 29 years of age who want to exit the sex trade, or who have been sexually exploited and are looking for support to find alternatives in their lives.

Blue Door provides services based on the principles of self-determination, survival leadership and harm reduction. The dedicated workers work flexible hours to best support young folks, providing help with housing, education, therapeutic services, health services, leadership skills and employment skills. All this

is centred on respect for the choices made by individual participants, while developing meaningful relationships with staff and participants. This is about transforming lives.

I ask all Members to join me in thanking Angela Crockwell and her amazing team for their dedication, their passion and compassion. I look forward to what we will learn from the young participants of Blue Door and the leadership they will provide to us in understanding the needs and rights of young folks in this project.

Bravo to them, Mr. Speaker!

SOME HON. MEMBERS: Hear, hear!

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

MS. PARSLEY: Thank you, Mr. Speaker.

The Avondale Railway Museum in the Town of Avondale was built over 100 years ago. It's an official heritage structure as designated by the Heritage Foundation of Newfoundland and Labrador and houses two museums: a railway museum and a community museum.

The building was constructed to service a repeater station for the first telegraph land line serving St. John's. Avondale served as a freight and passenger station, being an important terminus for branches serving Conception Bay, Placentia Bay to Port aux Basques.

On September 14, I had the great pleasure to join with my colleagues, the parliamentary secretary for Tourism, the MP for Avalon and the members of the community to celebrate the reopening of the museum. It will serve as a point of pride for the town and a tourist attraction for years to come. For me, the official reopening brought back many memories of my childhood where my father worked as a railway employee.

I encourage everyone to visit if you're in the area.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I rise in this hon. House today to celebrate the opening of a new school, Juniper Ridge school in Torbay. This school has 540 students from Bauline, Pouch Cove, Flatrock and Torbay.

There was a huge issue with capacity of our schools. Growth in the area in the last 10 years has been enormous. Three school councils came together to create a committee to solve this issue. Led by Chairperson Peggy Comden, members were Lisa Stagg from Cape St. Francis Elementary, Tara Power and Patricia Mahon from Holy Trinity Elementary and Keith Hogan from Holy Trinity High.

These members dedicated many hours. They researched things like birth rates in the region and expected growth in each town. They presented the information they accumulated to the eastern school board, giving them a solution that would be a resolution for all three schools.

As well, former Mayor Ralph Tapper and his council in Torbay played a huge role to ensure that there were no roadblocks in the construction of the new school.

I ask all hon. Members to join with me in thanking all those who in any way assisted to ensuring that our students get the best possible education.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Harbour Grace – Port de Grave.

MS. P. PARSONS: Thank you, Mr. Speaker.

I would like to recognize the organizing team for a fundraiser which is known as the Ride for the Boys. This initiative is an ATV ride through the backcountry of Bay Roberts and Shearstown.

The ride has become an annual event in support of three young boys who tragically lost their

parents, Amanda Reese, originally of Spaniard's Bay and Donald Snow of Bay Roberts, in a motor vehicle collision, which also claimed the life of the driver in the opposite vehicle, on the Veterans Memorial Highway, leaving these three children to be raised and cared for by their grandparents.

Mr. Speaker, when tragedy strikes, the people of Harbour Grace – Port de Grave District come together. Following this fatal accident, local residents Gerard and Rosemary French, Dean Spicer, Bryan Drover, Rodney and Bobbi Snow formed a team to kick off this fundraising ATV event.

This past May marked the second annual ride, raising \$43,000 to support this family to date. I have had the privilege of helping launch this ATV ride event, arriving at the opening ceremonies on my dirt bike. This initiative has been inspired, indeed, by a tragedy, but the community spirit is nothing short of amazing.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

MR. HAWKINS: Thank you, Mr. Speaker.

Mr. Speaker, last Friday I joined the hon. Patty Hajdu, federal Minister of Employment, Workforce Development and Labour to celebrate a significant milestone in our efforts to maintain a highly skilled workforce.

Minister Hajdu and I announced the development of a new \$10 million shared IT system that will allow apprentices, journeypersons, training institutions and employers to simply go online to complete tasks that are currently paper based and can be time consuming. This online resource will simplify apprenticeship administration, and aligns with our commitments in *The Way Forward* and the goals of the Cabinet Committee on Jobs.

In addition, the second phase of the Atlantic Apprenticeship Harmonization Project is moving forward. Ten trades have already been harmonized, and this second phase will add six more – truck and transport mechanic, heavy duty equipment technician, automotive service technician, sprinkler system installer, construction boilermaker, and industrial mechanic or millwright.

I am also pleased to inform my hon. colleagues that the efforts of the Department of Advanced Education, Skills and Labour to have the project office located here in Newfoundland and Labrador successful. This will be, Mr. Speaker, the first intergovernmental office of its kind based in this province.

This is a fantastic opportunity for our province as we work with our Atlantic partners and the federal government to grow and diversify our economy and make changes that benefit apprentices, journeypersons, training institutions and employers throughout the province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

I want to thank the minister for the advance copy of his statement. Let me begin by stating that I'm pleased to see that the federal government has continued on with the second phase of the Atlantic Apprenticeship Harmonization Project. Eliminating barriers for people and businesses in trades is always a positive. Along with my colleagues on this side of the House, this is welcomed news. However, I would like to remind the minister that federal government initiatives such as these are hardly a result of the Liberal way forward, which to date has seen skyrocketing unemployment and hundreds leaving our province.

Mr. Speaker, our tradespeople are a vital component to our workforce and our economy. I'm sure all sides of this hon. House welcome any initiatives that support apprentices, journeypersons and employers.

With that said, I look forward to learning more about the intergovernmental office and the future role that will be played by its employees.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I'm pleased to receive the advance copy from the minister. It's good to see that harmonization of trades in the Atlantic provinces is progressing. I know the department has been working on this for a long time and I'm sure that more will be coming onboard.

I'm glad to see the upgrade to an IT system to allow the completion of administrative tasks online, but I would like to know from the minister at some point, I'm sure he'll let me know, if this shared IT system will not preclude the option of paper submissions because for some that may still be necessary. I know at our post-secondary institutions it is.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Education and Early Childhood Development.

SOME HON. MEMBERS: Hear, hear!

MR. KIRBY: Thank you, Mr. Speaker.

I rise today in this hon. House to highlight the recent introduction of five indigenous graphic novels in a series entitled *Tales from Shadow River* written by award-winning author, David Alexander Robertson. The graphic novels are historical fiction that highlights indigenous history and culture in Newfoundland and Labrador.

In 2016, Department of Education and Early Childhood Development officials consulted with indigenous groups within the province to

identify potential topics for a series of historical fiction novels based on our rich indigenous heritage.

Officials worked with leadership in each indigenous organization who provided support, time and knowledge to collaborate on the project, selecting leaders who reviewed and revised the novels and provided feedback during their development, to ensure accuracy of cultural information. These novels represent an early step in the department's efforts to share our rich indigenous culture with all students.

Mr. Speaker, the five new novels are being distributed province-wide to schools with students in junior high. These novels will support the curriculum outcomes of social studies and English language arts. We are proud to highlight these stories in a modern and easily accessible manner that appeals to our intermediate students and will encourage their engagement. We hope these novels provide junior high students with an opportunity to discover more about our indigenous heritage.

Thank you, Mr. Speaker.

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

MR. BRAZIL: Thank you, Mr. Speaker.

I thank the Minister for an advance copy of his statement. I wish to start off by commending David Robertson for his work. If his previous work is any indication, *Tales from Shadow River* will be a positive learning experience for Newfoundland and Labrador youth.

I'm very pleased to see the Department of Education collaborated with indigenous organizations to bring forth an initiative that places a focus on indigenous history, culture and traditions. This addition to the junior high curriculum is very important for all students. Our history is what shapes our future. I look forward to reading more about Mr. Robertson's work and the feedback from teachers and students.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I too thank the minister for the advance copy of his statement. Adding indigenous graphic novels is an important step toward reconciliation, as it will help educate students on the realities faced by indigenous peoples in our province. We encourage the minister to continue working with indigenous groups to expand on this welcome initiative, and provide further education in our schools of our province's rich indigenous culture and history.

Thank you very much, Mr. Speaker.

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, this week the Government House Leader has made numerous statements on what analyses and studies have actually been done in regard to changes to the *Elections Act*. He said here in the House that the bill was the analysis; he's made comments that there's been some analysis, maybe a briefing note, and he's also made comments he can't provide it because of Cabinet confidence or solicitor-client privilege.

Mr. Speaker, I ask the Minister, once and for all – he hasn't given a committal answer of yes or no – will he table the analysis and study on the impact of the changes that are before the House before the debate proceeds today, so Members of the House can be better informed?

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

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

I'm certainly happy to stand here and answer questions on this very important issue, and certainly happy and looking forward to engaging in debate on this bill again this afternoon. I think all Members of this House realize the importance of this bill and the need to debate it and get it done.

The fact remains, as the Member opposite would know because at one point he was in Cabinet and at one point he was Premier, that when information goes to Cabinet for a decision it becomes part of – there's a Cabinet process that prohibits the release of that information. Certainly, there's a lot of Cabinet information that I would love to see from the previous administration that helped them make decisions on things like Muskrat Falls.

The fact remains, though, that we – again, I look forward to the debate. The Member opposite, yesterday, did a very good job, the Opposition House Leader, of putting forward their points, which we're very open to considering. Hopefully, we'll continue on with the debate and have a meaningful one.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Justice Butler in her recent decision has clearly discussed the fact and the importance of legislators understanding a study or analysis and the impacts that a change in legislation on democratic reform, as this is, will have on voters and voters' rights. She's been very clear in discussing that.

If the minister won't release the analysis, I'll ask the Premier: Will you step up, Premier, and ensure that this analysis is provided to the legislators as referred to by Justice Butler?

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

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

I'm very happy to stand here. Again, the answer was provided to the Member and he didn't like it, so he chooses to ask it again. But I'll certainly answer it again.

The fact remains that the bill is here for debate. I have read Justice Butler's decision on a number of occasions and, one of the big things, she does bring up the legislation in the House and the fact that there was very little debate at that time, but the fact remains we still haven't had enough debate on this. We could have had two more days but the Member opposite chose not to allow debate in this House, so I look forward to continued debate.

The main crux of the argument that Justice Butler, the main crux of her decision, was about informed voters; their thing is about having an able campaign.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

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

I can assure the Government House Leader that we're in no rush to rush this through in any way, shape or form. What we're asking for is more information, not less information, and Justice Butler also talked about that. In her decision she talked about many aspects and we're going to talk about that through debate in the days to come.

But, Mr. Speaker, maybe the Government House Leader, if he won't provide the analysis and the study on the impacts to the people of the province and the impacts of these changes will have, I'll ask him this: Were there any concerns raised during your analysis or your study, which we've raised and talked about this week as our issues and our concerns about this bill?

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

MR. A. PARSONS: I think what the Member opposite asked in the question was do we have any concerns that were the same as the concerns

that they've brought up. Again, I don't know, the Member opposite hasn't brought up any concerns in debate yet because the Member opposite hasn't stood up and debated yet. What I would say is that I think the Opposition House Leader has done a very good job yesterday morning during debate and brought up a number of the points.

Do you know what? We had a significant discussion. I've had a significant discussion with lawyers in our department about the different ways that we have to look at this. One of the main issues is that we had to have constitutionality here, but constitutionality, there's no silver bullet for it. The fact remains that there's a risk analysis that happens. You can go on the low end. You can go on the high end. There's a spectrum to it. So we had a great discussion on it and came up with a very good piece of legislation I think.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Let's just take a second to review. I've asked the minister if he'd table analysis that would be important to legislators in this House as they carry on with debate and consider how they're going to support this bill or potential amendments that we plan on bringing forward. He said no.

I ask the Premier if he would step up and see to it that an analysis would be provided to legislators. He wouldn't answer. The minister said it was already answered by him and I guess that's the answer.

Now I ask him if any of the concerns we've talked about was raised during their analysis and their study. He won't answer that, Mr. Speaker.

I will ask the government this: This is the real first action on any electoral reform and it contradicts their own platform from 2015. How are your proposed changes to the *Elections Act* in line with democratic reform? How does this

benefit the process when you are limiting nominations?

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

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

I love when the Member opposite stands up and talks about democratic reform, when the only thing he did was come in here and eliminate seats. I didn't see much analysis provided by the Member opposite on that. I don't think that was well thought out but, again, I digress, Mr. Speaker.

The fact remains here that this decision, this piece of legislation, was done in consultation with a number of lawyers. Do you know what? The fact is that we have more democratic reform coming.

The Member opposite should know that this is the result of a court decision striking down their legislation and the fact that it's a resignation from one of their Members. We are here today and every day to debate a piece of legislation to allow for us to have a constitutional election in the best interests of the people of this province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

It was legislation brought forward by the government of the day and it was supported by the Opposition of the day who now sits in government, Mr. Speaker. The same as for when the legislation came to the House on the seats in the House of Assembly, it was supported by the very Member opposite who is now being critical of that very decision. He stood here in the House and he supported it.

Mr. Speaker, today the executive director of the St. John's Status of Women Council said that those who actually called for a task force were not even consulted by the minister and a request for a meeting has gone unanswered.

I ask the minister: Why would he ignore such an important request?

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

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

The first thing I would say is I was very happy yesterday, along with Ms. Linda Ross who is the chairperson of the Provincial Advisory Council on the Status of Women, to announce a new government committee to address the issue of violence against women and girls in this province. It's an issue that's plagued us for too long.

We like to think that there's more that can be done. We like to think that all Members of this House want to work together in this initiative. I know all Members of this House want to.

The fact is yesterday the announcement came out and said that we, as a committee, would put out invitations to all members to come together to figure out what our mandate should be, and an invitation will go out to the very person that the Member opposite references.

I have not, at this point, received any correspondence from the person that the Member references, but what I would say is I haven't turned down a meeting yet as Government House Leader or Minister of Justice, and I don't plan on starting now.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Well, according to what the executive director has said it wasn't that the meeting was turned down, it was that the minister never even bothered to respond or consult. The executive director used some very strong language today in response to the minister and to the disrespect expressed by the minister to those who organized the vigil and those who do very difficult and emotional work year in, year out.

My question – let's see if I can get a direct answer on this one – Minister, why would you disrespect a coalition, not even consult with them or respond to their request for a meeting?

MR. SPEAKER: The hon. the Minister of Justice and Public Safety

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

Again, I can guarantee you, there's certainly no disrespect intended. If the Member opposite had listened to my answer, I said that at this point I hadn't actually received any request for a meeting, but I am always open to meeting with anybody who wants to discuss these issues.

Certainly, I was at that vigil that was put off by that group. It was powerful and it was moving. Again, it's an inspiration to make sure that we need to do more.

The purpose of the announcement yesterday was to announce a committee that will comprise all members that want to be involved in this action, and that's why we need to consult them. We need to get the group together first to do the consultation to figure out where do we want to go with this.

As I've said very publicly, I'm not an expert on this, but I'm certainly willing to listen and be a part of any solution.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

Labrador-Grenfell Health review spanning November 2016 to March this year showed that the private contractor had only one ambulance in service about half the time – this, despite the fact that they were being paid to operate two.

Why did it take the minister months to act on this problem he clearly knew existed, a problem he now calls unacceptable? Why did it take the loss of a human life to force him to act?

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

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

The provision of an adequate and appropriate ambulance service for Happy Valley-Goose Bay, as indeed any community, is top of the list for us. The facts of the case are we have had challenges with access to data, and that was explained both in the media and in public statements on this.

What I can say, Mr. Speaker, is that there are two extra paramedic teams in Goose Bay being integrated with Labrador-Grenfell as I speak. There is another ambulance which got off the ferry at noon today and is being driven to Labrador. There is yet another spare ambulance being resourced to get the numbers up to scratch, and we're working to get the contract reassigned to Labrador-Grenfell.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The minister now says that the health authority will closely monitor the company to ensure its service is improved. Too little, too late, I say.

Knowing it has been a long standing issue, why is it now only getting the care and attention it deserves?

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

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

The Member opposite references information that was out in the media, probably, 10 or 12 days ago. I would draw his attention to the events of the last couple of days where there has been very decisive action for non-compliance with the contract. As soon as the department was notified, within three hours we had the system

stabilized and the reference I made in my earlier answer to the ongoing measures.

I have to state that this is an issue we take very seriously, and whilst we are now working as it were to patch the hole, over the coming days we will be looking at ways to ensure that this does not happen again.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

I do want to acknowledge the fact that this was something the health authority had identified since 2016, well over a year that this could have been addressed.

As I understand it, the private operator in Goose Bay attributed staff problems to recruitment and retention issues. What will the minister do differently to ensure they are able to properly staff this service?

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

MR. HAGGIE: The issue of the private contractor is simply down to contractual obligations. There was a price agreed – and, in actual fact, negotiated by the Members opposite when they were office – for a service, and the service was two fully staffed ambulances, 24-7. The operator did not comply with that.

My question to him, which has still not been answered, is why did he not deliver the service for which we were paying? When I get that answer, I'll be happy to provide it to anybody who wants it, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

No doubt, the people of Goose Bay will want to know that answer also, to have proper services.

In Labrador West the health authority operates the ambulance services.

I ask the minister: How many ambulances are available for the residents of Lab West today?

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

MR. HAGGIE: Labrador West is operated under a different plan. There are ambulances staffed around the clock there. There is also a non-patient transport vehicle to satisfy some safety requirements which were an issue with response times there.

I would suggest that the difference between the two arrangements, between Lab West and Goose Bay, is not at all unusual. Of our ambulances in this province, the vast majority of them are provided by private operators. The contract that was put in place by the previous government was essentially a funding arrangement with minimal levers for compliance, and that's something we're going to address on a go-forward basis, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

Can the Minister update the House on how many vacancies exist in the air ambulance services that so many people depend on, particularly those in Labrador?

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

MR. HAGGIE: The air ambulance services is a partnership, Mr. Speaker, between government air services, who have two aircraft and provide flight crews and maintenance, and the private sector where we have an on-contract extra aircraft for travel between larger centres and transport of patients to quaternary care centres outside the province.

That system has been challenged because of maintenance issues, simply because of the demands on the aircraft. In addition to that, we have negotiated with other providers to provide fill-in resources so we have two aircraft available around the clock. As far as I am aware Mr. Speaker, that is currently the case today.

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

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

Minister, do you support the federal government's decision on Arctic surf clam quotas and the effect it will have on workers and communities on the Burin Peninsula?

MR. SPEAKER: The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Mr. Speaker, I think we can all appreciate and support the concept and the principle of indigenous participation in fisheries. Complementary to that, I think we all can support the concept of and principle of adjacency being applied in fisheries management, fisheries allocation decisions.

I've already had an opportunity to speak directly with the Minister. I've communicated with his staff, communicated with the Department, to outline some of my suggestions as to how successful, prosperous fisheries allocations decisions can be taken, that respect historical attachment, respect adjacency and that honour the time-honoured principle that when we have a plant that operates 12 months of the year, nobody should do anything to reduce that employment opportunity.

SOME HON. MEMBERS: Hear, hear!

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

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

I'll just the Minister, what are you going to do about it? What are your suggestions? You said you suggested –

MR. SPEAKER: The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Mr. Speaker, I think I just outlined the opportunity that our government has to communicate with the federal government, because they actually take our calls. I have communicated with the federal minister my concerns. I've also expressed to him my feeling that there are opportunities here to promote indigenous involvement, but also to recognize adjacency within fisheries resource allocation decisions.

I've relayed that information to the minister. He's taken it under advisement. No decision has been taken by the federal minister yet. There is a request for proposals that has been issued. The deadline, I believe, is early November. He will assess those applications or proposals accordingly and we will encourage him to use prudence and judgment in his final decision.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

I'm glad that he took your call. Perhaps you can share with the people on the Burin Peninsula what the solution is, what they're finding today that they could have a possible cut of 25 per cent to their quota. It's a major concern on the Burin Peninsula.

MR. SPEAKER: The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Mr. Speaker, not only have I spoken directly to the Mayor of Grand Bank, but the Premier has spoken directly to the Mayor of Grand Bank. We have spoken to the company; we have spoken to indigenous organizations here in Newfoundland and Labrador. We're working with everyone who supports the concept of a fishery for Newfoundland and Labrador which provides full employment, maximum benefit and better value for our communities.

Now, the minister has offered an opportunity, which I take as that, an opportunity to be able to use the resources for all of our benefit. I am communicating directly with the Minister of Fisheries and Oceans to encourage him not only to include indigenous participation but to respect and understand the principle of adjacency.

SOME HON. MEMBERS: Hear, hear!

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

MR. K. PARSONS: I'm glad the minister mentioned the mayor, because the mayor said he was blindsided by the decision they were making.

I ask the minister: Has any agreement been signed on the Atlantic Fisheries Fund? If so, can you table it?

MR. SPEAKER: The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Mr. Speaker, the federal government and the provincial governments of Atlantic Canada have already brought up the portal. The applications are now being assessed, they're being accepted. There's a committee, there's a process in place to be able to review those applications.

While we focus on the fishery of the future, of making sure that our communities, our industry have the maximum resources available to them, not only from the sea but from their governments, I can think of 100 million reasons why they should be very, very, very optimistic about the fishery in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. K. PARSONS: I believe that most harvesters in the province are optimistic about the fishery in Newfoundland and Labrador, but the question was simple: Is there a signed Atlantic Fisheries Fund, and can you table it to the House?

MR. SPEAKER: The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Mr. Speaker, we have an arrangement with the federal government, amongst all the provinces of Atlantic Canada. We not only have an arrangement with the federal government, but we actually have access to an additional fund, a \$30 million fisheries marketing fund.

So when we look at what's available, what is the option, what is the opportunity here for us all, we have an industry, which while it faces certain demands, certain challenges, we have two levels of government working in co-operation with each other, working in co-operation with the Atlantic industry, to make sure that those benefits come home and on shore – and that's what we're focused on.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

In July, the Newfoundland and Labrador Supreme Court ordered a full environmental impact statement on the Grieg aquaculture project before the project goes forward.

I ask the minister: Why did your government appeal this court decision?

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

MR. JOYCE: Thank you, Mr. Speaker.

I thank the Member for the question. I guess I'll ask the Opposition, for the employment in the area, should we not go ahead and appeal this decision for the amount of employment that it would create for this area? So you're saying we shouldn't have appealed this decision?

This decision has major impacts for the Burin Peninsula. So for you to stand up and say why did we do it, it's somewhat irresponsible that

we're just taking the Burin Peninsula and just moving away.

The former Member for Cape St. Francis said: Have you talked to Grand Bank? Why don't you go down the Burin Peninsula and have a public meeting and say we don't support the government in appealing the Grieg decision? Why don't you go down and have a public meeting down there and ask the mayor for Grand Bank to join in on that meeting?

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

It's loud and clear what I just heard the minister said: They don't care about the environment. We do. We care about jobs out in the Burin Peninsula. We supported this project, but we said we want it to be done in an environmentally friendly manner, not what's been happening. That's my question, Mr. Speaker. Why didn't they –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I'd like to hear only from the Member who's been identified – first and final warning.

Thank you.

MR. PETTEN: Mr. Speaker, your decision to appeal the Supreme Court ruling will have additional costs and further delays associated with it.

So my question is simple. Maybe the minister can give me a clearer answer. What I'm asking is: Why is your government not ordering an environmental impact statement?

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

MR. JOYCE: Thank you, Mr. Speaker.

I'm a person who agrees that there is a balance between the environment and the work that is

needed to be done. But I'll tell you one thing we're not agreeable to is taking over a mill out in Grand Falls with the environmental impact that we have on the province –

SOME HON. MEMBERS: Hear, hear!

MR. JOYCE: – and didn't even know we took over the mill until we had to clean it up. So you're trying to give me a lesson on environment?

Mr. Speaker, what we had to do from the courts is strike a balance. There are parts of the court decision that we are appealing. I can assure the Member, and I can assure all – I know you're against the Burin Peninsula, I know you're against it already, but I can assure you that we will find a balance between the environment and the employment activities that are needed in the Burin Peninsula to sustain rural Newfoundland and Labrador, and we stand by that.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Mr. Speaker, I want to remind the minister we do support the Burin Peninsula; we do support this project. We just want it done right, and I think most of the general public feel the same way.

SOME HON. MEMBERS: Hear, hear!

MR. PETTEN: We're in the Legislature to ask questions. That's what we're here to do; we'd like to get some answers and the general public want the answers as well.

Mr. Speaker, last October the Premier promised Aboriginal leaders that water levels at Muskrat Falls would be lowered this spring. However, in June, lowering the water levels has stopped.

I ask the Premier: Can you please explain why government has broken its promise?

MR. SPEAKER: The hon. the Premier.

AN HON. MEMBER: Oh, he is up.

PREMIER BALL: Thank you, Mr. Speaker.

Yes, I'm pleased to be up because while I listened to some rhetoric today on the other side of the House talking about environment issues, one of the real issues on the development of the Lower Churchill was indeed around methylmercury. Just a few minutes ago, we heard the Member opposite talking about environmental issues.

I would say that when the Joint Review Panel did their work on the project called Muskrat Falls, the biggest tax in the history of this province, I would say, Mr. Speaker, issues around methylmercury and the Joint Review Panel were completely dismissed. So today, the Member is reminding us about a commitment that we made to the indigenous leaders – a commitment that we met.

When the water was being lowered – the Member opposite would have known if he had read the articles – we were seeing some sloping changes. We spoke to the indigenous leaders; they were involved from day one, as a matter of fact. Mr. Speaker, they knew about this issue a week before we did.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Thank you, Mr. Speaker.

Yesterday the Premier stated that he's not interested in changing legislation so that information on embedded contractors might be made public. Instead, he would prefer to wait for a report from the Information and Privacy Commissioner, which will be quicker than changing legislation. He noted that if there's a mechanism in place that would allow this happen more quickly, he'd be happy to look at it.

Well, I note that in section 17.1(2) of the *Energy Corporation Act* it states: "Notwithstanding subsection (1), the Lieutenant-Governor in Council may declare that a subsidiary is subject to the *Public Tender Act* and in that event the Act applies to the subsidiary."

I ask the Premier: Why would he not use this power as the mechanism to require that Muskrat Falls, a Nalcor subsidiary, be subject to the *Public Tender Act*?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

First of all let me clarify, because I'm not sure if the Member opposite got the wrong message, but I think I clearly articulated yesterday that I was quite willing to actually change legislation. I've said that many times this week as I spoke to the media and in this very House.

We also know that based on the information that's been out is that there is a review that is currently underway with the Privacy Commissioner. So what I've been saying is this: We're looking for – we've had a number of correspondences which we've put out there publicly trying to address getting this information out there.

We will get the information out there. The commercial sensitivities – I'm sure the Member opposite would understand if indeed some of those can't be done. My goal is to make sure that Nalcor, as a subsidiary, is as open and transparent as any government department.

SOME HON. MEMBERS: Hear, hear!

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

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

I point out that Nalcor is the corporation. I'm asking the Premier: Did he even know that he has the power to put Muskrat Falls under the *Public Tender Act*?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, with legislation and with the authority that's been given on all of us, I guess we have the power to do those sorts of things as the Member opposite – as a matter of fact, the CEO of Nalcor has clearly articulated that it's his desire to get this information out there as well. I do too. But I

guess it's probably professional in our way and respectful to the processes that we have already in place is that we would allow the Privacy Commissioner to do the work.

I will not be surprised if the Privacy Commissioner came back and actually said that he feels this information should be released. All I'm saying, Mr. Speaker, we are prepared to change the legislation if required, but let's let the Privacy Commissioner do his work.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, we all know violence against women and girls is a major problem province wide. Earlier this month, a coalition of feminist anti-violence community agencies asked the minister to consult on the establishment of a task force on violence against women and girls.

Yesterday they were very surprised by his announcement of his Minister's Committee on Violence Against Women and Girls. Mr. Speaker, I do commend the Minister of Justice for partially or somewhat listening to the community.

I ask: Will he commit to inviting this very important coalition of experts to be part of this committee?

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

I appreciate the question from the Member. The fact is yesterday we did announce a very important committee to study a very serious issue in this province, one that's plagued us for too long and one that we need to continue to work on.

While I had heard about a request for a meeting or a consultation before, I actually never received anything in writing, email, telephone call, anything. I have not received that as of yet. What I can guarantee is that any of these experts, advocates, people that have been doing

the work and are recognized for their work, they should be a part of it, they will be a part of it, they will be invited and I certainly look forward to working with them.

Thank you.

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 ask the minister: Will he ensure there is substantial representation from all Indigenous communities in the province?

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

Again, a very important question and one that I'm happy to answer in the affirmative; the fact is we certainly recognize that violence against Indigenous women and girls is prevalent and, in fact, the rates are higher. It's something that is going on across the country and I've seen some of this through the murder and missing inquiry into women and girls – the fact is they will have representation. We're going to reach out to them. They should be a part of this.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's Centre, for a quick question; no preamble, please.

MS. ROGERS: Mr. Speaker, I ask the minister; I assume he's going to want a lot of help with this committee: Will he invite Members of the Opposition parties to also be part of this committee?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

What I would say is that contrary to what the Member opposite experienced back a few years ago when there was a different administration, I can remember she wasn't allowed to go visit one penitentiary. Since that time, we've allowed that to happen because she should have that right.

She asked to go to the Labrador Justice Summit that we're holding on Monday. I've made sure that she can do that. We're going to have this committee; she can be a part of that too.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Tabling of Documents

MR. SPEAKER: Pursuant to section 105 of the *Access to Information and Protection of Privacy Act, 2015* and section 82 of the *Personal Health Information Act*, I am pleased to table the 2016-2017 Annual Report of the Office of the Information and Privacy Commissioner.

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

MR. P. DAVIS: 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 emergency responders are at risk of post-traumatic stress disorder, also known as PTSD;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to enact workers' compensation legislation containing a presumptive clause with respect to PTSD for people employed in various front-line emergency response professions, including firefighters, emergency medical service professionals and police officers not already covered –

MR. SPEAKER: Order, please!

I wonder if the Member could restart his comments, because your microphone was not on. I wonder if you would mind recommencing, please.

MR. P. DAVIS: Yes, certainly.

MR. SPEAKER: Thank you.

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

It's a petition, Mr. Speaker, to the hon. House of Assembly, the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS emergency responders are at great risk of post-traumatic stress disorder, quite often referred to as PTSD;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to enact workers' compensation legislation containing a presumptive clause with respect to PTSD for people employed in various front-line emergency response professions, including firefighters, emergency medical service professionals and police officers not already covered under federal legislation.

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

Mr. Speaker, I'd like to first comment that we know there are other first responders who should be considered under any legislation or consideration of legislation. This is not new for Canada. The military, as I've mentioned before when I've spoken on this in the House, the Canadian military many years ago have acknowledged that their members can have an accumulation of experiences that can lead to illness, quite often PTSD.

The RCMP, in recent years, has acknowledged all of this as well. The Provinces of Alberta, Ontario, New Brunswick and Nova Scotia have all introduced legislation and have recognized PTSD as an illness that is often the result of an accumulation of exposures and experiences that first responders have in the course of their careers.

Mr. Speaker, the fact is that here in Newfoundland and Labrador there are first responders today who continue to go to work when suffering from PTSD because they have no option; because they cannot prove what experience, what exposure, what event caused their PTSD. That's what's required of them today: to show what event, what experience, what incident that they encountered caused their PTSD. And they can't do it, Mr. Speaker.

It's better recognized by health professions now than ever before. We're learning more about PTSD on a regular basis. The broadness and understanding of it is growing, and the interest is growing and is understood now better than ever before that people who endure these experiences over and over again as first responders, it's not if they will be impacted, they will be impacted, but by how much is the question. People who are experiencing PTSD who can't get coverage, they continue to go to work every day as first responders without support, without an opportunity to grasp a further understanding.

Mr. Speaker, it can stop. The government can even indicate that they're intending to review the legislation or change the legislation. That, in itself, will provide relief to first responders.

It's a pleasure to rise again today. Thank you for allowing me to table this petition.

SOME HON. MEMBERS: Hear, hear!

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

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

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

WHEREAS a 2013 risk assessment report made public in June 2017 makes it clear that initial cost estimates and financial risks for the Muskrat Falls hydroelectric project were understated; and

WHEREAS the Muskrat Falls Project is way over budget, diverting funds from other needs and potentially doubling electricity bills, and it has raised serious concerns about damage to the environment and downstream communities; and

WHEREAS Nalcor and the provincial government have not been transparent or accountable as to why the 2013 report was not previously made public, and the people of the province are left with many unanswered questions;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to immediately conduct a forensic audit of the Muskrat Falls hydroelectric project.

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

Mr. Speaker, Muskrat Falls goes beyond just the actual concrete project. It has affected people's confidence in its democracy. It has affected people's confidence in its government.

People are stymied by what may be the effects on their lives of this project. They have a right to understand fully how decisions were made. In whose best interest were the decisions made? The people of the province know that the decisions made by the former administration and

by the current administration – we know the former administration created this mess and the current administration did nothing to alleviate it or to rectify it.

What we have are a people who have lost all confidence and all trust in both administrations. Mr. Speaker, that's serious, to think that the people of the province don't know who has their best interests at heart. Were the decisions made with the best interests of the people? They don't believe that anymore and we have no proof that was the case.

Muskrat Falls is a mess and the people of the province, those who have gained the least by Muskrat Falls, will bear the biggest burden of Muskrat Falls.

The people have a right to a forensic audit, and this government has to commit to that forensic audit. It's not up to this government to advise whether or not a committee that they pull together will decide whether or not there will be a forensic audit. The people of the province want one. They have a right to one.

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 the Adult Dental Program coverage for clients of the Newfoundland and Labrador Prescription Drug Program under the Access and 65Plus Plans were eliminated in Budget 2016; and

WHEREAS many low-income individuals and families can no longer access basic dental care; and

WHEREAS those same individuals can no longer access dentures;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the government to reinstate the Adult Dental Program to cover low-income individuals and families to better ensure oral health, quality of life and dignity.

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

Mr. Speaker, a number of my colleagues have spoken to this because of the backlash from individuals who, unfortunately, their circumstance dictates that they don't have coverage. They don't have the financial means to be able to have a certain access to health care. This simple access to health care is about dentures, being able to do the everyday things that we do.

We've been fortunate enough, Mr. Speaker, I've been fortunate enough to have had dental insurance most of my life and been able to provide that to my family, but a number of Newfoundlanders and Labradorians don't have that. Particularly seniors who are on fixed incomes, and because of health reasons, because of not having access to this over their lifetime, are now in need of dentures, just for basic things like being able to have a proper meal.

I didn't realize how prevalent this was until – the last few months I've been getting calls from constituents of mine, when I start looking at the impact it's had and have families coming, basically, so distraught because their mother was 85 or 90 pounds because she couldn't chew up anything. She didn't have her dentures to be able to do it and didn't have the means to do it, and the family couldn't support that process.

In some cases, it does become very expensive. In some cases it is a medial process here that it becomes an issue around whether or not people can afford it. They can't frivolously throw out money they don't have, even though this is a health issue. There are other things that are more important, like basis survival. At the end of the day, it comes down to a particular health service that they should have access to. It comes down to a bit of dignity. It comes down to quality of life, and it's having a major impact.

A number of years the previous administration quadrupled the amount of money because there had been a real gap in the need. There was such an uptake, I think it even frightened the administration about the amount of monies they had to budget, but they had to budget it for a real reason because there was a need there. After they figured it had peaked out and the demand was there, then you could go back to something that was stable. Cutting the program has had a detrimental effect.

Mr. Speaker, I'll get a chance to outline this again in the future.

Thank you, Mr. Speaker.

MR. SPEAKER: Further petitions?

Orders of the Day.

Orders of the Day

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

MR. A. PARSONS: Mr. Speaker, I call from the Order Paper, Order 5, second reading of Bill 14.

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

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

I am very pleased to stand and speak to Bill 14. For people who may be watching today for the first time, this bill is An Act to Amend the Elections Act, 1991. The amendment is a pretty crucial amendment because it has to do with special ballots.

Special ballots are something that are essential to the whole process of elections because special ballots allow for somebody who cannot vote in either the advanced poll or on election day to make sure they are able to exercise their democratic right and vote. While the issues we will be dealing with in the bill have to do with constitutional issues because of a ruling by the Supreme Court, the basic constitutional point is that everybody should have the right to vote, and special ballots allow that to happen.

Now, in 2007 in this House, we did deal with amendments to the *Elections Act* which did have to do with the special ballot. I think it's important to point out that special ballots were pretty new to us, actually, and in 2007 an attempt was made to make the special ballot more accessible and easier for people to access. I think that was honestly what people were trying to do. I don't think there was any attempt or any desire to make the special ballot a mechanism that would in any way disadvantage or give greater advantage to anybody, but one of things I noted, I went back over *Hansard* actually to read the 2017 discussion.

One of the things I noted was there was a recognition by government that this was a learning process with regard to the special ballot and perhaps after the 2007 election we would come back and have to make changes because of recognizing something not working, and maybe even after the election of 2011 we might have to come back and make changes. I think without knowing it that showed real foresight by the person who said it, because, in actual fact, that's what has happened. It's been a learning process and we've seen things that haven't worked. We've seen loopholes.

What happened in 2011 was a particular situation in Burin – Placentia West that led to one of the candidates to make an appeal, because the person who won, Mr. Jackman, won the special ballot but he did not win the advance poll and he did not win on election day. The ballots he won prior to the dropping of the writ – because at that time you could vote with a special ballot prior to the writ, even knowing who the candidates are, but at that time he actually got 40 votes prior, from ballots that came in prior to the writ being dropped. Because of all of those facts, the candidate, Ms. Julie Mitchell, decided to appeal.

I think it's really good that she decided to appeal because we now have something, a ruling from the Supreme Court that is based on constitutional rights, both of the general public and of people who want to run. I'm not going to go into the details of the Supreme Court ruling. I think the minister did a great job. He used almost his whole hour to make sure people understood what was going on here today. If anybody needs to get the fine points of that

ruling they can go into *Hansard* and read it. So I won't use my shorter time to go into that.

I understand the CEO will be appealing. He has appealed the Supreme Court decision. He launched it on October 13. He's arguing that the special ballot provisions don't infringe on section 3 of the Charter of Rights and Freedoms.

I was quite impressed with the ruling. I've read it a number of times. I was quite impressed with it. I think we just have to now wait and see. I will say I am disappointed it's being challenged, but that's the right of anybody to do that, to do an appeal, and that is happening. We don't know if the appeal will win; it's quite possible that it won't. Unfortunately, if it doesn't we will have wasted a lot of money, but that's part of democracy as well.

There's a point I'd like to raise about by-elections. It's not something that can actually be dealt with in the bill as we have it, but it's a broader issue. I think the minister may have thought about this, I don't know, because we did have one day just chatting. It wasn't about the bill, saying there are things about by-elections that are different from general elections and we may have to look at that.

There's one thing I'd like to raise about by-elections. Right now, our legislation says that the minute a seat becomes vacant, either because of resignation or a death, then from that moment on the clock starts. Within 60 days a writ has to be brought in and then within 30 days after that the election has to happen.

What happens – and it's not just for the party or for the government, the party whose person has stepped down, it's not just for the government, all parties are then on alert. From any minute on after that day of the person no longer being in his or her seat, from any minute on, an election can be called. We all have to get candidates; we all have to get things in place because it was unexpected. We didn't know this was going to happen.

Now the party with the person who stepped down may have known, which gives them a bit of an advantage. So I think it's something we're going to have to look at in a broader discussion of the *Elections Act* and a suggestion, and it is

used in some places. My idea has actually come from sitting and chatting with the Chief Electoral Officer. That is you can say the writ has to be dropped within 60 days, but that cannot be called during the first 30 days. That would give what the Chief Electoral Officer said to me, a bump. It would sort of slow it down and give us time, give all parties 30 days to start getting their ducks in order, and then after the 30 days the writ could be dropped anytime during the next 30 days.

I think that's a really good idea, and it is used in some places. We can't deal with that now, unfortunately, but I think it is something we need to deal with as we go on and further study the *Elections Act* because today we're dealing with things – except for one section at the end of the bill – that have to do with special ballot. So whether it's changing the length of our campaigns – now we're going to be saying a minimum of 26 days, while in the past legislation was 21 days to 30 days for a campaign. So while we're changing that and making a change to the nomination deadline, both of those things are being dictated to by the need for the special ballot to happen after the nominations are in place.

A couple of the other changes – you might say that's not special ballot changes, but they are changes that are required because of now trying to meet the ruling of Justice Gillian Butler. The ruling was that it's unconstitutional to have special ballots out before the writ is dropped and it's unconstitutional to have the special ballot before the nominations are finished. That would be a special ballot that would have on it the name of a candidate and the affiliation if the person is with a party. To meet those two needs, which were the key rulings of the judge, there are some other changes that are happening related to letting the special ballot happen.

I'm not going to go into a lot of the details. I've mentioned, I think, key points that need to be talked about. What I want to do is go through the sections and speak to them. Most of them are pretty straightforward, actually. The first one, section 86.1 to 86.2, there's no change. That remains the same; we're not changing anything there.

In section 86.4(1), this provides that special ballots will be like regular ballots. What that means is when we go in people are used to a regular ballot. Your regular ballot has the name of the candidate, it has the party the candidate is affiliated with or it states the candidate is an independent. Then there's a place for marking your X.

Up to now, the special ballot is a blank sheet. That's not allowed anymore. People could either write a name or write a party. Then they could put that on the sheet, write it on the sheet. So what they got wasn't a ballot like you see in the box when we go in. It was this blank sheet with special ballot written on it.

Now what will happen is because of this change, the special ballot will look the same as the ballot we get in either the advance poll or on election day. It will look exactly the same. It won't be any different.

Section 86.4(2) does allow for a write-on ballot. I had a problem with this, the fact that there was still an allowance if necessary. It sounds like even if it's deemed to be an emergency, there was still going to be the possibility of a write-on ballot to continue in cases where regular ballots cannot be printed quickly enough after nomination date. Now I understand the CEO does have problems because there's such a tight timeline. I think the timeline could be increased. I don't think it has increased enough.

So what is happening is it could be possible that some voters could still get a write-on ballot where they have to write in, but they will have to name the candidate because it would be after the nomination date and candidates will be known. They will have to write in the candidate, or the candidate and his or her party, but they're no longer allowed – if this kind of ballot has to be used somewhere – just to put down the name of the party.

That's sounds like that makes it all right. I expressed real concern about that in the briefing we had. We talked about what could be done. I made a proposal, and it was said, well, there's a desire to have a nice, clean piece of legislation without extra things put in that aren't necessary, et cetera. Because what I was saying is why

couldn't we find a way to put a list of the names in there.

I still believe we do need – while I'll accept there might be occasions where we'll have to have that blank sign-on ballot, that the person voting, though – even though it's after nomination day, and even though it is now public who is nominated, I still believe the person with that ballot in their hand needs to have the names of the candidates in front of them, just like the person would if they went into the box on advance day, or on E-day itself.

I understand the printing of the ballot could be, in some cases, difficult for the CEO to get done. I would say it wouldn't be difficult to have one sheet copied to go into a company with the special ballot, and that sheet naming who the candidates now are with their parties if they have an affiliation. I think it's really simple.

I will be bringing in an amendment. The amendment is eight words. I don't think eight words at the end of that clause is making the piece of legislation cumbersome or dealing with details that aren't needed. I think that detail is needed. I don't think we should just say: Well, we can take for granted that the names will be on a sheet and we'll go with a special ballot. We can't take that for granted. So I think all we have to do is to make sure it's clear in the new legislation that everybody receives the names of the candidates after the nomination deadline end. Not just people who are going into the polls and voting in polls.

I really believe this strongly. I know that the minister is open to having discussions. I'm not asking for something that I think is crazy or outlandish. I think it really makes sense. I think – I'm not a lawyer and the minister is and there are other lawyers out there – you can even make a constitutional argument that the voter has to have the same situation.

Whether I'm a voter in the polling box with my ballot with the names on it, or I'm a voter with my special ballot in my hand, I should also have those names in front of me. When I go into the polling station you can say: Oh, you know who the candidates are. Just write down the candidate's name and the party. We don't do that, so we shouldn't be saying: They have the

special ballot. They know who the candidates are; they know where to get that information. I think no matter how you vote, we all should have that same equal situation of having the list in front of us. We will have further discussions on that. I think it's very logical.

With regard to section 86.5, there is no change. Section 86.6(1) to (9); this is slightly changed, Mr. Speaker. The Chief Electoral Officer will have some flexibility in opening envelopes and counting ballots. This may sound very simple to people but it's not.

Previously, declaration envelopes of the special ballot had to be opened at 6 p.m. on one day. The envelope that said there was a ballot inside got opened at 6 p.m. one day and the ballot counting started 6 p.m. the next day. Now, the CEO could choose what days they were, but there are 24 hours in between.

People who were part of the count on one day, the very same people had to be there for the second day. They had to wait 24 hours. Spend hours one night opening up one set of envelopes, wait 24 hours and come back and spend hours another night. That's been changed. The other thing that we have in here is something which is not related directly to by-elections.

I don't really know why the government chose at this time to make these changes, but it could be because they just overall want to make this change to elections and decided since we're dealing with a by-election, let's make the changes now. It's interesting because it's part of a whole different part of the *Elections Act*. It goes right over to section 226.1(1) and (2). What it has to do is black out days with regard to advertising. I think I will read it, as people don't have it in front of them. It's pretty straightforward. It deals with the registered party or the candidate, a corporation or a trade union, different people who would be involved in an election and when they may not advertise.

The original piece in the *Elections Act* resulted in advertising blackout days at the beginning of any election that was longer than 21 days. It ensured that candidates don't get overcharged during an election. The new subsections were intended to ban advertising on polling day and the day preceding polling day. In other words,

you wouldn't turn on a radio on polling day or the day before it and hear ads about a party or an individual. You wouldn't see ads in a paper or anything of that nature.

The original wording that was presented during the briefing looked like there was a possible snag. It looked like advertising was going to be banned all the time during a year except during elections. We had noticed the discrepancy after the briefing and we were going to suggest the wording be changed. Then, the government notified us that afternoon that in actual fact they had picked up on it as well. In the afternoon after the briefing we did get a revised version of the bill.

Now, the only time that advertising can't happen in the province – when it comes to a party's political action, whether it's advertising by a corporation or a trade union, or a party or an individual – is on the polling date of an election and the day before the polling date of an election. So we were glad that got picked up and acted on.

I see that my time is running out, but I have made the two major points that I wanted to speak to. I look forward to speaking to them again when we get into Committee.

Thank you very much for the time, Mr. Speaker.

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

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

It's indeed a privilege to get up here today and represent the beautiful District of Cape St. Francis, as I always say.

It's interesting how I'm going to do my comments today. I listened to the three House Leaders basically go through the bill and give the explanation line for line on the bill and what clauses they look at, and fixes that they do have for some of the dilemma. I'm not saying it's a dilemma or anything, but some of the discussion that's on the go here today was – I just listened to the Leader of the Third Party. I have to say most of the comments that she made, I agree

with her. I'm going to go a little bit different today.

I've been involved in elections at a very early age. My father was an MHA here in the House of Assembly for a number of years. When he finished, I became involved with Jack Byrne.

We all run elections in different ways. It's your volunteers and the people that come out and help you that really dictate how you do in your elections. I'm sure an experienced person like the Minister of Finance who's been here for years and years, you have people that you say: You're in charge of the advance poll and you're in charge of the special ballots.

Special ballots were a new thing to me. It was interesting in the last election because in my district, Mr. Speaker, there are a lot of people that work offshore. There were a lot of people working at the time in Alberta and other parts of Canada and other parts of the world, friends of mine. I had a person in my campaign that said: We have to find out who's not going to be around election day, who needs special ballots, who cannot go. There were people who were at home on oxygen and different other ailments that couldn't go to the ballot box on the day of the election so they needed special ballots. In some cases, it was at the seniors' home.

I was at a place last night where someone just asked me: What are special ballots? Who can do a special ballot? That's what I explained to him, these are the people who can actually do the special ballots.

In an election campaign it's very important that for anyone who wants to get elected, you have to get the vote out. You have to work and make sure that everybody you know, who's available to cast a ballot, casts a ballot. As we know in elections, one vote counts. Every vote counts. You can do it by one vote or whatever.

Just to tell you about the special ballots. In the last election I had numerous people who were away. There were people who were in Florida. I had two couples who were in Arizona and I think they either mailed in or they called the chief electoral office and had the kit sent to them, then they had so many days to get it back, but you know what, it's part of democracy.

Those people have just as much right to vote as anybody else in this province. If you're working offshore or maybe you're retired and you don't want to stay around here for the cold winters and you're down in Florida, it's your right to vote.

Special ballots are a great thing. Like I said, it could be somebody who just cannot go, due to medical reasons, to the poll box but they want – listen, as we all know in this House of Assembly and we all know as Newfoundlanders and Labradorians, we have many people who died to give us the right to vote and that's part of what this is all about. It's about democracy. It's about the right to vote. That's why we're here today.

My whole thing about the debate today – I'm glad that the House Leader has let us get up today and speak, it seems like we're going to be the ones to be doing most of the speaking and give our concerns. Our concerns –

AN HON. MEMBER: (Inaudible.)

MR. K. PARSONS: Yes, and so we should, so we should. Everyone should get up and make sure that your constituents are heard and make sure that democracy and the rights and fairness for people in this province are doing it. That's what this is about.

Now, I can talk about, like I said, how I did for special ballots. I tell you, as an incumbent or a government Member – I'm not saying government, I'm saying incumbent, as a Member of the House of Assembly it's an advantage. If you're running again and you get your own nomination, it's an advantage because you should have a team in place. You should have an idea of how advanced polls work. How it's important to get your vote out that day and how important it is with team work and stuff like that.

Special ballots – I'm not sure, but the last election, I could be wrong, I think when they did the count I had over 300 which was huge. For some people in this House of Assembly, 300 votes are a lot because it meant the difference between winning or losing your seat. So if you did your work you can get – it's all about getting a vote out, it's all about getting everybody.

The special ballot gives people who cannot vote, for no reason of their own – and a special ballot doesn't necessarily mean that you're not around voting days. Somebody may just want to say listen, I want to get the vote done and I'm going to go do a special ballot. It takes a bit of procedure. You have to go fill out an envelope and you have to put it in another envelope and do a lot of work. It's not as simple as just going up and signing your X the day of the election. It's a little bit of work. So if somebody really wants to do it, it's up to themselves.

As I just said, incumbents – and I'm not saying government Members, I'm saying all Members – have an advantage if they're going to run again because they know the procedure and everything else. Government Members, along with any Member of this House, surely knows the importance of what special ballots are and advanced polls are.

I had the experience of working with my father and Jack Byrne. They were very good political people; very smart political people. I think I've learned a lot from both of them over the years and know how the whole thing works.

What I want to talk about today is about fairness, and it's fairness to all. I know the decision to do what we do – I had a bunch of seniors in here this morning and had a great conversation. I love it when they come to the House of Assembly. I get to stand here on the floor and talk to them and explain the procedures here in the House of Assembly.

One of the seniors said to me, she said: Kevin, it takes a lot of guts to do what you're doing. I laughed at her. I said I don't know if it takes a lot of guts or anything, but it's a big decision. It's a huge decision to put yourself out in public life.

People all around this province – we're probably the most opinionated province in Canada. People always have an opinion. People always want to express their opinions, but I wish there would be more stand up and say I'm to express my opinion. I'm going to do it. I'm going to go and I'm going to try to make a difference.

I feel that everyone in this House of Assembly is here for that reason. First and foremost for me is

to do everything I can for my constituents. I tell them they're my bosses. Secondly, we're here in the House of Assembly to make decisions that are best for the Province of Newfoundland and Labrador. We're here to make sure things are done properly. That's part of the stuff I want to talk about on this bill. It's about fairness.

The very first part I'm going to talk about is the five days for nomination. I understand the reasons why this was brought in. I understand the judge's ruling; Judge Butler's ruling. In fact, I agree with her ruling.

Understanding special ballots like I do, I always had a problem that there's no name there. When people ask me: Kevin, how do I do this special ballot? Is it like going to the box and you mark your X with the person's name there? Not so. I said: No, that's not how it works. You can either put my name there or the party.

For a person who was running as an independent, what party do they put down? You know, that's a disadvantage. I agree with the Leader of the Third Party, and I'm going to talk a little bit about it later, about write on the ballot. I'd love to see it so that the names are there and the Xs, so you can mark the same thing as you do on election day. So all the names of the candidates – and that's basically what Judge Butler wants us to do. What her ruling is, that the names be there.

Here's what I want to talk about, the five-day nomination period. I told you about how this morning I had a group of seniors in and it was a big decision, like I told them, for me to run. I came in at a very unfortunate time. My good friend had died, and there was a nomination period. He was a very good man, a very good friend of mine. I had really no intention of it. I would have much rather see him continue with his job.

At that time I had to make a decision, and the decision I had to make, as a single parent with two children, one in high school and another one in university, would I take the gamble to do what I did today. That was a huge decision. I had to talk to my family; I had to talk to my employer. I had to talk to my employer. I didn't know but he'd probably say, listen, Kevin if you take that loop and go try for the nomination,

don't bother coming back here no more. I don't know.

There are all kinds of different things you have to look at. As new MHAs, and people in this House, I'm sure you all, everybody here in this house had the same decision to make. It's not something that you just snap and it's done. There are all kinds of things you should be prepared for. Most people understand public life, but it would be nice to talk to somebody who has been involved in public life to see if that's really what you want to do.

A five-day period for nomination is just not long enough. You got to have a nomination meeting. You got to have people in – if there are people going to run against you, a nomination meeting. So then what you have to do, you have to go, like I had to, to my friends, people I played hockey with over the years. Some of them, I wasn't sure whether they were going to support me or not. I don't know why, but I just wasn't sure they were going to support me.

They came out and they did support me. It was a period of time that we did have for people to get out, but there's no way, it's impossible – it's my belief that it's impossible to do that in five days. The decision that has to be made, for you to do what we're doing here today, you should think about it. You should inform your family. You have to make sure your employer or anyone else – and it would be nice to know if you have a bit of support in the communities. You'd want to call people in different communities and see. Nobody wants to run for nomination and for nobody to come out and support him. So there are a lot of time frames.

This five-day period, I can't see it working. Again, it's okay for me. If I run again, hopefully I'm going to be okay, but the new person that comes in behind me afterwards, they have decisions to make. Anybody can resign; just like we saw right now in Mount Pearl North. Anybody in this House can resign.

I've been here for over nine years now and it's amazing me. If I could tell you the number of people and the by-elections that have gone on here in the House of Assembly; I can't believe how many people come and go, but that's part of political life.

I really believe that if we're going to be a great House, if we're going to represent the people of the province the way we want to, we have to have the best possible people here. We have to have people that are here for the right reasons. If that means getting a person to make up his mind or her mind and it takes 10 days, well so be it. I believe there should be a time limit. I'm not saying there should be no time limit. Obviously Justice Butler said, listen, this is what we have to do, there has to be a time limit. That's the reason why we're moving it to 26 days.

I have no problem with that whatsoever, but I think we should come back from the end. There should be a duration, whether it's a 34-day campaign or it's a 40-day campaign, come back, give the Chief Electoral Office time enough to be able to get special ballots out. Give them time enough to be able to make sure that everybody who deserves it, everybody in a democracy deserves the right to vote and they get that right to vote, and give them time to do their work.

That's why I think there should be a duration at the end, and I think we should work back. Rather from the start, I think we should work back from the day the election day is, come back and make sure we work with the Chief Electoral Office so there's enough time in order for them to be able to do what they need to do with special ballots.

Again, agreeing with the Leader of the Third Party, I think it's fair that the names – now she proposed, I was at the same briefing she was at. She said, okay, if the Chief Electoral Office doesn't have time enough to get the names on the ballot, at least have a list there. I think that's what you were saying. At least have a list there so that when a person does go in to the ballot box they have a list.

If it's a person that's an independent, their names are there as an independent and you have the same vote. Now I would prefer it be done the same as election day, that all the names are there, parties, independent and you mark an X, but there may be circumstances that the Chief Electoral Office wouldn't be able to get that out, but if there's a list there they would be able to do it.

Again, sometimes people will say: Oh, it's an unfair advantage for government; it's an unfair advantage for incumbents and unfair advantage for this. Any time we do anything with election reform it shouldn't be about government, it shouldn't be about incumbents. It should be about fairness.

We live in a democracy. We live in a place where it's the greatest country in the world and the finest province in the world. People have the right to vote because people sacrificed what they did, scarified so we have this right.

I just want to say to government and say to the House Leader: Let's do this right. Let's make sure that what we're doing on this piece of legislation is right. It's not an unfair advantage for me or it's not an unfair advantage for you. I want to see this piece of legislation so that people in the province who deserve the right to vote, have the right to vote.

I heard the House Leader today say it's about the candidates and stuff like that. It is about the candidates and it's about the right to vote, but it's about having the best candidates. It's about having people that are here for the right reasons. It's about having someone who's representing everybody in the province that are there because they want to be there. They want to be here because they want to do the best for the people of Newfoundland and Labrador. I firmly believe that – and I've got no reason not to. I firmly believe that most or all Members here are here for that reason. I hope they are.

When I look at the special ballots and I know – nah, this will never happen. Look what happened to Harper when he ran the long election. Look what happened to him. He went down and stuff like that. There are scenarios that could happen here. There are times that leaders leave. Leaders leave and I was part of it when leaders left. I was here for a number of leaders and I was only here for a short time. That happens.

People leave politics and for reasons of their own, people leave. Sometimes there can be snap elections and there was. In the past, we've seen snap elections in this province, but it would be unfair for us to put legislation through in this House that will give somebody an advantage

over another group. People of the province don't want that. They want it to be fair.

I'll just give you an example that I'll see. By-elections and general elections are two different things. I know we have a fixed date. A fixed date on a general election is not a problem at all, but it doesn't necessarily mean that's the only time that election can be called. An election can be called any time at all, depending on what happens.

In the governing party, it is your right. People voted you to be the government of the day and you have the right to call the shots in this House of Assembly. You have the right to call an election. You have the right to call a by-election. But all I want to see is for this bill to be fair to everybody, to be fair to all parties, whether it's the Third Party, the Opposition Party, or even your own party, and everybody on a level playing field is fair.

If the time is there and it's a fixed date, will we come back and say, okay, we'll give them an extra few days – I think the last was 21 days and 30 days that an election could be called. So if we are going to go to 26, let's look at 34. Maybe we'll look up as far as 40 days, but that will give you time back so the chief electoral office can do their job with special ballots. I think that makes sense. I really do.

What could happen in an election – I hope that you listen to me, the Member for Lab West; I'd like to see you listen to me. Because that's what we're here to do; we're here to debate. I believe that in order for us to attract the people that we need, it has to be longer than five days. I believe that people want to get involved in politics, but sometimes they need the time to make that decision. There are different ways to do this. All I want to do is make sure that it's fair to everybody.

AN HON. MEMBER: (Inaudible.)

MR. K. PARSONS: The Member for Lab West is chirping over there. I wish he'd give me a chance to speak. I didn't chirp while he was speaking yesterday, but he has a tendency to do all the time.

I only have a minute left here now; I just hope he'd listen for a little bit because he was against every amendment. I'm not listening to any amendments is what he said yesterday – not listening to any amendments. I'm glad that his House Leader said today that he will listen to us because this is what the House of Assembly is here for, for all of us to make a decision. But the main thing when we make a decision in the House of Assembly is that we make the right decision, and the right decision is about fairness, it's about attracting people to this Legislature that are good people, that people in this province want to see here, and they're here for the right reasons.

I think there are some changes that should be made and some amendments that should be made here, and I hope that government will listen to Opposition, and probably listen to some of the Members that have concerns also.

Thank you, Mr. Speaker.

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

MR. PETTEN: Thank you, Mr. Speaker.

It is a pleasure to get up and pass my commentary on this Bill 14, our *Elections Act* and dealing with special ballots. I guess if this bill ever comes to the floor of the House again, most of us won't be around here then, more than likely, you never know, but it's always good to pass your comments and have your views on record because we do represent individual districts.

Sometimes that's all lost in the banter back and forth in the House. No one needs reminding, but I think it's valid to say that we all represent individual districts. It's a huge honour. There are 40 men and women in this House who represent the entire Province of Newfoundland and Labrador in the respective 40 districts and bring their voices to the floor of the House of Assembly. That is what democracy is. This is supposed to be our democracy. This is our Parliament and we do represent the interests of the 500,000-plus people who live in this province. It is a huge honour and it's not an honour, I don't think, any of us should take so lightly.

In keeping with that, I believe that is probably the crux of why we, as an Opposition, collectively, have kind of stuck our heels in, in the last week, on this bill in general because it's too important an issue, I believe, to let slide by and not to do it right.

We heard what Justice Butler said in her statement in 2007: It was rushed. There was lots of blame to go around. There might be a couple of Members who sat in that Legislature back then who are still here now. It was nothing intentional. It wasn't an intended result, but unfortunately that's what's happened. Here we are today, 10 years later, going back, due to a court decision, to try to make it right.

If we're going to make it right, we should make it right. We should listen to what 40 Members have to say because as I just started – my preface was, we represent the entire Province of Newfoundland and Labrador. It's a huge honour. The residents who we represent deserve – the 16,000 people I represent deserve to hear me pass my opinion along because I'm speaking for them.

As an incumbent in this Parliament, we have a huge advantage when it comes to elections. Whether you get elected again, that depends. We're advertised. We're out in the public. We get constant PR – I guess if you want to call it – for four years. We're the incumbent; we have an idea of when an election is coming. We have a feel for it. So we're well off to the races, but you look at anybody out on – my prospective opponents are sitting by waiting I guess until 2019.

Have a fair and open process; give everyone that opportunity to try to put their name forward, to come in to represent their district; and, like I say, to take up this huge honour. Of course, any of us who are running for re-election, we're going to challenge them to the last minute, but that's what democracy is about. That is really and truly what democracy is about.

When the clock hits 8 o'clock on election night, if you're fortunate enough to get put back here, you get back here, but do it right. Don't have any roadblocks. Why would we even be considering something that – you come with 40 Members, why are we not doing something?

Why don't we all sit down around a table, sit here at this table, wherever, and hash out a proper process for everybody.

I mean, you're dealing with special ballots, but you're also getting into election writ periods, your nomination period. It kind of gets muddled a bit when we say special ballots as an entirety because it kind of confuses the situation.

At first, when Justice Butler came down with her decision, we called our leader. We called for the House to open to deal with this issue knowing that at the time there was a by-election coming up. At the time, until we got a chance to look at that decision, we were more or less thinking special ballots. I think everybody was. It was unconstitutional and I got that.

I ran a lot of elections before I ever ran as a candidate and I'm very well versed in the special ballot process. I know there was a lot of work to get that one vote sometimes; you did a lot of work. I think most Members here can attest to some of the work you do to get that one ballot to that person and what's required.

Every vote counts and not only in a ballot box, but it counts for democracy. Everyone has that right to vote and we should never put any impediment there to deny them the right to vote. Justice Butler was bang on with her decision, but given the right to vote for the candidate of their choice.

With the decision as he stated, it's unfair to independents, people who are not party affiliated. I know when I got elected I never got elected because I was a PC. I know this because people told me they elected me. When they were going in to vote, if they had to go in without a face to that ballot, they probably wouldn't have wrote in Progressive Conservative back in 2015. I mean I'm not afraid to say that.

When Barry Petten's name showed up on the ballot, they voted for me. I've been told that this is not – as I was thinking there the week about all this, that really came true for me. That process would have probably hindered me in the tight election I was in with the change of government coming on. To me, that just answers everything about what we see wrong with this bill. That's one section. We need to have a list of

candidates and their parties. We need to have the nomination in place before you cast your special ballot. I think that's one big issue.

We talk about the five days, the nomination period. This comes back to the whole crux of our democracy. Why are we making it challenging for a party or an individual to put their name on the ballot?

I tell the story many times because I think it just tells sometimes that people don't understand in the general public how we all arrive where we are. The former Member that sat in the seat I'm in now, when he announced his resignation – and I was his executive assistant at the time – I never ever anticipated, I never viewed myself in this role. I was always quite comfortable; we were kind of partners in crime for long time. I enjoyed the support role and I ran his campaigns. That was our comfort level.

I remember when he resigned, the next thing I know people were looking at me: So you're running, right? I found it really funny. I have to say, I got a great chuckle. I laughed a bit and then I realized the people weren't laughing back and I said well I better seriously consider this.

That took me days. I never went home that evening and went in and told my wife and family I was running because that took a soft approach. It's a big decision. Even if everyone is with you, it's a huge decision. It's not so simple, and we all know it, it's not so simple – oh yeah, I'm going to run. If you're not given enough time to debate that out in your own mind, a lot of people will not run, they'll probably pull back.

I remember – and I was around politics all my life – it was a huge decision. The pit in my stomach was turning for about a week trying to get my mind around am I ready to take on this challenge. But when I made my mind up, I was ready to roll and the rest was history.

We're given a five-day period in the event of a snap election. I understand, for the most part we will have an idea. We have fixed election dates and if there is a change in leadership, and the government can call an election any time, I guess. I do know that in most cases we will

know in advance when an election is coming, in most cases. I get that.

When you're going out, say your five-day window, everyone says, and I heard some media commentary early in the game saying: You're going to know when the election is. This is no surprise. A by-election we do and we've had lots of notice of this by-election.

Not all general elections will work that way. We've seen that in the past with the so-called snap election. That's why we come in a lot with fixed election dates so we can give a more defined period, a defined election date pretty well to stop that from happening.

If you look back, when that was brought in, fixed election dates, that was one of the reasons that – advocates who advocated for fixed election dates didn't want to give the governing party an advantage. That was well documented back at the time. This was meant to eliminate any unfair advantage the governing party had. The governing party had a huge advantage before that. We've seen it back in the 90s with former Premier Tobin. He did it twice. Bang, bang. He called elections less than three years apart. It happens. It's happened (inaudible) that's the most recent examples but it's happened over the years.

Again, I'll go back to: Why aren't we doing it right? Even to say: Trust us; we're not going to do that. Do you know what? Fair enough. The Government House Leader, I'll say I trust you; no problem. This is not about us. This is not about this group of men and women in here now.

What about in 15 years' time, in 10 years' time when all of us have gone off into the sunset, wherever we've gone. There's going to be a new Legislature; there's going to be a new government here. These are election rules. They're not changing every day without coming in and doing what we're doing here now.

Why don't we do it – there's criticism already about it from Justice Butler, and rightfully so, and from a lot of commentaries. We got it wrong in 2007, the Legislature of the day. Get it right in 2017 so in 2027 we're not back here saying: In 2017 they rushed this; they never did the

proper consultation. They never did the proper analysis.

This shouldn't be a political gain, a win for anybody. Again, I come back, there are 40 of us. We're elected Members of this House and it's a huge honour that we represent, but we're here again representing the interests of the people. I'm representing 16,000 people. Out of those 16,000 people, there are people who are going to want run for my seat, but I'm here to represent them and their interests. They have a right.

This is a process that we look back now – and I'm sure there's not a Member in this House who haven't thought about when they heard it, that's terrible how they rushed that in 2007 and never got it right. I believe there were 12 pages of *Hansard* that was registered. Justice Butler was pretty clear in her criticism and rightfully so. Get it right.

There are several issues, but the two big issues we have are the fixed writ period and your five days to get your candidates in place. Both of those create problems. I believe that you need to have a fixed window for elections because, again, the governing party has an unfair advantage. The reason I say that is governing parties tend to do a better job fundraising, which is par for the course. They have deeper pockets. They can run it.

We saw what happened federally. We all know, it's been well documented the former prime minister of the country pulled that one on an 11-week campaign. It backfired. A shorter campaign, the Conservatives probably would have formed a government and the Liberals would not have won, but in saying that, he did that on the premise that they had deep pockets. The federal Conservatives are great fundraisers. They're still great fundraisers. He thought he was going to outspend his opponents. That was his goal: 11 weeks, I will outspend them, out campaign them and out advertise them because they were into the (inaudible) all negative advertisement, pumping it on the television and whatnot. It didn't work, we all know.

Having that window makes it fair for all parties, all parties in our Legislature and Independents included. Sure, the governing party will still have an advantage because most times

governing parties have deeper pockets to run elections, but they'll have more candidates in place. They have more fundraising abilities, but in saying all of that, if you have a window of 40 days, what's wrong with that?

If you give yourself enough time – I know the federal government, they have a minimum 36-day period and you get 15 days to have your candidates in place. So let's give it 40 days and give it 15 days, go back from 40. So that's 25 days from election day you have to have your candidates in place. Right now, it's 10, 11 maybe, 10, yes. Then the proposal of five days, to me there's something radically wrong. It's just not right. I suppose in conjunction, that's two of my points in the one response. The fixed election period of say, 40 days, I believe you don't start from the beginning; you start from election day. That gives more certainty to everything.

You have 15 days or whatever. You have 25 days back from – you have a 40-day election period. The nominations have to be done by 25 days prior to election day. That gives you 15. Thirty-five, 20 – you can play with any number; it's like a timeline, but go from election day back. Then, everyone gets certainty.

As was already stated, government wanted to – we know then we have fixed certainty that election day is scheduled to be November 30. October 21 is the earliest the election writ can drop. It's more certainty but it levels the playing field. It's what democracy is about.

We take it for granted. I'm sure all of us go home; I try not to look at too much because sometimes it can get draining. But you look at the national news cycles; look how fortunate we are to live in the country we live in, to have a democracy to be able to get up and opposing views. To be able to question your government, your Legislature every day when the House is sitting, to be able to speak up for the people you represent. Lots of places in this world would give dearly to have what we take for granted.

Sometimes maybe we take it too much for granted because when we bring in a bill like this – and I'll go back to my initial comments. At first, when we brought this in I was just zeroed in on special ballots. I really was. I was thinking:

That's good. That makes sense. There should be no problem. We can work with that. But then it got into, like I said, the writ period, the period for your nomination. This was more than special ballots.

This came into the crux and the basic foundation of our democracy, of our election system. It took a couple of days, I think, for even the media, and somewhat outside, to really catch on to what we were talking about. This wasn't a Tory against a Liberal thing; this was about us as a Legislature getting it right.

Mr. Speaker, I reached out, actually, yesterday to a local political science professor at MUN, Kelly Blidook. I clarified with him and feel free to use his name. I reached out to him and I never gave anything away but I said: What are your thoughts on this bill? Just basically I told him we had issues with the length and the five days, what do you think? I can show you that email as well, but I didn't give him any other illusions. I'd like to know. If you don't mind, would you share your views?

He came back and he was very appreciative that, actually, we reached out to ask him. He reviewed the bill. I'd like to read what his response was because I think it kind of seals the deal on what I've been basically saying, right?

He says: "Thanks for getting in touch – I have not been vocal on this issue in part because I had not followed it very closely previously. However, I share your concern and have reviewed what I can to get up to speed on the initial decision.

"I agree that the 5 days is extremely short and therefore a problem. If this provision is to serve to benefit anyone, it can only logically be those with power over election timing, which is the governing party. It's noteworthy that, at the federal level, there is a minimum 36 day period" – as already stated – "and the closing of nominations is 21 days before the election, thus a minimum of 15 days for nominations. I would simply recommend following the same model (it clearly doesn't risk a lack of constitutionality), and I'd question the rationale of making it significantly shorter and taking such a risk.

“I can also see where a governing party might abuse the lack of a maximum, and there seems to be no other plausible reason to avoid a maximum period, but I also know this is an area where there are other clear cases where no maximum is imposed. I still feel there should be one.

“I think it logically follows that the bill fails to meet the justice’s ruling because the concern stated centred around an advantage due to the law itself, and at least in the case of the proposed 5-day nomination period, there is still an advantage – in my view – in a substantive form. I don’t know that I’d conclude the same about the length of the writ period, but a similar concern is at least apparent.

“Anyway, I hope this helps – if you want to discuss further, please let me know.”

That, to me, is pretty well telling to what I’m after standing here and saying for the last, pretty well, 20 minutes. He captured it in a shorter period of time. I’m not getting up and mudslinging, I’m not pointing fingers. We do a lot of that in other debates and that, but I believe this is too important to go to that level. I believe that I’d encourage all members to get up and share their views because we all are 40 on this one, I believe. We need to park our political stripes and do what’s right for our *Elections Act*, for our democracy.

I can be as political as anyone in this room. I’m sure most members around know I can get into pretty good banter, but I have no intentions of doing that. I sincerely say that, in all due respect, to everyone here. I believe this is too important to get wrong, Yeah, you can come back to the Legislature and fix it, but I think it’s probably a level of embarrassment for all of us here in this Legislature. You know, I’ve heard the comments on the floor of the House critical of the Legislature of 2007. Now, rightly or wrongly – but this criticism, I guess, if the shoe fits, you wear it.

I know the Member for Signal Hill, the Leader of the Third Party, stated they probably were unaware because it was a new thing to them. Special ballots were somewhat new back then. I was back running elections and it was all kind of a bit – we were unsure, we were uncertain about

it. It was a new thing so I can sort of justify how they would have not gotten it right.

But now, 10 years later, 2017 the world has changed a lot, especially with elections. Like I say, we should not get this wrong. This is too important to get wrong. I believe that we should work together. Park your, I guess, politics by the door, because on this one it’s just too important.

I know my colleagues, the rest of us, will obviously be speaking and our leader will be following up. We all feel strongly enough about this to carry on the debate as long as necessary to get our points out, to be on record as standing up for what we believe in.

Most importantly, Mr. Speaker, we need to stand up for the individual districts we represent and the people who we are representing. They might not realize it today but down life’s road what you’re doing now is protecting democracy. It’s protecting them in the future, too, for the right to vote, the right to run for election, the right to serve and have the privilege to serve in public office.

On that note, Mr. Speaker, I thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

It’s, indeed, an honour to stand in the House of Assembly again as we reconvene to debate Bill 14, An Act to Amend the Elections Act.

Mr. Speaker, I’m going to start with a paragraph that I’m also going to use to end. This is an excerpt from Justice Gillian Butler’s review and decision on the electoral special ballots challenge that was put forward a number of years ago.

Under paragraph 156 it says: “There was no evidence presented in this case to support that the members realized that special ballot voters’ ability to make a reasonably informed decision in the pre-writ period could be compromised ...”

Mr. Speaker, to me – I want to start this on a positive note – that speaks volumes. There’s no blame given here to any individual, any political party, any group, any past Members of this House of Assembly, or any organization that lobbied in any way, shape or form to give a particular advantage to any particular party or candidate in any particular region.

What this states here is that – and a number of my colleagues have said this in the past – in the past, as we addressed issues, policy, procedures, we addressed the things that we know are in front of us. That’s human nature. You address the things that you’re most comfortable with and the things that you address in a forthright process.

In this case, in 2007, the Legislature here was dealing with issues around special ballots as part of a bigger picture. One of the particular issues was that this was a new approach to certain things and had to be addressed in a different way. Everybody had a discussion around how do you do this in an equitable way, in a fair manner. In a way, that really represents democracy and isn’t an advantage or a disadvantage to the voters, to a particular party, to a particular candidate or to a particular region.

At the time, their review and their discussion – and all parties had an open discussion. Maybe not as lengthy as if hindsight now would dictate if they’d gone back they would have said: What happens in this scenario? What if this is the case? What if there’s a small spread of votes between the winner and the second individual and those votes’ difference are based on special ballots? Is there any relevance to that? Does it have an impact?

Obviously, Judge Butler’s decision is: Yes, it does have relevance. At the time it wasn’t that it didn’t have relevance, it’s that nobody identified the impact that it could possibly have. These are new things.

In life, as we go through anything, as things progress – as they say in life: It’s a living entity. You improve it as you go through. You identify challenges you didn’t know existed. You realized there are different approaches to certain things.

As we address the special ballot issue here, there’s no doubt people now who were around in 2007, who had this debate, people who previously were there and made recommendations in 2007 would look at this and say had we really thought down the road and really thought of every component of the special ballot but, particularly, the bigger picture here of how we give our citizens the ability to have access to voting and using the democratic process, that there would have been, particularly, I would think, some additional discussions here. There would have been some open processes about the scenarios that could be positive and the scenarios that could be negative.

There would have been, no doubt, a better understanding that we have to review this maybe on a more timely basis. As things evolve and as we identify certain challenges, we can come up with solutions so that we don’t get into a circumstance where we are now. There’s no blame to anybody in this House. There’s no blame to the government. There’s no blame to the Opposition. What we are facing now is a decision that was made, a legal decision made on merits and made with due diligence, due research and following the letter of the law and the interpretation of what the characteristics of democracy and, particularly, about eligibility and ability to vote in Newfoundland and Labrador.

We were forced then, because of that, and forced in a good sense, to come back and rectify something that hadn’t been addressed or that the circumstances had changed over the last number of years so that we could now get it right. But to get it right, you don’t want to repeat history. So what you want to do is to say let’s look at what are the nuances here that will identify the challenges that Judge Butler had outlined that weren’t acceptable under legalities in the Charter of Rights and Freedoms and prevent it, all candidates and all parties, from being on an equal playing field.

As we do that, you want to be able to project, on a go-forward basis, what are some of the other challenges here. What are some of the other potential restrictions or some of the other potential hindrances that may down the road prevent an independent candidate from running, another party from being informed and having

access to their candidates and their policies and that and the general population understanding who it is they would vote for and what that party represents and who their candidates are.

These were things that she had outlined. I just wanted to note one of her key things were to say: Look, there's no malice here. Nobody set out to ensure that they had an advantage. In 2007 that was the intent, and I would hope and I would think by the time we're finished here in 2017 that will be the same outcome, that there was no intent for any malice that somebody would have an advantage over anybody else.

In the general context of elections, sometimes people feel the governing party has an advantage because it has more Members that have more notoriety. It has an ability maybe to get to more districts. Then again, governments change; so based on that premise, that's probably not as accurate as people think, because every so many years governments change.

At the end of the day, what you want to have is a set of rules and regulations and policies that everybody understands, that everybody fulfills as part of their mandates, but particularly that the citizens of Newfoundland and Labrador all know that no matter what their circumstance is. No matter if they're in an institution for health reasons, if they have to travel for employment, if there's an emergency somewhere out of the province that they have to be, is there some other circumstance that dictates that they wouldn't be in their home district or in the province when the writ comes down and the time frame that they would have to use the normal processes of advanced poll and election day are available to them, that there is another venue.

Particularly in Newfoundland and Labrador where we have such a homegrown but, I say, transient workforce, that people move but they're homegrown. They live here. This is their home base. This is the place that they want to have their input. These are the people who want to be able to vote for people they want to represent them to set policies and programs that best fit their needs as they raise their families, as they're engaged in the community.

It obviously dictates that the process has to be conducive to ensure that people have that access. When this was outlined by Judge Butler, it sort out outlined exactly that we need to move forward. If you look at what she had said, every part of her report – a very lengthy, a very professional, very explicit, outlining exactly what it was she ruled on, outlines everything that she's proposing – is based on the premise of let's find better ways to include more people who want to vote, more people who may have challenges being able to vote, more accessibility to voting but particularly more fairness across the board. Fairness is not only about the voter; it's about who the voter wants to vote for.

That was a process that she outlined and gave some good recommendations. Her recommendations were based on what she found had been missing in the 2007 piece of legislation. So she had really had analyzed it. She had obviously looked at the restrictions, the process used and if there was a benefit to a particular group, how you could even the playing field.

As I went through it, I realized – because when this all came down, I was saying everybody knows the same rules, but they don't because we go on a premise because we sit in this House of Assembly that we're on the edge of everything that goes on politically and policies. We talk about all the things on a day-to-day basis, but the average citizen in Newfoundland and Labrador have too many other important things – not that politics is not important and keeping your elected officials feet to the fire is not important, but people have their day-to-day lives. They have their families to deal with. They have their jobs. They have stresses in their lives. They have health care issues and that, that they're not on a given day going to know what rules we changed in 2007 and how they're going to be implemented in the election of 2011, the election of 2015 or the election of 2019.

It's incumbent on us to ensure that everybody out there has proper access and equal access, and that's what the judge set out to do. It was, no doubt, when the Cabinet and the government of the day came to present their proposal, to address the issues that the judge had outlined on special ballots, they thought and would hope that this would be something that would be readily

accepted and discussed in a minor avenue, as was in 2007, to accept something and put it through. That may have been the case, had there not been some red flags that came up when we went through the briefing last Friday.

What the briefing indicated to us was that there had been a really thorough job done by officials in Justice and there had been some real discussion around the concerns Judge Butler had outlined, but there were some concerns there, particularly around dates, about writ times, about when elections could be called, about how do we improve the intent of Judge Butler that candidates' names would be attached to voting in advance of the regular voting process of an advanced poll or the regular voting day.

The candidates' names would be attached, so voters would actually know based on candidates, not just based on a particular party. Because then you eliminate the discrimination against independent candidates, you eliminate the discrimination about a late party getting registered and what impacts that may have. So she thought it was pretty clear that would be attached.

One of the key things – and there are a number of things that we'll discuss – was having those names on a ballot. We know from conversations with the chief electoral office that there are some challenges around that. From a time frame point of view, you'd have to have a longer writ period if you're to be able to do that, give an appropriate time for special ballots, get the ballots out.

In some cases, it's when it's announced that people start requesting special ballots. So they've got to come into the office, be assessed, note it that these people are indeed eligible to have a package for voting, send it out, then wait to get it back in timely fashion so that it meets the criteria for being an eligible vote.

When you start restricting it on the front end, you lose it on the back end. That became one of the issues here because we're saying that at the end of the day, because of what I mentioned earlier, 60, 70, 80, 90 per cent of the population are not engaged on a day-to-day basis, particularly if we have a short election, to know who are their candidates.

We've reduced the House to 40 seats versus 48 and 52 years ago, so that means the geographic are so broad now that there are candidates who may live in one part of the district but 200 kilometres away is the other part of the district. There may communities there who are not overly aware of who that candidate is, particularly if it's new people coming in – new people who ran for the nomination.

So that was a restriction right off the beginning. I think we had all agreed, Friday afternoon with the discussion, by Friday evening that we need to address that with the chief electoral office. We've since learned that there still may be some challenges; that they feel they can get it out, they can advertise through social media and the newspapers and all that. And that's fine; no disrespect to the chief electoral officer. From their perspective I can see that that would be, that they've done due diligence to get it out there. But if you live in remote communities, or you live in communities that have a high level of seniors, or a high level of people who are extremely busy or are travelling due to work or whatever reasons, they may not be aware who the candidates are. They may have just seen it in passing.

Having that list attached – party affiliation is one thing, and no doubt it's important to a number of candidates as we go forward; independents get discriminated against under this process. It was recommended, and I thought agreed by all of us, that we would have to have some form of acknowledgement of the candidates for the special ballots. One of the suggestions was that even if it can't be printed because of the time frames that it takes to print the particular ballots that we have, and they're very unique for security reasons, and rightfully so, that maybe an attached sheet that could be very easily photocopied and attached and put into each of these envelopes would at least give the voter an opportunity to understand which of the names that they identify there, and particularly then attach that to the party and the individual who's speaking and who's going to be voting at the time.

That to me is an easy fix. Now, if we can arrange it, if we can move the writ period back and the duration of the actual election, we can solve both problems at once, because it gives the

Chief Electoral Officer the proper time, his office, to print ballots as they would be if you went to the advance poll or if you did on election day, which to me is the fairest way of doing it.

A voter now can sit in the comfort of their home, regardless of their health issue or the comfort of their workplace wherever they are, anywhere in the world, and still be able to know exactly who the candidate is, what party they attached to, or if they're an independent candidate and make that vote appropriately. That's one of the things that we're adamant needed to be done. We think it's fair. It improves democracy. It improves exactly what the special ballots lacked in the previous process and it follows what Judge Butler had said. Why wouldn't we fix what she said needed to be fixed? That was one thing out of the way.

One of the second issues that both Opposition parties had a big problem with was the length, when the writ comes down, to get your candidates in place. We now have a system of 10 days, which is still tight but it's reasonable. Parties have to do due diligence and you would think candidates are thinking if they're interested in running for parties and putting their name forward. But a five-day turnaround, that becomes a very demanding process for parties but very restrictive, in our opinion, for candidates being able to decide.

In a lot of cases, people have to talk to their employers. They first and foremost no doubt have to talk to their family members. It depends on where they are. A five-day turnaround they could be out of town for a weekend; they could be out of town for a week. There has to be a reasonable period of time where things can be organized in the right manner. Multiple candidates may come forward; you have to have your nomination meetings to get things in play. People need to do it.

I was a civil servant and I remember when I went to run for the nomination and I was naive – and this is somebody who's been in politics all of their life – about the process that I had to do. I just figured on nomination day, I'll take the day off. It was informed to me when it was heard that my name was out there that I had to come in and resign my position. So now all of a sudden I

had to make a decision – and that was in a 10-day turnaround. I had to make a decision of whether or not I would take the chance to run against five other individuals to get the nomination and then run to win, or would I go in to resign.

If a five-day period – there are other restrictions that people don't realize. It's the process that needs to be done here. If we dragged out the election process – and I'm not saying drag it out for the sake of dragging it out, but put it in an appropriate time frame, where all of the components, particularly those that were identified by Judge Butler, are addressed then we've done due diligence. We've improved our democratic process. We've improved the special ballot process but along that, in addressing her concerns, we've also improved the election process in Newfoundland and Labrador and made it fair for everybody.

That was the intent, I would think, of every time we changed legislation over the last 50 years in Newfoundland and Labrador when it comes to the *Elections Act* and it comes to engaging citizens. It's only a decade ago that we went heavy into the Make your Mark process, getting people engaged in municipal elections, getting people engaged in provincial elections. We're now in schools teaching young people about democracy, the importance of it and the importance to exercise your right. The biggest right you have to exercise in any democracy is the right to mark an X and vote for a candidate, or a party, you feel would represent your needs.

We can't do that properly and we can't say we're truly democratic if we put restrictions in play that eliminate parties being on an equal keel, or eliminate those who may not want to be attached to a party but want to run and feel they can represent individuals in a particular district, or at the end of the day restricts who can vote and in what time frames.

These are all things that Judge Butler outlined in a very specific way that gave an outline of how we could process these in a manner that would be beneficial to all the taxpayers, beneficial to all the voters, and would make us a truly democratic Legislature and a democratic society.

She didn't expect that there would be a lot of debate around this whole process, I don't think. I can't speak for her but I would think her understanding would be: I've outlined the five or six challenges. Now it's very easy for the governing body to take these, put them in play, bring them to the House of Assembly and have our open debate.

Obviously, with the briefing, had everything in the briefing being exactly as we would have thought addressed Judge Butler's concerns then this wouldn't have been an issue. We would have had this done in two days. We would have had to follow it. Bring the House back, had our open debate, acknowledge that we've improved our legislative process here, particularly around special ballots but, at the same time, also improved our voting process in Newfoundland and Labrador. It would have been a simple process.

Unfortunately, there were some nuances in there that weren't addressed, didn't fit the needs of, particularly, us in the Opposition – not only our needs, but as we represent the general population when they vote, that there were some discriminatory issues there that would eliminate people saying anything around what was going to be part and parcel of the democratic process.

So as we went through this, it's been now identified that previous speakers have spoken, the Third Party have spoken about it, that we want to move this forward. We have some concerns on a number of issues. We don't think they're ones that can't be addressed. We think they're all the timing ones that doesn't in any way, shape or form cause a financial burden to anybody, it doesn't cause a discriminatory burden to anybody and it doesn't give an unfair advantage to any particular party, individual or region of Newfoundland and Labrador.

Mr. Speaker, I'll sit on that and hope that we'll have more debate.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Reid): The hon. Member for St. John's Centre.

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

I'm very happy to stand and probably speak briefly to this bill, Bill 14, an amendment, An Act to Amend the Elections Act, 1991.

Mr. Speaker, our democratic process is so important. I remember when I was first elected in 2011 election night, all during the day people were voting and how exciting that was.

I ran into a few young fellows. There were four of them, and none of them had ever voted before. I had a chance to meet with them and chat with them. They were in the age range from about 19 to 23. They're fellows who had kind of been living on the edges of society. Some of them had been in trouble with the law before. Some of them had been dealing with addictions issues. I said to them: It's really important you vote. They said: What's the point of that? Nobody listens to us, what's the point of that?

We sat and we chatted for a while. We had a coffee and we chatted for a while. We talked about what it means to vote. What our democratic system is and how easy it is to feel outside of that system. How easy it is to feel really cynical about that system.

We chatted for a while and I told them that I was running. I told them why I was running, because it was never in my life plan. I'd always been a feminist activist and I did most of my work as a filmmaker for 30 years. I made films about women's human rights; I made films about violence against women and what we could do about it. So I always felt it was really important to be involved in my community and to be one of those people who could be a change maker. I believe all of us can be change makers in different ways, that we bring our different life experiences and our skills to the table.

I talked about it with those fellows and then I asked them about their lives and what were some of the things that were important in their lives. Some of them talked about the poverty they had grown up in. Again, one of the fellows talked about his addictions and how he had wished there was more help for him. One of the guys talked about feeling like an outsider and

that nobody ever listened to him anyways and what was the point.

In the end, they decided to vote. I went with them, not right inside, but I waited outside. They wanted me to come along with them. I said: I don't care who you vote for, but vote. That's what's really important. They kind of sauntered in, Mr. Speaker, to the school gymnasium where the voting was happening. Then they each came out, and each of them was inches taller than they were when they went in. They felt so proud. Again, for the first time in their lives they voted. They were so proud of what they did.

They trusted that what they did that night, for the first time in their lives, mattered. They trusted that their vote mattered. They trusted that they had a say in who was going to represent them and who was going to represent the issues they felt were important in their communities and in their lives.

I also met, that first time I ran as well, a few older women who had said they had never, ever voted before because they felt, what was the point? So we talked about that. They said, well, their husbands voted but they never bothered because they didn't know a whole lot about it. So we talked about that as well and about: Does it really matter?

It's so easy to feel that it doesn't really matter, but they did. Two women in particular I can remember who were so proud that they were voting for the first time in their lives. Both of these women were over 60 years of age and they both voted for the first time in their lives. That's kind of an exciting thing, Mr. Speaker.

Also, when we look at our political situation right now and how many young people are so very cynical about our electoral system. Not that young people have opted out. They're involved in their communities. They're concerned about the planet. They're concerned about the environment. They're concerned about the fact that their lives are so much different than their parents.

Their parents perhaps were the last generation to have stable, secure work and have pensions. These young folks have incredible student debt. They have precarious work and they know that

life is different for them, but they're so disenchanted with the electoral system and how we go about doing our politics. So what we are doing here today, Mr. Speaker, is so very, very important.

It's about saying to the people of the province that what we do to elect the people who represent us is crucial to how we live together in our Province of Newfoundland and Labrador. That's what this debate is all about, particularly for our young people who are so disenchanted, and in many ways rightfully so, with our electoral system. We need much more reform in our electoral system than even the amendments to this bill puts forth. I would say what we are looking at here today is just the tip of the iceberg. It's just the beginning of kind of pulling back the curtain and looking at what's happening behind the curtain.

Mr. Speaker, we have a lot of work to do. Again, we have a by-election that's looming and there's certain work that we have to do in order to fulfill our electoral responsibilities in electing someone to represent the people in Mount Pearl North. The people of Mount Pearl North have the right to a representative. So there is some work that needs to be done before we do that.

One of the things that I think needs to be pointed out, Mr. Speaker, is what we have been doing in the past few days really shows how important legislative committees are. If this legislation had gone to committee before coming to the House, a lot of this could possibly have been worked out. It could have been worked out, it could have been refined. There could have been negotiations done. There could have been more research done and consultation done, and that we probably would have ended up with legislation that was perhaps more responsive to the actual needs of the people of Newfoundland and Labrador before coming to the House.

Mr. Speaker, once again we are before the House with legislation that in fact would have benefited, the whole House would have benefited if this had gone to a committee prior to coming to the House, to a true legislative committee. I would hope that once again we will learn from this example and that we do take legislation to committee before doing this.

We've had a number of instances in our Legislature where, because of pressing needs, legislation comes to the House before it is ready and then decisions are made really quickly. We know that the decisions have flaws, that there are errors in the law, there are weaknesses in the legislation. Mr. Speaker, we know how important it is to do that kind of work beforehand, but also not to rush any legislation through, to really look at it very carefully.

I would like to commend the Members of the Official Opposition. Especially I would like to commend my colleague, the Member for St. John's East – Quidi Vidi, who has such an eagle eye around issues like this for the particulars, the minutiae of legislation and looking at hang on a sec, how do we just sort of hold back and look at what are the particular ramifications of legislation that comes to us before the House.

So it's really important that this wasn't rushed through. Again, it would have been ideal to have had this before a legislative committee first. Because of the incredible growing cynicism by the people of the province around our electoral system, it's ever so more important that we get this right and that also we acknowledge that this is just the beginning. There is a need. There is an absolute crucial need to look at how we are doing politics.

Is there a better way for us? Five hundred and twenty thousand people in our grand Province of Newfoundland and Labrador. Is there a way for us to do this that is more responsive to the life experiences and to the needs of our province? Mr. Speaker, I believe there is a better way for us to do this, a way, again, that is more responsive to our lives.

We can do things differently. I think it's very interesting when we look at the issue of the special ballots, how different the House would have been in 2011 and how different that would have rolled out. Our particular party would have had six seats. That possibly could have made us Official Opposition. What would that have meant?

These issues are very, very important because it is about, in this Legislature, how we make our laws, how we respond to the needs of the people. It's about how we live our lives together, how

we manage our resources, how we plan our future, how we share our resources, how we take care of our people and how we empower our people. It's very, very important what we are doing here today, Mr. Speaker.

I, again, would like to stress the importance of legislative committees. I'd also want to say how important it is to protect the absolute integrity of our complete electoral system.

Mr. Speaker, what we are doing here today in debate, and what has happened in the past few days here in this House in debate, has been about strengthening our electoral system. Not changing it very much, though. There are one or two specific issues. It's the tip of the iceberg. I look forward to us going further and really looking deeply at how we can make our electoral system more responsive to the needs of the people of Newfoundland and Labrador.

There is a lot at stake because, as we know, there are so many decisions that are made here. The decisions of Muskrat Falls, would that have been different? Could that have been different? How we make those decisions is so very, very important. So who sits in these seats and makes decisions, who sits in these seats and makes legislation affects the people of Newfoundland and Labrador and affects our province.

Mr. Speaker, I'm very happy to have had the opportunity to stand and –

AN HON. MEMBER: (Inaudible.)

MS. ROGERS: You need me to talk some more? Okay.

Mr. Speaker, I would say that I believe we are going to be able to deal with some of the issues in a collaborative way here in this House today. I think that's exciting.

Again, the task before us is very clear what needs to happen. I believe that we're going to be able to accomplish some consensus and go forward, that we'll be able to negotiate through some of the issues that were a little bit sticky, but through debate we can see a resolution.

Mr. Speaker, I would like to say thank you for the opportunity to speak to this bill. I look

forward to the resolution of the issues that have been raised. Once again, it is our duty and our responsibility in this House to assure the integrity of our electoral system, to ensure that everybody has the access and right to vote in an equal, fair and just manner.

I look forward to when we really get down to the work of really looking at revising our electoral system, not just tinkering at the edges with some specific issues, but looking at how can we go about doing the business of caring for the people of the province, of planning our future, of managing our resources and sharing our wealth.

Thank you very much, Mr. Speaker.

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

MR. FINN: Thank you, Mr. Speaker.

It's certainly good to see you in the Chair. My fellow colleague for St. George's – Humber, it's certainly good to see you in the Chair.

Thank you very much for giving me the opportunity to speak this afternoon for what most, I believe, who would be watching or listening now at this point are more than well informed. We have been discussing the *Elections Act* and An Act to Amend the *Elections Act*. We've been discussing this bill primarily since yesterday morning.

We had hoped, given this special sitting of the House, that we would have been discussing this bill since perhaps Monday. It's very unfortunate that we did not get the opportunity to do so. For those listening or those who may be watching, we certainly have an opportunity, when all sides co-operate, to give what we call special leave. That's the jargon that we use here in the House, that's the terminology we use. When given special leave we can get right down into debate and discuss this motion.

Finally, we are here, today being Thursday. This is the fourth day of the sitting of the Legislature in its special opening. As the Member just alluded to across, this particular debate is of utmost importance. It is particularly important because of a court decision. Justice Butler had made a ruling based on an election that was held

in which an individual contested the results suggesting that when it comes to special ballot voting, that individuals need to be informed of their candidates.

The decision actually, I believe personally, will be quite far reaching. The decision was made based on section 3 of the Charter of Rights and Freedoms. Section 3 of the Charter states that: "Ever citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." So they're saying that every citizen of Canada.

The decision that Justice Butler rendered goes on to further state: If one has a right to vote, they must also have the informed right to vote. What we had under our current legislation, and as it stands today until it is amended or changed otherwise or passed, as it stands today, we have what's called pre-nomination voting. A nomination is the process in which a candidate is selected to represent a party, be it the Liberal Party, the PC Party, the NDP or an independent Member.

In a nomination, individuals essentially could run against each other or therefore receive the nomination to become said candidate in an election. So whether it's a by-election or a general election, an individual may be acclaimed but nominations would generally occur.

In our legislation – which is actually not that different from every other province in the country – you can vote before a candidate officially becomes nominated. In fact, that is the case in every jurisdiction in the country right now. You can actually vote before a candidate becomes nominated with exception to the Northwest Territories. The Northwest Territories is the only jurisdiction in the country of which somebody cannot vote until the nomination and the individuals have been nominated.

I believe whichever occurs here today in this Legislature – be it today, perhaps it may be tomorrow or eventually when the legislation does pass – we'll get to a point where we'll have other jurisdictions in the country looking at the decision rendered here today or tomorrow or next week, as I said, and looking at it as a model. It's based on the Charter of Rights and

so, again, a very important decision based on that. Everybody needs to be informed of who they're voting for.

What we're hearing a lot about the special ballots is the time it takes to get the special ballots to the various districts of this province. I'm sure, Mr. Speaker, you can appreciate, as all Members of this House can, the sheer geography of the province and the ability to mail ballots to every reaching corner, all of some-400,000 square kilometres.

In doing so, the chief electoral office will now be required to not just mail out the special ballots; they're going to have to mail out the special ballots in addition to the names of the candidates. This is the new step here. This is the fundamental change. In doing so, the chief electoral office – and those who have worked on guiding the legislation as the Government House Leader alluded to when he debated yesterday morning and as was noted by Members of the PC Party as well – needs enough time to do this. They need enough time to get these ballots out.

What seems to be hinging here is the timeline in which a candidate can receive the nomination. What has been suggested and proposed in this legislation – and this is why we're having this debate, by the way. Just for the record, for anybody listening and for the PC Members who seem opposed – and they have suggested some ideas – there seems to be some concern around the five-day window in which a candidate and nominations close so we can determine who that candidate is.

I guess you have to look at it in the sense that: (a) we need enough time to choose a candidate, (b) we need enough time for the ballots to get mailed out as well and (c) there's only a fixed amount of time, as a minimum, for an election. So there are a couple of factors at play here.

I understand the PC Party has some proposed amendments. We haven't specifically heard the amendments yet, I certainly look forward to it. I know the Government House Leader is on the record, both in the media and here in this House, stating quite clearly that we're certainly open to hearing the timelines. I'm certainly open to hearing them as well.

I believe there are some merits to working with our Members opposite at times, supposing they don't work with us as we all know happened earlier this week. We could have been debating this bill on Monday and Tuesday. For some political leverage, I understand they wanted to keep the Legislature open, have an extra Question Period and ask some questions.

AN HON. MEMBER: There were no questions though.

MR. FINN: Actually, it's funny that one of the Members mentioned that.

During Question Period we did receive a lot of questions, our ministers did, the Government House Leader, in particular, a significant amount of questions about the legislation. They chose to use the half hour, the 30-minute window during Question Period to ask questions about this, as opposed to get into debate on the same day in which they could have. Interesting and I'm sure it's a political tactic and certainly one that they've used.

I want to put a few things in perspective, in terms of the timelines and the timelines of elections and when elections are called. The PC Party introduced fixed election dates. The fixed election dates were set and they were set for every second Tuesday, every four years starting in 2007. That piece of legislation ensured that all Newfoundlanders and Labradorians in the province are aware of when a general election could be called.

There is one exception to that, and I'll read it into the record because this is something that was of some debate and some mention, I believe, from the Member for Cape St. Francis. The only opportunity where an election is not going to be held on a fixed election date is "Where the leader of the political party that forms government resigns his or her position as leader and as the Premier of the province before the end of the third year following the most recent general election, the person who is elected by the party to replace him or her as the leader of the party and who is sworn in as the Premier of the province by the Lieutenant-Governor shall, not later than 12 months afterward, provide advice to the Lieutenant-

Governor that the House of Assembly be dissolved and a general election be held.”

Essentially, what that says in short order and what was said in the media discourse by the PC Leader, what was said is if the Premier decided to resign tomorrow, there is a fear that we could call an election the next day; what’s commonly referred to as a snap election. That is the fear. So they’re suggesting well, what if this happened?

A lot of the times when we debate legislation in this House, there are a lot of what-ifs that we could get into and debate, but there’s also a lot of history that goes with some of this as well. I think that as the PC party would be full aware, if they were in power at any given time, and the leader of the party changed, they had the ability to call an election at which time they’d see fit under advice having sought the Lieutenant-Governor.

In fact, they did that, Mr. Speaker. They did that. They had a change in leadership; the legislation required them to hold a general election. It stated they had to hold a general election within 12 months of the change of that leadership. Now, they conveniently found a way to circumvent that legislation and that was just drew it out a bit longer because what they did is they went and said: Well, we now need to change the electoral boundaries. That ended up essentially dragging out what should have been an election that was held previous.

It was a very unique circumstance to change the electoral boundaries. Some may debate whether or not that had great impact to the governing party, to the Opposition or what have you, or whatever the case is. The fact is the circumvention of the legislation in that one rare instance, but outside of that, what we’re saying here is elections are held every four years and every four years the public knows the election is held.

So what I propose to the PC Party is on November 30, 2015 by the late hours of the evening, they understood how many seats they were to hold in this Legislature. They knew they won seven seats in this Legislature. Therefore, they had four years from that date to begin seeking 33 candidates if they were to fulfill a full slate of candidates come the next general

election. They’ve known now for just about – well, we’re just approaching on 24 months of said knowledge that they needed to find 33 seats.

I also further note that by-elections take place because this is the other thing that was pointed to and, in fact, that’s why we’re here. We’re here discussing this now as opposed to a regular sitting of the House of Assembly because of the resignation of a Member, in addition to the recent court decision. The Members knew that their colleague was leaving. In fact, he did give us some notice.

On September 11, the Member for Mount Pearl North, at the time, announced he would be resigning from the House of Assembly to take another position. That was on September 11. So as of September 11, the PC Party, the NDP and the Liberal Party all knew that if there was to be a by-election they would have to find a candidate.

Legislation also states, Mr. Speaker, that upon the resignation of a Member, the House of Assembly has approximately 90 days to hold a by-election. I believe it has to be called within 60 days and held within 30 days of therein being called. There’s a 90-day window that’s even further; however, there is an off chance – and this is the world of the what-ifs and the what-ifs that were raised by the Leader of the PC Party. What if a Member resigns and we call an election the next day?

I’ll submit for the record, in the last 10 years, last 11 years as a matter of fact, there have been 17 by-elections in Newfoundland and Labrador. Of those 17 by-elections, the average length of time from when the Member resigned his or her said seat and the writ was dropped to call an election has been 24 days; 24 days is the average time. That’s 24 days.

What we’re suggesting is even under the current legislation as it stands now, the average amount of time has been 24 days and then you would still have until 10 days before the polling period to fulfill your candidate. It’s certainly a great window of time in which Members from any party would have to find a candidate.

I’ll further submit that in these 17 by-elections there have only been three instances; three of the

17 by-elections were announced in terms of the writ being dropped and the Member resigning; only three of them happened within a one-day window. I think history will prove that it wasn't at any advantage to the governing party at the time. The results are there for the Members of the PC Party to look into as well.

Now, with all of that said, Mr. Speaker, I am not naive enough to think that there's not another way we can look at this. Timing is important. Timing is important to everyone if you're going to run in a general election.

The Member for Conception Bay North? South?

AN HON. MEMBER: South.

MR. FINN: Conception Bay South, thank you.

The Member for Conception Bay South said individuals need to take a great deal of time; it's not an easy decision to make. I certainly agree with the Member.

It wasn't an easy decision for me to make, some thought process has to go into it, but I would further submit that individuals do think about this for some time. I understand what he's saying and I understand what he's saying in terms of a timeline, but if you know a general election is to be held every four years and you have some interest in representing the district in which you're from to have an opportunity to sit in this Legislature, I would submit, Mr. Speaker, that you would have a fair amount of time to think about it. There's a four-year window.

We all know when the elections are being held. Again, the rare opportunity being the by-election and the further rare instance being if there's a change in the leader of the governing party.

With those things in mind, I just wanted to lay out the numbers because history does show that this was the case. The Members opposite wish to choose and point to history, but that was well prior to fixed election dates in this province. The two instances in which they are referring to under former governing Liberal parties is well prior to the fixed election legislation that was brought in by their party, by the way, Mr. Speaker. Fixed election terms were brought in by their party.

With all that in mind, again, I do believe there is certainly some merits to debating it. That's why we're having this conversation in second reading. As we get into the Committee stage, and I believe the PC Party wishes to perhaps have another speaker address this in second reading, but as we get into the Committee stage I certainly look forward to hearing any proposed amendments. They've hinted that they have some amendments. They've briefly mentioned a few things on days. There's been some discourse in the media.

Mr. Speaker, I will submit to you, that as I stand here right now, for the PC Party to suggest they are vehemently opposed, this timeline is not a lot, I'd love to hear the amendment. I'd love to hear it put forward, at which time I know your office will go and discuss and see if the amendments are in order and see if there's a way we can discuss them further, but to this point, having spent two hours in debate yesterday and roughly an hour and forty-five minutes again in debate today in second reading, on this bill, An Act to Amend the Elections Act, the party which is completely opposed to some of the pieces that is imbedded in this legislation have still yet to propose an amendment.

I understand, and that's only fair, because during the second reading they get an opportunity to put up every speaker. Every Member has an opportunity to speak to it. So perhaps they wanted to give everybody an opportunity to speak, be on the record as saying they're against it. I'm not sure.

If they were so set on getting us in and out of this House of Assembly, as was called for by the Leader of the PC Party in August, you know, we need to have the House of Assembly opened. The decision came down from Justice; we need to have the House of Assembly opened. We've been here for four days, almost four hours of debate, if you're not happy with what the legislation has proposed, I respectfully submit, we would love to hear an amendment to said legislation. Then that way we can discuss it further.

As we get into Committee stage we can go clause by clause, and there are multiple clauses that will be affected here. I think in all fairness, the proposed legislation as discussed with

stakeholders, as discussed with officials in the Department of Justice, as discussed with the Government House Leader, the proposed legislation was done with the best interest in mind of the ability of Elections NL and the Chief Electoral Officer to have ample amount of time to submit ballots to all corners of the province in terms of a special ballot.

Special ballots are important. That is your fundamental right, that if you are not to be present on election day you have an opportunity to have your voice heard and cast a ballot for whoever, whichever Member you choose. The percentage of special ballots in terms of the electorate is irrelevant, Mr. Speaker, because every single vote counts. We need to ensure that not only do they have the opportunity to vote in a timely fashion, we need to ensure, based on the Charter of Rights, that they have an informed vote. That's why this proposed legislation, as I mentioned in my opening remarks, will have a very far-reaching impact.

As I stated right now, other than the Northwest Territories, every other jurisdiction in the country allows voting before the nomination. So you're basically just voting for a party. You do not know who the individual is. I do believe we will hear of further amendments to Elections Acts across the country. I could stand to be corrected, but I believe there are some far-reaching implications here, and I believe other jurisdictions across the country will be certainly watching how this unfolds.

Again, having said that, as is stated in the current legislation that is proposed we have some suggested timelines. They were done within the best interests of the stakeholders and the officials in the Department of Justice who worked on this legislation to see how we could make it fair and equitable for all. Again, to date and to this moment, as of right now, and we'll hear shortly, we haven't seen any amendments. There have been some numbers kind of tossed about. We will look forward to hearing from them.

I know our House Leader is certainly open to reviewing the amendments. He said that publicly, he said that in the media. He said it here in the House of Assembly this afternoon.

He said it in Question Period yesterday, the day before and so on.

So with that, Mr. Speaker, I'll certainly thank you again for the opportunity to speak. I'll take my seat, and I'm looking forward to hearing what the Leader of the PC Party has to say.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

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

I thank the Member for Stephenville – Port au Port for the introduction, and keeping an eye to see who's getting up over there. I appreciate that.

Mr. Speaker, I have an hour this afternoon to speak to this bill. I've laid out a plan here for myself to try and explain to people why we find ourselves where we are. I don't want to duplicate too much of what was laid out by the Government House Leader and Minister of Justice and Public Safety when he introduced the bill, but there are some aspects of this that I want to clearly lay out. I may duplicate some of the information that people have already heard. Just by the very nature of debate, that sometimes happens.

I'm trying to resist the urge to respond to the Member for Stephenville – Port au Port because what we've done here today, instead of being critical in kind of an accusatory way or anything like that, we've been trying just to lay out the basis for why we believe there's a flaw in this. If other people want to take a different approach – not specific to the Member opposite – they can certainly go ahead and do that.

It's important to point out, Mr. Speaker, that – he talked about he doesn't know what the amendments are and what they're going to be. Well, that doesn't happen until we get to Committee. Amendments don't happen until we get to Committee. While we're doing second reading, we complete second reading of course and then we get to Committee, and that's generally where amendments to individual

sections take place. That's the process that happens here.

So to make suggestions, well, we don't even know what the amendments are. All he had to do was follow along in some of the commentary we've been making public and some of the concerns we've raised, he'll know and understand what the thrust and intention of some of our concerns are.

As for having a long writ period, I'm going to discuss that in a little bit as well, because just in 2015 we saw that happen.

To the Member's comment about we changed the seats, changed the size of the Legislature in 2015 just to extend the period of time that we were in government. He knows that's completely and truly an inaccurate statement. It's without foundation, Mr. Speaker.

We all know that Prime Minister Harper had a 77-day election campaign into the fall. There was an agreement between the Opposition at the time, who are now the governing party, on the changes of the House of Assembly and that the movement of the date was inconsistent because of the overlap with the federal election. Everybody felt that was not an inappropriate thing to do. So for the Member opposite to try and take a shot in that regard, I just had to take a moment to respond to that.

Mr. Speaker, in 2011 there was a general election held. From that general election there was a Supreme Court case launched regarding special ballots. An application made by a candidate in that election, Julie Mitchell – they made an application saying the special ballot provisions in our current legislation, which was an amendment to election laws in 2007, that the special ballot provisions were unconstitutional.

Very recently, Supreme Court Justice Gillian Butler, on September 6, finally ruled on that matter that started back in 2011, and essentially struck down the special ballot provisions. That's why we're here, to change those special ballot provisions that exist in our legislation.

Early parts of my commentary this afternoon are going to be led through some of the commentary

and comments that Justice Butler made in her decision.

The decision is 60 pages in length. For anybody who may be watching or following along, I certainly don't intend to go through all of it. There are about 140 paragraphs of information contained in her decision. The first one I want to reference is that she found for the reasons outlined, which she outlines during her report, she found that special ballot provisions violate section 3 of the Charter of Rights.

The Charter of Rights is guiding in any legislation that we have in Canada. It helps to provide assistance and provides for a guidance of any type of legislation that is written in Canada. It could be federal legislation or provincial legislation. It guides people's lives on a regular basis. It implicates virtually all aspects of our lives.

Section 3 of the Charter says that "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." That's what led to special ballots, because there are people in society who can't easily attend a polling station to vote or even to participate in an advance poll. Section 3 allows for an opportunity or says that people have that right.

Someone once said it's a privilege. It is not a privilege; it's a right. It's a right to vote and it's a right to run, to be a candidate. It's not a privilege; it's a right to run as a candidate. When the Charter says that you have those rights, then those rights have to be respected.

Mr. Speaker, on page 20 under paragraph 56 of Justice Butler's conclusions, she talks about the process in the House of Assembly. She talks about what happened on June 4, 2007. At 1:30 in the afternoon the House sat, immediately referred to a Committee of the Whole. There was a brief hearing after 7 p.m. on the same day.

At the time, the House Leader, Rideout for the government – Tom Rideout was at the time, Opposition House Leader Kelvin Parsons. They were both aware of the amendments but she said: Aside from what had taken place in the House "there was no study or analysis of the

effect of the special ballot provisions of the Bill.”

That’s the one thing that we’ve asked for in Question Period over and over this week, Mr. Speaker, is looking for analysis that has taken place because it’s important for legislatures to have all of the information that’s available to them. That’s the process I’m going to use with Justice Butler’s decision to help fill in some of those blanks I think that are important for people to understand.

In paragraph 61 Justice Butler comments and says: Upon review of the evidence placed before her, which included discoveries – and she actually references the discovery of the Leader of the Third Party. She’s “satisfied that the effect on voters’ rights of casting special ballots before the writ was dropped and/or before candidates were officially nominated, was not considered before the enactment of the special ballot provisions”

She’s throwing caution here that legislators have a responsibility to understand the potential impacts of the laws that we are passing. It’s important not to rush them. It’s important to have a wholesome debate and a full understanding of what the laws entail. It’s important for legislators to do that. When we’re speaking about our democratic rights and our democratic processes, it’s very important to do so.

In paragraph 65 she refers to a case where it “confirms that “[l]egislators cannot enact laws without consideration of their impact on individual rights.”” That pertains to all laws, Mr. Speaker, but Justice Butler felt it’s important to refer to that in her decision and to outline that. It was noteworthy for her, considering, of course, that the very essence of voting, the most basic, fundamental and principle right of Canadian citizens is the right to vote, to select those who have the ability and rights to make laws, to represent them in Legislatures, if it be Parliament or it be in the House of Assembly.

To the specifics of what the Charter says – because the Charter talks about voting, the basic principle of voting – Mr. Speaker, it goes beyond just voting. It goes beyond just the very

point of putting a ballot in a box. She references this in paragraph 69 and 70.

In paragraph 69 she points out that the “*Charter* address rights that are broadly described as ‘democratic’ and section 3” – which I just referenced – “specifically addresses the right to vote. In its interpretation of section 3 rights, the Supreme Court of Canada has been ‘influenced by contextual factors such as Canadian history and geography.’”

She goes on in paragraph 70 to say: “It is well established law that section 3 of the *Charter*” – which talks about voting – “guarantees much more than ‘the bare right to place a ballot in a box.’” She actually spells that out right in her decision.

She says: “The reach of section 3 *Charter* rights” – your right to vote – “has expanded over the years as courts have consistently recognized the fundamental role this provision plays in our democracy and the numerous facets that the right to vote must encompass to ensure proper democratic operation.”

What is she saying there? What’s she’s referring to there, Mr. Speaker – and she talks about this in paragraph 71 – that the Charter section 3 rights are considered to be of such great importance that they are not subjected to a legislative override in section 33 of the Charter. So it can’t be overwritten. You can’t change this. It’s so powerful and it’s so important, you can’t change this.

She’s saying that people’s right to vote, and beyond that, people’s right to even participate in an election as a candidate is a fundamental principle and our laws cannot interrupt or interfere with any of those processes. It can’t interrupt a person’s right or ability to become a candidate. It can’t interrupt or interfere with a person’s right to vote. Legislation should be written to encompass that, to facilitate that. Not to be an obstacle to that process, but to facilitate and allow for that to happen, to allow for people to vote.

We have people in Newfoundland and Labrador who live outside of our province, some on a regular basis. We have people who teach in the college overseas; Qatar. We have people who

spend periods of time out of country. We have lots of people who have places in Florida, as an example, who spend a considerable amount of time there, especially in the winter months.

But because they're Canadian citizens and residents of Newfoundland and Labrador, they still have a right to vote. They also have a right to participate otherwise in elections as candidates. That's one of the cruxes of the issues and concerns we have which I'm going to get to very, very shortly, Mr. Speaker.

Mr. Speaker, Justice Butler here spent, I would argue, a fairly significant amount of time trying to lay out, as it comes to special ballots, for a little different reason. The reason why we're here is a different reason. Special ballot provisions used to allow for people to vote before the writ even dropped and she found that to be unconstitutional. But she's gone to great lengths in discussing that, to talk about the rights of individuals and citizens' very basic democratic rights to vote and to participate in elections.

That's one of the issues that we have to take some time to discuss because the bill is trying to accommodate. Bill 14, that's before that House here today and this week, is trying to facilitate an amendment to our *Elections Act* to accommodate for special ballots. That's a good thing, Mr. Speaker. That's exactly what the government's bill should do in theory. It should be written to accommodate the issues, the errors, the unconstitutionality that has been ruled by Justice Butler of the Supreme Court of Newfoundland and Labrador.

Now, we recognize that there's been an appeal filed by the Chief Electoral Officer for the Province of Newfoundland and Labrador. Just to explain – because he is an Officer of this House – the Chief Electoral Officer is an independent Officer of this House. He administratively reports to the House of Assembly, but as far as his actions, duties and responsibilities as the person who oversees independently from any party or any influence, independently makes sure that elections are operated in a fair way in our province and are conducted independently and so on.

He acts independently and if he feels that he needs to take action because of Justice Butler's decision or wants to take issue with Justice Butler's decision, that's his decision to make, not that of the House of Assembly, even though he is an Officer of the House and reports administratively. His position is designed to operate independent from Members of the House. We can't direct him is the idea.

The government can direct departments in government and agencies, boards and commissions and so on as legislation allows, but they're Officers of the House. The Child and Youth Advocate is another example, the Chief Electoral Officer, they act independent. They're unbiased and they're supposed to be fair to everyone on both sides of the House. We can't control what they do.

He has filed an appeal. He can do that, but there's still a by-election pending. The government now, based on Justice Butler's decision, has to fix what Justice Butler has said is unconstitutional. That's why the bill is before the House.

As we went through the bill – and last week on Thursday we received a draft bill. I think it was late Thursday. It was embargoed. The Public Utilities Board, when they do fuel pricing every week, they give out embargoed copies of what the fuel price is going to be set on Thursday nights – or is it Wednesday night, Thursday morning, or Thursday night? Wednesday night, Thursday morning; they send out embargoed copies to the oil companies, those who sell fuel, so they can set their price at 12 o'clock.

Embargoed means you're not allowed to tell anybody because you don't want to influence the markets. In that case, you don't want to change the markets. You don't want people to rush in: Oh, the fuel is going to go up five cents tomorrow, so I'm going to go in tonight and fill up my tank. Or it's going to go down tomorrow so I won't buy my gas today, I'll wait until tomorrow. They don't want to influence that, but the operators have to change their price on the stroke of midnight so they give them embargoed copies. It's an expectation that you're going to keep that confidential.

We received an embargoed copy last Thursday. We were offered a briefing on Friday afternoon. We said it's Friday afternoon, we're going into the weekend. It doesn't give us much time to contact people who work out of offices or provide advice and so on, so let's see if we can move it up.

We asked the department and they graciously allowed for us to have an earlier briefing on Friday morning. We sat there and we were listening to the information, there were some questions, discussion had and so on, and in fairness to all Members we like to do things as a team, as a party and so on. I think most all of us were there and some staff as well.

We wanted an opportunity to go through this ourselves so we understood the implications of it. We needed to understand ourselves, as best as we could, with the limited resources we have as an Opposition Party, what will be the implications of what's in this bill. What will be the implications on voters or the voting process in the province, because in order to fix the special ballot provisions that Justice Butler had identified the government bill changes other aspects of voting. It changes the timelines for voting, primarily.

It changed timelines. We said: Well, we need to give this some thought. Is this a fair process? Justice Butler, in her report, in her decision on special ballots and being able to vote before the writ was actually dropped in a by-election – so a person could go in and say I want to pick a party; or I heard that Paul Davis is going to run again, he's been talking for a year, I can't wait to run, I'm going to run for re-election and I'm going to ask people to support me. He's been talking about it for a year because he's an incumbent.

Before the writ drops Justice Butler said that's not fair that an incumbent can do that, but a person who is thinking about running for office is disadvantaged because of that. Justice Butler said we have to be fair to all people who want to run for office, and we have to be fair to allow people to vote in the special ballot process.

That was what was important for me, most important about Justice Butler's decision, was that fairness had to play out above all.

Democracy has to be about fairness and it has to be about equality for anybody who wants to run, enter politics, or run, or offer themselves for office, which as I said earlier in my commentary, Mr. Speaker, is a person's right to do so.

And as I've said earlier that rules and laws must not be an encumbrance or an obstacle to people being able to exercise their rights. The rules and laws must be there to embrace and support people's rights: people's rights to vote, or people's rights to enter into an election.

Mr. Speaker, there are some fundamental concerns that we have with this legislation. One of those is that under current rules now – and I am going to take a few moments to explain what happens today. Under current legislation it allows for a writ period. So a writ period – if the Premier decides that an election is going to be called, you hear the term the writ has been dropped. But what happens is the Premier goes to the Lieutenant Governor and asks that the Legislature be dissolved or that he call an election. That's an election writ that has to be issued by the Lieutenant Governor.

Under current rules today there's a window, 21 to 30 days, for what's known as a writ period. That's what happens with elections now. An election is called today, 21 to 30 days later – it could be a by-election, it could be a general election – an election is held.

Through that election writ period there is an opportunity for people to become nominated to run in that election. In the current rules, it goes back 10 days from the election day, so 11 minimum. If you have a 21-day election, which is the minimum amount of time that an election can be held, that means that 10 days before that the nominations close, which means from the day the writ drops, individuals have an 11-day period to decide if they want to run in the election.

We have a by-election in Mount Pearl North when the government decides to drop the writ. We have some notice now because the seat has been vacant. People have 11 days under current rules – it won't be the case under new rules – to decide if they're going to run and to file their nomination.

Mr. Speaker, election periods are 21 days; they could be 21 to 30. My colleague for Stephenville – Port au Port went through some timelines over there. There have been times – I've gone back to the '80s; I've got a full list actually back to 1949. If you go back to the '80s, there was a 21-day writ period and 23 and I think, was it 21, 24, 22, 22, 23. The last election in 2015 was actually 25 days was the writ period. Ten days before that would have been the 15th day. In 2015 individuals had 15 days to become nominated, which the 15 and 10 is the 25.

Mr. Speaker, there are two basic ways that nominations occur; one is through a party, if you're affiliated to a party and going to run on behalf of that party. Most parties have a nomination process, their own democratic process, if you like, within their parties, of how people are nominated. There are also people who want to run for election who are not affiliated to a party, sometimes referred to as an independent candidate.

We'll talk about parties first for a moment. No, I'll back up; I'm going to talk about individuals first. Sometimes elections come and people don't expect them happening, and it does happen. There were examples given here earlier back in the '90s. In 1995 the premier of the day, Clyde Wells, announced he was leaving as premier. He had been elected in 1993. Premier Brian Tobin became the premier and was acclaimed on January 16, 1996. On January 29 he dropped the writ. He issued the election a short time after, which was less than three years from the previous election.

I acknowledge to my colleague from Stephenville – Port au Port who talked about this, it was prior to the fixed election dates, but even with a fixed election date, that can happen. As a matter of fact, a fixed election date gives boundaries of when it should happen – 12 months. Once a new leader, a new premier is appointed, assigned, or selected by a party, then the clock begins to run and 12 months after there has to be an election.

In this case, Premier Tobin did it in less than two weeks. In 1999, less than three years from the 1996 election – the 1996 election was actually on February 22. Less than three years later in

January 1999, Mr. Tobin dropped another writ and called another election. So it can happen.

The truth of it is, Mr. Speaker, it actually can happen today because the Premier could go to Government House today under rules, as I understand it – we had some discussion about this this week. He could go and say: Your Honour, our Legislature is dysfunctional and we need to call an early election. There would probably be a conversation: Well, we have a four-year period, there has to be a good reason and that type of thing. But it can happen today, where a premier could go down and say: We've only been here for two years; we need to call an election. We need to call an election on this issue or because of this matter or so on. It can happen today.

I suggest it would be highly frowned upon because the fixed election date was established to create fairness. That's what the fixed election date was about. It was about not allowing the governing party, no matter who they were – it was about the governing party not having an opportunity to use their ability to call an election when they want as a political hammer or as a political advantage. That's why the fixed election dates were put in place, to create fairness among parties.

No matter if you're the governing party or Opposition Party, or if you're a Third Party or an independent, it was about creating fairness. Mr. Speaker. That's what it was about. It's the same issue we're talking about here today. We're talking about fairness.

Mr. Speaker, I'll use an example; say, a teacher. There have been tons of teachers over the years – I shouldn't say a ton, that's probably not the right way to explain it – many numerous Members of the House of Assembly and candidates who wanted to come to the House of Assembly who have been teachers, had careers as teachers and wanted to enter politics.

My understanding is if a teacher wants to do that, there's a process for them to do that whereby they have to make application. They'd have to see their principal and their administrators. They have to find replacements. They have to make a decision if it happens and

so on. They do have provisions in their collective agreement.

Teachers actually have provisions right in their collective agreement to allow them to run, become MHAs and go back. If they don't get re-elected four years later, they have an opportunity to go back into their positions. It's actually under their collective agreement.

Teachers would have to go through a process, so it would take some time. Before they even go to their administrator or their principal, administrator, school board officials and so on, they have to make a decision if this is something that they want to do.

I respect the commentary by the Member opposite that someone probably thinks about it for some time. When I entered politics in 2010 I thought about it for some time too. I had to spend some time saying: Gee, someday I'd like to run; I'd be interested in running. I was still working then, in my career in policing. I was just on the threshold of my being eligible to leave my career.

Mr. Speaker, it was a tough decision to make but I had to make it in a hurry. I was actually assigned to the Olympic Games in Vancouver and flew out to Vancouver to work at the Olympic Games for a five- or six-week period. I was out there one day when the seat became vacant and I was faced with a decision, a very, very difficult decision.

It's a dream opportunity to be able to work at the Olympic Games, an once-in-a-lifetime opportunity to be able to work. I was working out there as a police officer at the Olympic Games – amazing. The biggest organized event arguably, that you could ever have an opportunity to attend, participate in, actually work at, experience and so on. I'm out there and I get a call saying that my predecessor, Elizabeth Marshall, had just been appointed to the Senate and the seat was vacant. Are you going to run?

It was a hard decision to make, Mr. Speaker, a very difficult decision. I took several days in consultation long distance; consultation with my family and friends. I must have made hundreds of phone calls and discussions with people: Am

I going to do this? Am I not going to do this? And I did do it.

It wasn't a decision I took lightly because I enjoyed my career greatly. I was a few weeks away from being promoted, which I was looking forward to, but I also knew that if I wanted to run for public office – which was on my mind to do – this was my chance. If I didn't utilize this chance, I probably wasn't going to get the chance again for a long time. If I was going to do it, I had to do it. I was a municipal councillor at the time. I enjoyed doing that, but it was a significant decision and it took me some time to do it.

So during the writ period, currently, once the writ is – and the writ didn't come for some time in that one – dropped, there were 11 days for people. The Member opposite talked about there was a by-election where a seat was vacated and an election was called the same day. Well, you don't have much time and the governing power controls that. If they've got someone ready to go, they can call the election right away. Then, you need time for that nomination period.

Once you decide – and in my case when I decided I wanted to be a candidate, I had to compete. I had to run an election within the election to become the candidate. There were five of us who ran to be the candidate for Topsail District as it was called at that point in time in 2010. We had a few days, we were out campaigning and we were trying to get people together. Then, there's a vote happens and people came to vote and then we had to file.

Once I became the candidate – I was elected through a party process and I became the candidate against the other four candidates – then I had to file my nomination. I had to get signatures from constituents and all of that. So it took time, Mr. Speaker, to do that. It's important in the spirit of the legislation and our Charter of Rights and Freedoms that our process and our laws are not an impediment to that; that our laws actually support those processes of people deciding if they want to run for election.

We all want good people to offer themselves for election. Some would argue that doesn't fit for me, but people want good people to run. If you want good people to run for election, sometimes

they are – in my case I was a police officer. We do have teachers, nurses. Think about nurses who have schedule obligations, or maybe they work in the private sector as a nurse and they have obligations with their employer that they have to resolve before they can just walk away from their job, their employment, their career, to enter into politics.

Think about child care. Think about young families and parents. It could be a single parent who has child care arrangements and obligations. We all know that the demands on child care can be very difficult. It may take them several days to even sort that out, to decide if they can run in the election and then work in the requirements as a Member of the House of Assembly.

Think about business owners; a person who operates their own business and works hands-on in that business every day. They say: I want to run. I want to consider running and I think I want to do this. Well, I've got to get my business affairs in order; especially if you're a small business and you work it every day. I've got business obligations. I've got contracts to meet. I've got products to produce and get out to my customers or whatever the case may be. I've got to figure out how I'm going to do this because I didn't expect this to happen at this time.

Think about someone who's a consultant. There are lots of consultants around the province, a lot of consultants who want to become politicians and some consultants around that used to be politicians. Or consultants who are retired, been in municipal politics, thinking about provincial politics, all that kinds of combinations, and they may have contractual obligations in the coming weeks that they've got to resolve, they want to resolve, can resolve, but it's going to take them some time to do that.

So under the current rules of elections in Newfoundland and Labrador or once the writ is dropped, there's an 11-day period that people have to do all of that: to get their affairs in order, to file a nomination with a party if they're going that route, to participate in a party election process or nomination process, to become the candidate, to obtain the signatures necessary within the district and to have that filed. They

have to do all of that right now and they a minimum of 11 days to do it. In some cases, as we've seen in history over the last 30 years or so, quite often it's been a little bit more than that: 22 days, 24 days, in 2015 it was 25 days. I think that's the longest one in the last 30 years if I remember correctly – yeah, I think 25 days in 2015 was the longest one.

Mr. Speaker, what this bill is doing, in order to accommodate the provisions of special ballots, it's going to significantly narrow that window for people to execute the nomination process. It's going to take it from 11 days minimum as it is today and it's going to narrow that to a maximum of five days. Now think about that. This bill is going to reduce all of that from a minimum of 11 – could be longer – because the writ period today could be 30 days; like I said in 2015 it was 25 days, so people actually had 15 days in 2015 to complete the nomination process.

But if they narrow it to five days, that means any independent person who says, well, forget the party, I want to run as an independent, for a teacher, a nurse or a business person, or maybe you're a unionized employee and you have obligations to your contract with your employer in order for you to get the time off, and they've got to find someone to replace you, with your skills and expertise and so on, you've got five days to get all that in order, to get the necessary signatures from people within your district, to support your nomination and actually file it with the Chief Electoral Officer.

That's what this bill wants to do. Mr. Speaker, my most sincere, fundamental concern with that is that in reading Justice Butler's decision of September 8 she clearly talks about fairness. The scheduled, fixed election date was about fairness. I sincerely submit to this House, Mr. Speaker, and suggest that five days is simply unfair. And I'll explain to you further why, momentarily, because I want to talk about the parties first.

I think all parties have a democratic process within them. They have an open process. We do. So in a by-election in Mount Pearl we call for a nomination period and people can decide if they want to run to be our candidate in that by-election. Then, an election takes place, an

election process. They're all a little bit different but there are similarities in all three parties, where you allow people to enter the race, they compete to become the candidate, they have an election process, they become elected, and as long as there's no discussion about any issues with the election process a candidate, or a person – following the nomination process – is declared the candidate by the party. Then they file their papers with the province.

Before they do that, before they enter that race they have to make the decision, Mr. Speaker, the same as I was when I was in British Columbia and I said I have to get home because I have to do a nomination race. Once I debated the decision, I had arrangements to make to be relieved of my responsibilities and to get back to enter the race. I had to run a campaign, I had to get home, I had to run a nomination race; and, thankfully, I was very fortunate to have good people around me and so on, I was successful, but that takes a lot of time.

What this bill wants to do, Mr. Speaker, is for all of that to happen within five days. I talked earlier about special ballot provisions. One of the parts about special ballot provisions and why it takes time in special ballots, they need time to process special ballots. We have a College of the North Atlantic in Qatar, half-way around the world. We have Newfoundlanders and Labradorians who are instructors in Qatar. We have people who travel back and forth with the college from time to time.

If you're in Qatar and want to vote – because as I said earlier, the Charter, section 3 about a person's right to vote goes beyond that; section 3 of the Charter and the Supreme Court of Canada has said repeatedly and grown the importance and responsibility of section 3. It's not only a person's right to vote, but it's a person's right to be a candidate in an election.

Well if you're in Qatar and you decide I want to be a candidate in this election but I expected to be home because I didn't expect the election to be called right now, then you've got a lot of work to do to be a candidate. To get back, to do your work, maybe to compete for a party, or even as an independent candidate, make your decision, get your affairs in order and get your document in.

Mr. Speaker, fundamentally for someone to have to do that in a five-day period is an impediment to democracy, and that's our position. My colleagues today spoke about people we reached outside of government for their opinions and so on. We reached out to some academics and political scientists and so on, and others, and we've said to them: We're looking for your opinion on this. Here's what they're suggesting; here's the government's position and what they're laying out. Most of them would say: What's your issue? I'd say: Well, I want to talk to you about the five days. Well, five days for nomination, that's ridiculous.

There was very strongly – and we've started to hear some publicly today – political scientists saying: Hang on now, we can't have this, a five-day nomination. That's completely unacceptable; clearly unacceptable to have five days. Even to the point that not just was there one – I saw Kelly Blidook who's a political scientist at Memorial University today was tweeting earlier and said: "Should probably put an opinion out there: A 5-day nomination period is clearly too short, and only serves to advantage government."

Well, that's exactly what Justice Butler talked about, about processes that don't advantage one person over another; don't advantage an incumbent. This political scientist says: "... and only serves to advantage government." He didn't say it's slightly too short or somewhat too short. He says: clearly too short. Five days is clearly too short a period of time for nomination.

I'll explain to you why it's unfair, Mr. Speaker. I'm not talking about the current government and accusing the current government of wanting to do this. What I'm saying and suggesting to this House is that if this becomes the law, any future government can follow that law. That's the point. I'm not accusing them. I'm accusing any future government.

A government could say: We're going to have an election. We could have a Member who says: I have stuff going on in my personal life or I've decided I've had enough and I'm going to resign. The government could say: Don't do it yet. Who's going to run for you? We have to line someone up now to run for you. You quietly go out and recruit your candidate and so on.

There's a lot of recruitment going on in the last few weeks. My phone has been hot with information, I can assure you, about all the recruitment that's been happening, but recruitment goes on and government is not saying anything about a by-election coming.

When they get their candidate all ready to go, they can call a by-election and the person announces in the morning I'm going to resign – Wednesday morning is an example I used earlier this week – and issues a press release or goes before the media and the public and says: I'm resigning. I have some personal issues, personal reasons, don't want to do it anymore, time for me to move on, whatever the case may be. Because we hear all those reasons and they're all very legitimate reasons.

On Wednesday morning they resign, Wednesday afternoon government drops the writ. Well, parties then, and they have their candidate all ready to go – I shouldn't point at them, because I'm really not talking about them. The governing party – it just happens where they sit, Mr. Speaker, they sit over there. So that's why I'm pointing at the governing party. The governing party of the day, whoever that may be, can have their candidate in place and off to the races.

Where the other parties – because we generally have three parties in this province, and potential for independent candidates – then have until Monday to have their candidates in place. So Wednesday afternoon a by-election is called. Oh my goodness, we're caught. We didn't expect this. We never saw this coming. We have to hustle really quickly, what's going on?

It's the second week of July, it's the 5th of July on a Wednesday and by the 10th of July we have to have our candidate in, let's get to work. Well, you start contacting people who expressed an interest before. Well, I'm on my holidays with my family. I can't come home from my holidays. I can't take my children back from the beach in PEI or the beach down in Northern Bay Sands, or down in Gander. I can't do that because I promised my family a vacation. We've been talking about this for months. We haven't had a vacation for two years. I can't do that. I need more time. Give me another few days. We don't have a few days. Well, give me a couple of days. We don't have a couple of days. Well,

give me a day. We don't have a day – because there has to be a race within the party.

I think our own party constitution right now allows for seven days for election of a candidate, I think is what our constitution clearly says. It might be a little less. I think it is seven days. So we'd even have to change our own constitution, but besides that, Mr. Speaker, a person has to make that decision. Like I said, it could be the middle of the summer; it could be Christmas. It could be any time of the year that they have to make that decision, and a party has to carry out a process.

I'll go back to the examples I used. For example, a health care professional. Let's take a nurse, for example, has to go to their employer and say, I need the next 21 to 30, or at least 26, 28 days off to run in an election, if I'm successful. You're going to need more than that because you need – you need 26, 28 days. If I'm elected, I'm not going to come back. The employer might say, well, you just signed a contract with us for the next six months. Yes, but I didn't know this was coming. How can we work through it?

You may have an individual who's a business person. This business person, she may say, I'm the sole operator of my retail store, as an example. She may say I want to go in politics, I want to do it. So I've got to hire someone and train them to run my business because I want to run for politics, but I don't have time to do it now.

Can we reasonably expect them to put the lock on the door and start their nomination process, to be finished by Monday, or to get elected or become a candidate by Monday? It's an impediment to democracy. It's an impediment to people's rights. That's what Justice Butler has talked about, Mr. Speaker. The process cannot be an impediment. It has to include, embrace and allow for realistic and fairness and meaningful opportunity to participate in the democratic process of running in an election and voting in an election.

We can't compromise someone running in an election just to allow the other side of it, people's right to vote. You can't say people's right to vote is more important than a person's right to run. It's clearly not. Justice Butler talks

about how section 3 of the Charter goes beyond just voting. It goes beyond just voting and actually includes a person's right to participate in the process as a candidate.

I'll remind you, section 3 of the Charter says: "Every citizen of Canada" – every citizen – "has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified" to do that. It later talks about how that Charter of Rights, because of what the Supreme Court of Canada has ruled and has interpreted, it's now expanded. It's not just the right to vote. It's much more than that, including the right to be a candidate.

Mr. Speaker, this five-day rule, five-day amendment, is simply not fair. I challenge anybody to give me an argument of circumstances that we've seen over history of by-elections and general elections and so on, political parties and processes. I challenge anyone to establish how that's fair, because it's not fair. It is not fair to individuals; it's not fair to Members of the House who don't belong to the government. It allows for the government to establish a process that's unfair.

The second impact of changing the rules on special ballots, Mr. Speaker, that I want to speak about is on the length of the writ period. Right now it's 21 to 30 days. I've already talked about how most have been 21, 22 and 24. In 2015, there was a 25-day writ period.

We're suggesting that if we need a 10-day or an 11-day – right now it's an 11-day nomination period. We're saying if we made it a 10-day nomination period, which is very much like what currently exists – and I should point out, by the way, Justice Butler actually has a list in the back which includes nomination periods.

In Canada, there are 15 days allotted for a nomination period federally. Manitoba has seven, Ontario has eight and Quebec has 24. New Brunswick, in Atlantic Canada, has 12. PEI has nine to 15. British Columbia, seven; Alberta 10; Saskatchewan 11; Nova Scotia 10 to 16; and Newfoundland right now has 11.

So in Atlantic Canada, if you look at Atlantic Canada: New Brunswick 12, Nova Scotia 10 to 16, PEI is nine to 15, Newfoundland and

Labrador is 11. I don't see anyone there that has five. Some are seven, and they have a different set of – because they all have different processes that will change all those.

This new decision by Justice Butler, what we're proposing is to give a minimum 10-day nomination period. A 10-day nomination period is much like currently exists, and has serviced our province for decades of having that amount of time and has worked. Even 10 days, I can tell you from our own election in 2015, can be a challenge.

Essentially, what the government is saying for a political party, in five days you have to choose, compete, complete and file nominations for 40 people in five days. That's been our biggest issue with this bill. It is 40 people who would have to be able to decide if they want to run, enter a nomination race, have a campaign period, have a voting opportunity, be selected, then complete the provincial nomination process in five days. For 40 people, and you could have two, three, four people in each district; you could be dealing with 200 people that have to get processed in five days. It's just not realistic, Mr. Speaker. It's just simply not realistic.

If we extend the writ period, the writ period now is 21 to 30 days. I know one of the other issues is about printing of ballots, and I'm going to get to that in a few minutes. I know my time is quickly running down.

If we had a 21 day writ period, and 10 days, that puts us at 31 days. The current window for elections is 21 to 30 days. If we still allow 21 days for the Chief Electoral Officer to process special ballots, for 21 days, if we added on three days for printing – because the next issue that also comes up here, which led to the court case in the first place, was allowing people to vote before the writ was dropped, but also being fill out ballots by writing a name in.

That was an issue, handwriting a person's name in or their political affiliation. So you could vote weeks before the election is actually called, a general election, and say Progressive Conservative, or you could say Liberal or you could say NDP, put that and that's your vote. The judge said we have to move off it.

So if we had a 10-day nomination period and if we allowed three days after the nomination period for Elections Newfoundland and Labrador to accumulate all of the final nominations, to process ballots and have them ready, there are 21 days. Then, to send it to Qatar, mail out the special ballot to Qatar, or to Florida, or British Columbia, or wherever a Newfoundlander and Labradorian happens to be that wants to participate in the election, then it was 21 days to get them out for a total of 34 days.

That's what our amendments that we intend to propose – and as Members know, it doesn't happen in second reading, it happens in Committee. Our amendments would allow for that to happen. It would allow for the printing of ballots with candidates' names. So the ballot that a person gets in a special ballot would be essentially the same. The current legislation doesn't require that. It even references if the name is not printed there, a person would be allowed to write it in.

I know as well that the Chief Electoral Officer could attach a list of candidates for a particular district. If the special ballots go out, they're all ready to go and packaged up, not printed, and on the final day of nominations they want to – they could do that. But for a couple of days, three extra days, what they could do, Mr. Speaker, is allow for the ballots to be printed, similar to what they are in a general election. That would provide for a 34-day campaign.

The government is proposing that there not be a window for election periods. They're just setting a minimum period. A minimum of 26 days is what they're proposing. I'm not sure why that is. Why would they not put a limit on it?

I mentioned earlier about what happened in 2015 with the federal government. The prime minister of the day, Stephen Harper, called an election and it was a 77-day campaign. It didn't work out for him the way he had planned. The belief and the talk was they were a well-funded party, they were financially in a very good position compared to other parties and they could outlive a campaign compared to other parties and be successful at the end. That's what people generally felt. We're not affiliated directly with the federal party like some other party, like the

NDP or the Liberal Party. We don't have an affiliation. The Members sometimes like to say we are and all that kind of stuff, but we're really not.

They went for this long period. It didn't work out for them; they weren't successful in the election. It didn't pay for them. It didn't pay to do that. I say pay because they lost the election at the end of it all. Mr. Speaker, there's nothing to stop a government from doing that. The example I gave the other day – what I'm going to say now somebody may say: Well, that's pretty far-fetched. Maybe it is for us, and maybe it is for you, but if these are the rules we establish, it's going to be the rules for future governments to follow. Maybe for a future government to follow, it's not that far-fetched because they're going to stretch and bend and use the rules to their own advantage.

Again, the changing of the rules in recent years to fixed elections was done intentionally for fairness; to take away an advantage that the government could use in elections. There's always going to be an advantage because they can call and decide when an election is going to be called. They have a window of when a writ can be dropped or when an election can happen. Yes, they can do that. It's not going to eliminate it all, but at least the legislation should try to ensure it doesn't advantage anyone.

If we have 10 days for a nomination and we have three days for preparation and printing of ballots – because that's important to many people, that the ballot is actually printed with the candidate's name on it – that's 13 days. If we allow 21 days, which would be, I believe, more than ample for people to send out – if you have to send a ballot to Qatar, get it filled out and sent back, the 21 days should be ample time to do that. That's a total of 34 days. That's what we're suggesting.

Allowing for weekends and holidays and those types of things that sometimes happen, let's give a range. Thirty-four to 40 days, we believe, would be fair to say: It gives you six days; you get six day's allowance. So if you're into a long weekend or a holiday season, if it be Christmas or Easter, those types of things, then you have some flexibility on how you're going to and when you're going to call the election. The

government holds the right to exercise that flexibility.

Mr. Speaker, what we're doing here is we're saying if we need time for a special ballot to be completed, printed with names during the writ period after nominations close, this is an option that we can follow, that the Legislature and the legislation can follow to be fair to all. Justice Butler said sending out ballots before the election is even called is a violation of the Charter. It has to be meaningful.

She talks about meaningful and meaning something – I think meaningful was the word she actually used – and about being substantive and that the process has to be fair. And at great length, again, so that an incumbent – because that's what happened, that's what was alleged here. The incumbent benefited because of special ballot provisions. We can't isolate a benefit to the incumbent just about special ballots. We need to also consider a benefit to an incumbent or governing party for all aspects of elections, for all aspects of your right to vote, not just the special ballot provisions. That's why we're saying as well that five days is simply not fair.

Having an open-ended minimum 26 days, as I was alluding to earlier, a governing party – not necessarily them, I'm not suggesting they would do it – sometime in the future could do what Mr. Harper did back in 2015. For whatever reason, they could, because the legislation would allow the movement and that to happen, the movement of the writ period to happen, and could have called an election in July.

I used July 5 as an example earlier. I'll use that again. They could call an election July 5. Under the rules, if they are passed as they are today, that would mean by July 10 all candidates have to be in place for an election to be held in September or October, or the second Tuesday in October in our case. That doesn't make sense, Mr. Speaker.

There's no reasonable basis in order to allow that to happen except to benefit the governing party. There's no reason why such latitude should be offered to a governing party other than to benefit the governing party. There's no reason for it. As a matter of fact, it would probably

tempt some people to say: Oh, we can use this to our advantage. It might tempt someone down the road to say: Well, this is the way the rule is. Now, how are we going to use this to benefit us so we can elect more people than that crowd over there, as they always call us – that crowd over there, we don't want them to elect people. How are we going to do that or a government could do that?

They could manipulate that process. So we're suggesting that the right thing to do here – and I'll highlight on three different aspects again – is to have that window, the 34 to 40 days; to allow for extra time for holidays or seasons, or in wintertime mail moves slower and so on. A 34-day minimum would allow for a 10-day nomination period because, Mr. Speaker, a five-day nomination period is simply not acceptable. There is no rightful reason why five days – someone can conclude – is fair. It's simply not fair and I would challenge anyone to give me a reason why or establish why five days is fair.

The second thing is the aspect of printed ballots; ballots that don't have names on them and people having to write in names. I meet people now and they look at me and say: Hi, how are you doing? Your name is Paul, Paul Davis. Oh yes, I know you're Paul Davis. Yes, how's it going? I know who you are; I just couldn't get your name. Well, imagine if that happens if they walk in a polling booth. Imagine they walk in a polling booth; I'm going to vote for Paul Davis and I just can't think of his name right now. Or maybe it's someone who's not known publicly, has never ran before, but they knocked on their door two weeks ago and asked for a vote, or said I'm thinking about running, saw him at the coffee shop and said: I think I'm going to run for election. Oh, I think I'll vote for you. It's the first time you met him. You get to the polling booth and say, what was that guy's name, what was that lady's name, I can't remember her name.

So it makes sense to have the ballots printed. It does. It makes all the sense in the world, in the spirit of fairness, to have them printed with the person's name. If they're affiliated to a party, fair enough, put it on, and if they're not, they're an independent, so be it. That's a person's choice, under the Charter of Rights and

Freedoms, to make those choices if they want to be a candidate in an election.

The length of writ period, I've talked about, Mr. Speaker, of 34 days. Thirty-four days is required because the five-day nomination period is simply unacceptable. I can't envision how a person who you look at and say, what a great candidate that would be, because great candidates you look at and say, that's someone who's known in the community. They're active in their community. They're probably involved with some social groups or community groups and fundraising groups, their church and so on. They may have a business in the community.

I can't for the life of me; I've tried all this week to come up with a circumstance where a person in a situation like that would have no issue in completing a nomination process in five. I can't think of it, because they probably have so many responsibilities and commitments, they need time to clear the books to run for election. Five days is simply not enough. Eleven days as it is now, is tight, Mr. Speaker.

In the spirit of compromising with the special ballot pressure, special ballot provisions has put on election rules, and the government proposing five days, if we were to lose a day off that, Mr. Speaker, then that's more than anyone could ever expect. In many cases, as I've talked about, in the country there are longer periods than that.

Mr. Speaker, the process in our Legislature here is when we get to committee is to propose changes and recommendations. I've outlined ours today for the Members opposite. I hope they take the time to study the bill, Justice Butler's decision, consider some of the comments we've made here today and to support changes to this bill, because as it is today, Mr. Speaker, it is simply not fair.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the Government House Leader speaks now, he will close debate.

The hon. the Government House Leader.

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

At this time I would move, pursuant to provisional Standing Orders 11(1), that the House do not adjourn at 5:30 p.m.; and with the consent of my colleagues, I would suggest now that prior to concluding second reading of Bill 14, that we break for a quick one hour recess and reconvene at 6:30, if that's agreeable to my colleagues.

MR. SPEAKER: This House does now stand in recess for one hour.