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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.

I'd like to welcome everyone back to the House of Assembly for another week. And, it would also be my honour right now to introduce a very new Page to us. This is Ben Pollard. Ben is from St. John's and he is studying International Political Science and Culture Geography at Memorial University.

Welcome to you, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I will now recognize the hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, further to the motion adopted by the House on Wednesday October 23, 2018, that this House resolve itself into a Committee of the Whole on a date to be announced in the House by the Government House Leader following consultation with the House Leaders for the Official Opposition and the Third Party, in order to receive the Commissioner for Legislative Standards, for the purpose of answering questions and providing clarity on the process of the recently tabled reports inquiring into Members' Code of Conduct, I would note that I have consulted with my colleagues and fellow House Leaders and that the Commissioner for Legislative Standards will be presented to the House of Assembly today.

Thank you.

MR. SPEAKER: Thank you very much.

Statements by Members

MR. SPEAKER: Today for Members' statements we will hear from the hon. the Members for the Districts of Exploits, Torngat Mountains, Stephenville - Port au Port, Placentia West - Bellevue and Terra Nova.

The hon. the Member for Exploits.

SOME HON. MEMBERS: Hear, hear!

MR. DEAN: Thank you, Mr. Speaker.

I rise today in this hon. House to recognize and remember a sombre tragedy that unfolded in my District of Exploits on October 3, 1942. In addition to the anguish of serving up the loss of our sons to World War II overseas, the Town of Botwood awakened that morning to the heartbreaking reality of being host to the crash on takeoff of the flying boat *Excalibur* on the Bay of Exploits, and the ensuing deaths of 11 military personnel, of which four souls remain on the missing list.

During my tenure as mayor, the joint POW/MIA Accounting Command – JPAC – has been dispatched twice to Botwood on assignment to recover and repatriate the remains or personal effects of those not found. A second crash, that of the Canso 9384, also continues to be the custodian of several souls as well; its final resting place remains unknown to this day.

It most certainly would be the prayer of us all to see the dawning of a day when all lost are brought from the depths to the surface, and to the embrace of both the sky over the Bay of Exploits and their families.

With Remembrance Day on the horizon, I would ask all hon. Members to join with me in a moment of silence for these crash victims, and indeed for all of our fallen and living veterans, and current military personnel.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

(Moment of silence.)

MR. SPEAKER: I thank the Members.

The hon. the Member for Torngat Mountains.

SOME HON. MEMBERS: Hear, hear!

MR. EDMUNDS: Thank you, Mr. Speaker.

Last week I had the opportunity to attend an event at Government House hosted by Her Honour, the Lieutenant-Governor.

The sod turning for the Heart Garden, the building of a memorial to recognize and remember residential school survivors, victims and their families is a significant milestone in recognition of the mistreatment done at residential schools in the country as well as in the Province of Newfoundland and Labrador.

The event was attended by Her Honour, the Lieutenant-Governor, her husband as well as descendants of residential school survivors. It is important to note, Mr. Speaker, that there were many young children in attendance that showed their support in the recognition of the dark days of our past, and to ensure that this chapter in our history will never be forgotten.

Mr. Speaker, I come from a family of residential school survivors, and understand well the impacts on survivors and their families.

Mr. Speaker, I ask all hon. Members to join me in honouring residential school survivors and in remembering the 6,000-plus victims of residential schools who never came home.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. FINN: Mr. Speaker, I rise today to remember a heroic resident of the Port au Port Peninsula who passed away in September at the age of 93 years following a lifetime of business, volunteerism and military service to our country.

Mr. Richard Alexander was born August 25, 1925 and enlisted in the Newfoundland Militia at the age of 16 years in the fall of 1941. He served with the British Navy and Royal Marine Commandos until war's end. Also, he helped rescue people in the Knights of Columbus fire in St. John's in December of 1942.

He married his wife, Dorothy, in England in 1945 and shipped home. In 1952 he stepped up to serve again in Korea as sergeant with Princess Patricia's Canadian Light Infantry and the Black Watch in 1953.

He served as recruiter before taking his release from the regular force in 1956, but once again re-enlisted in 1960 with the Regiment. He founded C Coy, 2nd Battalion, Royal Newfoundland Regiment.

Mr. Speaker, he also helped established the Army Cadet movement on the West Coast and was the honorary Lieutenant Colonel of the 2nd Battalion, Royal Newfoundland Regiment, up to 2010. What a career!

Mr. Speaker, I ask all hon. Members to join me in expressing condolences to his 10 surviving children, 25 grandchildren, 36 great-grandchildren and one great-great-grandchild as well as to his extended Royal Newfoundland Regimental family.

Lest we forget.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Placentia West - Bellevue.

MR. BROWNE: Mr. Speaker, if one thing is for certain, it's that sheds across our province are dynamic places to be. This was certainly the case for Rev. Fred Marshall of St. Michael's Anglican Church in Arnold's Cove.

When considering how to attract more men to his congregation, he offered his shed as a place to gather around the woodstove and it was not long after this the group decided to build a boat.

The church's shed was too small for the 14-foot rodney there were to build, but parishioner Lloyd Wareham offered up not only his much larger shed, equipped with the necessary tools, but also his talent and expertise.

The building of this rodney was a time for fellowship and knowledge sharing, and they were pleased to donate it as a prize for the local fire department to put on tickets to raise funds for equipment.

In fact, Mr. Speaker, during the opening of the Arnold's Cove Heritage Week this summer, I was pleased to be drafted as part of the group to carry the rodney from the Drake House to the boat launch for its christening.

Mr. Speaker, I ask hon. Members to join me in saluting all of those who participated in Evenings at the Shed with Rev. Fred. I look forward to the next launch.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Terra Nova.

MR. HOLLOWAY: Mr. Speaker, the Air Cadet League of Canada helps youth build self-confidence, self-discipline and leadership through effective public speaking, participation in healthy living activities and personal development.

On October 13 I had the privilege of attending the Newfoundland and Labrador Provincial Committee's 69th Annual Awards Dinner, which was hosted in Clarenville.

During the awards dinner, cadets throughout this province were recognized for their outstanding leadership and accomplishments.

Brianna Ricketts from Gander was awarded the Leonard Outerbridge Award for Top Cadet for Newfoundland and Labrador. At such a young age, Brianna's list of accomplishments are truly amazing. Her career goal is to be a commercial airline pilot and Brianna is well on her way to achieving this dream.

I am told this year's meetings were a huge success and Air Cadet Squadron 567 Random, Legion Branch 27 and the Town of Clarenville are to be commended for their attention to detail and kind hospitality.

I ask all hon. Members to join me in congratulating Brianna Ricketts on achieving Top Cadet. As well, to the families, volunteers and sponsors of all Air Cadet Squadrons across this province, thank you for your dedication to our young people.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

It has come to my attention that we also have additional guests in the audience with us today. In the gallery we have Ms. Sharon Goulding-Collins and other members of the group, Advocates for Senior Citizens' Rights.

Welcome to you.

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, this morning at the College of the North Atlantic's Ridge Road campus I had the pleasure of proclaiming this to be National Technology Week in Newfoundland and Labrador. Also being celebrated is Skills Canada's National Skilled Trades and Technology Week.

Throughout this week, students will participate in a variety of events and programs where they can explore career opportunities in the skilled trade and technology sector. This includes a Skills Work for Women Conference, which will see 50 intermediate students participate in activities, including Try-A-Trade demonstrations and a mentoring session with female role models employed in the skilled trade and technology sector.

National Technology Week celebrates rewarding career opportunities right here at home in many of the sectors that our government is prioritizing through *The Way Forward*, including technology, mining, oil and gas, forestry, aquaculture and agriculture.

Our government remains strongly committed to providing an affordable and accessible public post-secondary education system. We also continue to strengthen and modernize apprenticeship through online training for select trades and the development of a new shared IT system to streamline every step of completing an apprenticeship program.

I ask my hon. colleagues to join me in encouraging students to participate in National Technology Week activities throughout the province and learn more about the current and future opportunities that exist in the technology-powered sectors right here at home.

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 an advance copy of his statement. Increasing the number of graduates in Newfoundland and Labrador with technology skills is imperative for the substantial future of our province. I encourage students to participate in the events and programs schedule, exploring potential career opportunities in these sectors.

As it currently stands under this Liberal government, and according to information and communication technology council, the amount of jobs to be created in Newfoundland and Labrador that are technology-related pale in comparison to other Canadian jurisdictions over the next few years. More emphasis, resources and training that embraces technology will be key to diversifying our economy from traditional employment sectors.

Technology allows us to compete in the global marketplace and will be critical to our success. I ask students to get involved and make Newfoundland and Labrador a world leader in technology industries.

Thank you.

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. I'm pleased to see the recognition of National Technology Week, and I hope students enjoy and learn from this week's

activities. Fluency in technology is an important skill our students will need today and into the future if they are to have fulfilling lives and lives that bring in income that they need. However, unlike a number of other provinces, we still do not have coding integrated fully into the K to 12 curriculum. I urge the minister, if he means what he said today, to make sure this gets put in place.

Thank you, Mr. Speaker.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister responsible for Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

I rise today in this hon. House to highlight Mining the Future 2030 – a plan to grow the Newfoundland and Labrador mining industry, which was launched this past Friday.

Mining is a key contributor to the economic growth and employment in our province. In 2018, \$48 million in exploration expenditures and \$3 billion in mineral shipments are forecast. This plan supports prospecting, exploration and development of the industry. We have the opportunity to increase mineral exploration expenditures, mineral shipments, revenues and jobs.

Our vision is to strategically position Newfoundland and Labrador as a globally competitive, top-tier jurisdiction for mineral exploration development – one that is safe, environmentally responsible, maximizes benefits and opportunities, and competitively produces quality products for global markets.

By 2030, the provincial government envisions: five new mines; sustainable direct employment of more than 6,200 people in operations; doubling annual exploration expenditures to \$100 million – or at least 5 per cent of the Canadian total; \$4 billion in annual mineral shipments – or at least 10 per cent of the Canadian total; a workforce that is more diverse and includes a minimum of 30 per cent women, double the current level –

SOME HON. MEMBERS: Hear, hear!

MS. COADY: – ensuring the province is consistently ranked as a top three Canadian jurisdiction in permitting times; and ensuring the province is consistently ranked overall as a top three Canadian jurisdiction by industry.

Mr. Speaker, Mining the Future 2030 delivers on commitments in *The Way Forward* that strengthens the province's economic foundation.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. The mining sector in this province, oftentimes I don't think it's highlighted enough. This sector provides benefits and opportunities for many people often in rural areas of our province and continues to have huge potential. The goals in creating more jobs, establishing and finding new mines and doubling annual exploration expenditures within the province are all positive goals if achieved.

In order for these to be achieved, government needs to continue to ensure that investments in geoscience are being used to help the industry find potential sites and also to ensure that timelines for environmental approvals, exploration permits, development agreements are all issued within a reasonable time frame as we encourage growth in the industry.

While the words used here today are a vision and a plan, they are not realized yet, but we certainly look forward to continued growth in the industry at a time when it is much needed here in the province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. It is a good thing to be optimistic for the future, but like her 2030 vision for the oil and gas industry, the mining industry is 100 per cent reliant on good, global prices which are completely beyond government's control.

I, too, hope we have a future in sustainable mining of these non-renewable resources. We can certainly promote mineral exploration so we know what resources we do have but it can be precarious. Without viable global market prices, our mining industry will not grow.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

Further statements by ministers?

Oral Questions.

Oral Questions

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

MR. CROSBIE: Mr. Speaker, I asked the Premier last Wednesday if he had been in communication with the Premier of Quebec on substantive issues, and I understood his answer to be that he had not. Media reported since that he spoke to the Premier of Quebec on Wednesday afternoon.

Does the House understand that the Premier accepted the advice of the Leader of the Opposition, and called Mr. Legault as soon as he left the Chamber?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: No.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I give the Premier full marks for that one. It's the first yes or no answer I've gotten in the last three weeks.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: It is possible.

Mr. Speaker, last Wednesday, the Premier referred to the recent Canadian Free Trade Agreement and the free transmission of electricity through Quebec.

Would the Premier explain to the House what steps his government has taken to exploit this opportunity?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, we'll start with some education, and we will get some good questions. When we get good questions, we give good answers. So no, I did not take the advice. That was a call that we were arranging and one that we were trying to get set up with Premier Legault for quite some time, as I had with many premiers from time to time.

On the Canadian Free Trade Agreement, this was some work that was done in 2016. There are rules that already apply, so I would suggest to the Leader of the Opposition, go to the Canadian Free Trade Agreement, the rules are there. There is an energy chapter for the first time in the history, really, of this province. We were able to negotiate that at the Council of the Federation table. The rules are there.

There is a timeline, Mr. Speaker, between now and 2019, and a possible one-year extension. And I cannot wait to talk about the Canadian Free Trade Agreement.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Thank you, Mr. Speaker.

As the hon. Premier would understand, these things require some negotiations, so we will look forward to hearing about the progress of negotiations.

Every lawyer and sophisticated client knows that cases can be settled pending appeal. Would the Premier describe the efforts made, if any, to settle the Upper Churchill Good Faith case while it was pending in the Supreme Court of Canada?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: It's really interesting when you get up and start a preamble and basically put out information that's not quite factual, so I hope I'll get a chance to answer this question. But I really want to address the preamble when it comes to the rules.

The energy chapter exists. So the negotiation, Mr. Speaker, with the energy chapter is there. There is an opportunity for the Province of Newfoundland and Labrador, and the Province of Quebec, to actually expand the rule, to change those rules. There is a mechanism for that to allow. If that doesn't happen between now and July of 2019, with a one-year extension to 2020, well then the rules could potentially change.

But, Mr. Speaker, let's keep in mind, the rules in the energy chapter exists right now in the Canadian Free Trade Agreement.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Thank you.

I appreciate the answer, Mr. Speaker. Perhaps I can give the hon. Premier a new lease on the question: What steps have been taken to settle the Upper Churchill Good Faith case while pending before the Supreme Court?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, as we know, the Good Faith case and the challenge started in 2010. There was a lot of things that started in 2010, Mr. Speaker. Just to remind the people of the province that was the same year that Muskrat Falls was started as well.

At the same year, we had two things: one, challenge through the Supreme Court of Canada

talking about changing the rules around pricing; and, at the same time, they were talking about a Muskrat Falls Project to go around and to break the strangle hold of Quebec.

So, Mr. Speaker, one thing I will say to the leadership that I have provided with other provinces is one of partnerships – with the Province of Quebec around the mining trough, the mining MOU that we signed and MOU on transportation. We will work with other provinces to bring benefits to Newfoundlanders and Labradorians.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: All of great interest, Mr. Speaker, but it doesn't answer the question. Were efforts made to settle the case while pending before the Supreme Court?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I did notice that the Leader of the Opposition, he put out a story after the fact, which is what he does a lot lately when he sees a result, then he puts his finger to see which way the wind is blowing, then he comes down on the side and makes a decision. It's kind of like the baseball coach determining that I think I should have changed the pitcher because the guy just hit the homerun, or the player just hit the homerun, so after the fact, Mr. Speaker

The strategy that we put in place started quite some time ago, is that it's – thank you, Mr. Speaker, for –

MR. SPEAKER: I'm staring at him.

Please proceed, Premier.

PREMIER BALL: So, the strategy that we put in place was really in a general sense. I did visit and met with the former premier of Quebec quite some time ago. It was there that we got the MOU in place for mining, the MOU in place for transportation. Mr. Speaker, it comes to working

with other provinces and creating those strong partnerships.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, at this point we can all arrive at our own conclusion; mine personally is that there were no such efforts made to settle.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: All settlements are based on the party's perception of risk, if the matter goes to court decision. Is the Premier suggesting to this House that Quebec perceived no risk for itself in the Good Faith case that had had 100 per cent certainty about the outcome?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I just remind the Leader of the Opposition, and Members of his caucus, that there's still another declaration and opinion coming out of the courts on the Muskrat Falls file, so this hasn't stopped when it comes to challenges.

I'm getting a bit perplexed why the Leader of the Opposition would assume naturally that this puts an end to the challenges that we're now facing. I think he's forgetting or ignoring, or dismissing or simply forgetting the fact that the whole water management agreement, as it's referred to, this is really – the name changes because it's about availability of power, but there's still work being done.

As Premier Legault and I discussed last week, there are good things that we can do together, let's find a consensus and work for the benefits of Newfoundlanders and Labradorians and for the people in other provinces as well.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Again, Mr. Speaker, I think we all understand that settlements arise out of the perception of risk and a chapter of risk has now been closed vis-à-vis Quebec.

The loss of the appeal to the Supreme Court of Canada raises the important point of preparation for 2041.

I ask the Premier. What is he doing to ensure that our province can get maximum benefit come 2041?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I want to go back once again to the preamble because I don't think it's fair to let that go. That needs to be addressed. He makes this comment about having a negotiation, about trying to prevent – before the final decision would have been made by the Supreme Court of Canada.

Mr. Speaker, I just remind people of this province that it was his party, it was the PC Party in this province that would not negotiate with Quebec. What they did is they put in place Muskrat Falls to go around Quebec. So I ask him, once again: Are you now saying you do not support the Muskrat Falls Project? Your caucus does. Do you support it or do you not support it, or are you waiting for the inquiry is what you're telling the people of this province?

Well, I say to the Leader of the Opposition, I don't need an inquiry to tell me that doubling of electricity rates in this province is not a good thing.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, none of us on this side need an inquiry to tell us that a doubling of power rates is a bad thing.

I ask this question, in part, to be helpful. Tens of thousands of documents that may be invaluable for our future dealings with Quebec over the Upper Churchill are in the possession of the province's law firm in Montreal. Will the Premier assure the House that these documents

will be preserved securely for future use by the province?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, I will go back once again to the preamble and not give the Leader of the Opposition the liberty to just to say when he talks about – because it was his comments when he talked about the inquiry that he needed to know the outcome of the inquiry to determine if it was a bad deal.

Mr. Speaker, doubling of electricity rates or any project that allows that to double is a bad deal for Newfoundlanders and Labradorians. We don't need the inquiry to say that.

Mr. Speaker, once again, the Leader of the Opposition is actually assuming now that he can't trust his own profession. So what he's saying is – is he suggesting that his own profession would take legal documents that was given to them, in their profession, and give that to somebody? Is that what he's suggesting today?

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: With respect, this was a tortured answer to a relatively straightforward question.

The House looks for reassurance from the government that these documents will be treated with the respect and value that they deserve, on the basis that they may have future application in dealings with Quebec.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, with my experience, this has been with CF(L)Co, of course, this challenge, but you would automatically assume that a profession like the legal profession would actually make certain that those files are kept in confidence.

Is the Leader of the Opposition suggesting that in his own profession, that he'd have any instances at all, that his own profession, that being a lawyer, would actually take confidential documents and give that to somebody? Is he suggesting that his profession would do that, or has done that?

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: The question is simply premised on the idea of the importance of maintaining these documents in a secure repository for a future use.

The Churchill Falls assets are aging, and I ask the Premier: What investments is Nalcor making to ensure that the assets are functional in 2041 to ensure long-term benefits for the province?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Yes, there are investments that are being made at the Upper Churchill site. Of course, CF(L)Co there is operating that site; nearly two-thirds ownership by this province and one-third ownership by Hydro-Québec. These assets are being improved. I think it's important for all Newfoundlanders and Labradorians that when this asset finally returns to Newfoundland and Labrador, the shareholders here, that it would be in good shape. And there is a plan there to continue to bring the improvements.

Mr. Speaker, I'm not so sure if the Leader of the Opposition has been there visiting. I've been there, it's a great site. It's a great part of the history of our province. I will tell you, Mr. Speaker, it is a bigger part of the future of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, this question will change topics now.

I just state that I enjoyed the one-word answer that the first question in this sequence elicited, and encourage the Premier that he may want to give more of them.

Is the Premier aware that one Jeffrey Ryan is the registered lobbyist for Canopy Growth within this province?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

All registered lobbyists have to register with Service Newfoundland and Labrador and make their views known as being a registered lobbyist.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Thank you to the minister.

The Department of Tourism, Culture, Industry and Innovation was lobbied on behalf of Canopy Growth.

I ask the minister: Does this lobbyist, to his knowledge, have any ties to the Liberal Party?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

When it comes to any business dealings that Department of Tourism, Culture, Industry and Innovation does, we do so in a very professional way. I have no knowledge of Mr. Ryan being affiliated with any political party.

What I will say is that anybody who is registered as a lobbyist, this is a matter of public record, they have to do so on Service NL as to who they're meeting with, and that is a matter of public record.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I thank the minister.

Is he aware that one Gary Anstey is the registered lobbyist for Biome Grow in this province?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

As I said, anybody who registers in a lobbyist form there is a registry of lobbyists that they must register with, with Service Newfoundland and Labrador, to provide who they would be meeting with and the dealings they would be having, and that is a matter that would be filed and would be a public record.

When it comes to the line of questioning of the Member opposite, I find it very frustrating. Because when it comes to doing any type of business deal in Newfoundland and Labrador, they are done by the professional staff in Tourism, Culture, Industry and Innovation to make sure that we are evaluating the benefits to the people of this province, Mr. Speaker. We did not have any licensed cannabis producers here. We are growing an industry, we are creating jobs and we are creating returns.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: To the best of the minister's knowledge, does the lobbyist Gary Anstey have ties to the Liberal Party?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I do not carry around a record of who is a Member of the Liberal Party or who is a Member of the Progressive Conservative or who's a Member of the NDP. That is not a checklist when it comes to people making applications to do business with the people of the province. That is not a criteria for any of our funding.

When we – at the Department of Tourism, Culture, Industry and Innovation, we evaluate business projects on their own merit and that is what we have done when it comes to Canopy and when it comes to Biome.

If you were there – if the Member opposite was in St. George's and saw the positive response by business leaders, by municipal leaders, by people in the community of the jobs that are going to be created and the economic benefits to the region, he would be impressed as well.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, for the Premier, your minister either does not have the answers or is avoiding the questions.

Would the Premier ask the lobbyist commissioner to conduct a review of the suspicious activities, lobbying activities and any political connections to the lobbyist?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I'm certainly not responsible as minister for the *Lobbyist Act* here but anything – if the Member opposite has some questions or something specifically then maybe he needs to take some specific action.

He spoke out publicly in the media about The Rooms and filing human rights commission complaints and saying, oh, I couldn't really do that; you know, that was an error on my behalf but I put that out there. He puts a lot of stuff out there as the Leader of the Official Opposition.

The fact of the matter is that in the Department of Tourism, Culture, Industry and Innovation we welcome proposals. We welcome and accept applications on behalf of people across the province, and we're investing in good projects all across Newfoundland and Labrador to create jobs and grow our economy.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the announcement of Canopy Growth to come into the province by government was premised in incentivizing a multibillion dollar company with \$40 million in tax credits that would eventually pay off a \$50 million facility in the East End of St. John's.

That government's announcement, I ask the minister, included the provincial government and Canopy Growth as partners in the deal. I ask the minister: Are they the only partners, or are there other partners involved in the deal?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

When we entered into an agreement, a supply and production agreement with Canopy Growth on December of 2017, we had done so with Canopy Growth and our registered company, which we encourage them to register here in Newfoundland and Labrador so that there could be additional benefits obtained. When companies register here there are registration fees and there's other taxation that could be obtained with that.

The agreement is quite clear, that when it comes to this \$40 million in reduced remittances, the company can only recoup anything that is an eligible cost. If something is not an eligible cost then they will not receive any benefit. The more successful they are as a company and the more investment they make in sales, the more returns

we have as the people of the province. This is a good deal.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I thank the minister for that and I'll ask him to clarify. So does your agreement with Canopy Growth ensure that they are the only recipient or beneficiary of the \$40 million in tax credits from the people of Newfoundland and Labrador.

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

The answer is yes.

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Another quick answer, which is good to hear.

Minister, capital costs for the \$50-million Canopy Growth facility will be recovered from the sale of cannabis. Will Canopy Growth own this \$50-million building which the people of the province paid for, or anybody else?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I would encourage the Member to review the contract, which we made available. When it comes to eligible costs and when it comes to recoupment, Canopy Growth would have to be in receipt and have these eligible costs in order for them to receive any money.

So, this is a particular matter that we have a contract with them. There is no risk to the taxpayers, the people of this province. We're not

providing any cash or upfront grants, or other incentives like other provinces have chosen to do, or how the other administration across the way – when they were in government – chose to provide all kinds of grants and subsidies to encourage people to come here to the province.

What we've done is we've taken an approach to create an industry here, jobs and benefits, with no taxpayer dollars.

Thank you, Mr. Speaker

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I ask the minister: The agreement with Canopy Growth, does it allow or permit for partial tax credits to be remitted to Canopy for capital cost, a portion or all of them, to be interrupted and then someone else own that asset at some point in the future?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, the contract is quite clear that Canopy Growth can receive up to \$40 million in reduced sales remittances on eligible costs towards their capital expenditures. They're a publicly traded company and they have to make those expenditures. Anything that is not of theirs or is not deemed qualified they would not receive any particular recoupment for that cost.

What we have done here in this province where we had no cannabis producer, we were able to secure a leader such as Canopy and now we have Biome. What we have is we have over 260 production jobs that are being created here in this province for 20 years, without putting a single taxpayer dollar at risk. They are going to be here for the long term and returning benefits to the Treasury.

This is a good deal, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: We have an agreement, Mr. Speaker, but there's no product available on the shelves. That's quite an agreement.

Minister, the current lease of land that the building is built on, do you know if this is a lease to buy set-up, which makes the benefactor of the tax credit somebody other than Canopy Growth?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

All I can say is that with the particular contract that we signed with Canopy Growth is that was done in December of 2017, and it was done that they would have a production facility here on the Northeast Avalon.

At that time, they had not selected a site. They were looking at sites, or they were looking at land to do a greenfield build. It is up to a company – a publicly-traded company or any company. We do not dictate here in Newfoundland and Labrador where companies are going to set up.

In fact, when I was on the West Coast, the Back Home cannabis company, they had highlighted that Mr. Callahan said: I was enticed to go to other areas like St. John's, but I'm setting up right here in my hometown of Barachois Brook, so those jobs stay here.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

Last week, the minister advised he did not know who owned the property being leased to Canopy Growth, held in a numbered company, or the arrangement.

I ask the minister: You were going to investigate it. Can you provide any update to us since last week?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

When it comes to the contract that we entered with Canopy, what we had done is Canopy Growth is one of the companies. There is a numbered company attached to the contract as well, which has two officials with Canopy Growth and the Government of Newfoundland and Labrador, and in contract with the Newfoundland and Labrador Liquor Corporation to provide supply chain as part of our supply and production agreement.

They will receive benefit for any costs that are deemed eligible. Any cost that is not eligible would not be paid out for the people of the province. We have clear mechanisms for penalties, should they not follow their contract. We have been working with Canopy. They are creating and building the structure, and steel is being put in place. If they do not own the land of which the Member Opposite is alleging, then they will not (inaudible) –

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker.

As part of Health Canada licensing process, they have a site ownership requirement and a declaration is required from the site owner.

I ask the minister: Were you aware of this requirement last week? Did you see this declaration? And, again, were you aware of the land ownership last week, and are you aware of it today? Because Health Canada requires it.

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I'm very aware of the Health Canada requirements, and that's certainly something that's very important. In order for any production facility to become licensed, they have to be inspected by Health Canada to secure their licence. They also have to meet other requirements, and this is a federal requirement.

And that is why it was very important for us to enter into a supply and production agreement with a licensed producer in Canada, because we did not have one. We attracted a world leader in Canopy. We now have another leader in the country as well in terms of Biome Grow, and we encourage others to go through that process.

Mr. Callahan, who is the president of Back Home Cannabis Corporation, is involved with Biome Grow, and he had been involved through that process. But no Newfoundlander or Labradorian had achieved licensing, so that's why it was so important.

Once it opens, Mr. Speaker, it's very important that they meet all the requirements of their contract.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader for a very quick question.

MR. HUTCHINGS: I ask the minister: He mentioned licences; how many licences are approved today in Newfoundland and Labrador?

MR. SPEAKER: The hon. the Minister of TCII for a quick response, please.

MR. MITCHELMORE: Thank you, Mr. Speaker.

We've entered into supply and production agreements with two particular companies in Canopy Growth and Biome Grow, and we look forward to continuing to work with others who are wanting to set up and create jobs and grow here, in Newfoundland and Labrador, this new, innovative industry.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Leader of the Third Party.

MS. ROGERS: Thank you, Mr. Speaker.

Two weeks ago, the Minister of Finance bragged about the jobs his government has created since taking office. At that time, the minister took credit for jobs that will be created by Husky Energy, Equinor, Vale and Canada Fluorspar.

I ask the minister: Would he agree that it was the rising price of oil and minerals, not his government, that has prompted these companies to announce potential new jobs, some of which won't be created for some time in the future?

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

MR. OSBORNE: No, Mr. Speaker, I do not agree.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, it's very interesting to see what the minister is taking credit for.

So, the minister also talked about thousands of person-years coming from these and other companies, as well as from long-term infrastructure plans.

I ask the minister: Why did he put forward hypothetical estimates of person-years in the long term, as if they were jobs his government had already created, and what is he going to do in the near term for the current job crisis that we're experiencing?

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

MR. OSBORNE: Thank you, Mr. Speaker.

Our government, our Premier, ministers and Members of our caucus have been working very

hard with local industry to create employment, to diversify the economy, to create opportunities for Newfoundlanders and Labradorians to stay at home and work at home.

Mr. Speaker, in July of this year, employment grew by 1.4 per cent; in August of this year, it grew by 3.1 per cent; in September, 2.9 per cent; and in October, 1 per cent.

Mr. Speaker, we've been working hard to create employment in this province. If the minister opposite doesn't like that, too bad.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: I am not a minister yet, Mr. Speaker, but the annual unemployment rate is still 14.3 per cent in Newfoundland and Labrador.

So I ask the minister: How can he claim that his government created 1,800 jobs in Wabush, when the jobs are only getting started, and even when they are created, it will be because of the rising price of iron ore, not because of anything that his government has done?

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

MR. OSBORNE: Mr. Speaker, in 2015, in *The Economy* book, government of the day estimated that in 2018 there would be 221,700 jobs in this province. The reality is that in the first 10 months of this year employment averaged 225,400, a considerable improvement over what was projected in 2015.

Previous government knew, as this government found out, that there were fiscal challenges facing the province, that difficult decisions had to be made, but we've worked very hard with *The Way Forward*, with doubling the size of the aquaculture industry, with improving the agriculture industry, Mr. Speaker, the tech industry. We've worked very hard on diversifying the economy in this province, and we're going to continue to do so. It is good government.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for St. John's East - Quidi Vidi.

MS. MICHAEL: Thank you, Mr. Speaker.

Let's try another question.

I ask the Minister of Finance: Why government is bragging about 500 low-paying cubicle jobs at an S&P call centre, when his government had to pay \$1.25 million to get them? Is that his idea of economic development?

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I'm very disappointed in the Member who represents City of St. John's for 500 jobs that are being created right here in this very city that we have a company, S&P Data, that is creating 500 jobs.

When it comes to the investment that's made by our government, that is a loan – \$975,000 is in a repayable loan. There's \$250,000 provided in training. S&P Data had opened up, they have never closed a contact centre. Unlike the Members of the other way, whenever they have attracted a call centre they provided incentives and incentives, and when those incentives ran out this company closed. That's not the case with this particular one. We're creating long-term jobs here in Newfoundland and Labrador.

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 say that remains to be seen that these are long-term jobs.

When we strip away the jobs that haven't been created yet, along with the ones government had no role in creating, I ask the minister: How

many jobs have actually been directly created through government's efforts in the last three years?

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

MR. OSBORNE: Mr. Speaker, we see month over month over the last four months that the employment numbers in this province are improving. That's as a result of the work that this government is doing. An oil company or a mining company can't just come in and set up shop without negotiating with government, without putting a deal together with government, and we are looking after the best interests of the people of this province.

We are diversifying the economy, we are creating employment. We are, Mr. Speaker, doing things on this side of the House to try and create opportunities to reverse the aging population, to reverse the out-migration as a result of the situation this province was in. I'm proud of the work that this government has been doing in diversifying the economy. I'm proud of the work that this government has been doing in creating jobs.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

MS. GAMBIN-WALSH: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Workplace Health, Safety And Compensation Act, Bill 35.

MR. SPEAKER: Thank you.

Further notices of motion?

MS. GAMBIN-WALSH: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Workplace Health, Safety And Compensation Act No. 2, Bill 36.

MR. SPEAKER: Thank you.

Further notices of motion?

The hon. the Government House Leader.

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

Pursuant to Standing Order 11(1) I hereby give notice that this House not adjourn at 5:30 p.m. on Tuesday, November 6.

Further, I give notice pursuant to Standing Order 11(1) that this House not adjourn at 5:30 p.m. on Thursday, November 8.

MR. SPEAKER: Answers to Questions for which Notice has been Given.

Answers to Questions for which Notice has been Given

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Mr. Speaker, I'd just like to provide some supplementary information to the Opposition House Leader for a couple of questions he asked me earlier in Question Period.

One is, I can certainly confirm that there are no licences approved by Health Canada in this province yet to date, but the two companies that we've entered into supply agreements they do have licences elsewhere in Canada and they're working through that final requirement.

Also, when it comes to a Health Canada requirement for any individual to own land, that is not a requirement if a landlord is on a particular piece of land.

I just want to put that on the record.

Thank you.

MR. SPEAKER: Thank you.

Petitions.

Petitions

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

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 Newfoundland and Labrador has one of the lowest minimum wages in Canada, and minimum wage workers earn poverty incomes; and

WHEREAS proposals to index the minimum wage to inflation will not address poverty if the wage is too low to start with; and

WHEREAS women and youth, and service sector employees, are particularly hurt by the low minimum wage; and

WHEREAS the minimum wage only rose only 5 per cent between 2010 and 2016, while many food items rose more than 20 per cent; and

WHEREAS other Canadian jurisdictions are implementing or considering a \$15 minimum wage as a step towards a living wage;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to legislate a gradual increase in the minimum wage to \$15 by 2020 with an annual adjustment thereafter to reflect provincial inflation.

As in duty bound your petitioners will ever pray.

Thank you, Mr. Speaker.

Mr. Speaker, when I raised this petition last week, the Minister of AESL disputed some of the information that I brought to the House about really where other provinces were with

their minimum wage and where Newfoundland and Labrador is in relation to that.

Mr. Speaker, the more updated numbers are: Nunavut's minimum wage is \$13; Northwest Territories, \$13.46; Alberta, \$15; Ontario, \$14 – it was to be \$15 by 2019, but that's been cancelled; the Yukon, \$11.51; Manitoba, \$11.35; Prince Edward Island, \$11.55; British Columbia, \$12.65, and they are pledging to be up to \$15 by 2021; Quebec, \$12; Saskatchewan, \$11.06; Nova Scotia, \$11, considering \$14 by 2024; New Brunswick, \$11.25; and Newfoundland and Labrador, \$11.15. So we are the third-lowest. We are at \$11.15, Nova Scotia is at \$11 and Saskatchewan is at \$11.06.

Mr. Speaker, as I've pointed out in this petition, government is going to increase according to the cost of living increase; however, our baseline is so low as it is we will never catch up, we will never catch up to the other provinces. And I ask the minister once again, does he think this is good enough for the hard-working people of Newfoundland and Labrador? I say it isn't, it isn't good enough for the hard-working people of Newfoundland and Labrador.

Thank you very much.

MR. SPEAKER: Thank you.

The hon. the Minister of Tourism, Culture, Industry and Innovation for a response, please.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I certainly listened intently to the Member's petition. One of the things we've done as government, as we committed to do, was to increase minimum wage and tie it to consumer price indexing as the cost of living is increasing. But other things that we have done as a government for minimum wage earners – and a number of us may have been in a situation, I know I have in the past, where I've earned minimum wage as well. It's certainly important when you're employed and as a business owner when you're working, you work very hard on minimum wage.

It's important that as a government we look at all the mix of programs and supports that we

provide, and one of the things we did in *Budget 2016* was we put in place the Newfoundland and Labrador Income Supplement to help people that are lower wage earners and we've provided other enhanced benefits that exist. Certainly, our goal as a government is to create jobs that pay far more than the minimum wage.

I was in Black Duck Brook on Friday with the MHA for Stephenville - Port au Port and the MHA for St. George's - Humber and they announced 120 new jobs that will be created, paying an average salary of \$54,000 at a cannabis production facility. That is far more than the minimum wage, Mr. Speaker. These are the types of initiatives we need to happen more and more across Newfoundland and Labrador.

Thank you.

MR. SPEAKER: Further petitions?

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

There have been numerous concerns raised by family members of seniors in long-term care throughout Newfoundland and Labrador, particularly those suffering with dementia, Alzheimer's disease and other cognitive debilitating conditions, whereby loved ones who have experienced injuries have not been regularly bathe, not received proper nutrition and or have been left lying in their own waste for extended periods of time. We believe this is directly related to government's failure to ensure adequate staffing at those facilities.

Therefore we petition the House of Assembly as follows: To urge the Government of Newfoundland and Labrador to instate legislation which includes the mandatory establishment of an adequate ratio of one staff to three residents in long-term care and all other applicable regional health care facilities housing persons with dementia, Alzheimer's disease and other cognitive debilitating conditions in order to ensure appropriate safety, protection from injuries, proper hygiene care and all other required care. This law would include the creation of a specific job position in these

facilities for monitoring and intervention as required to ensure the safety of patients.

Mr. Speaker, today in the House of Assembly I'm presenting over 3,200 signatures on behalf of the group who is joining us today, Advocates for Senior Citizens' care, and I believe my colleague from St. John's East - Quidi Vidi will be doing likewise.

Mr. Speaker, we know we have an aging population here in our province and we know the challenges we have are only going to increase as time goes on. Certainly, we've heard challenges in the community as it relates to home care. We've heard challenges, most recently, as it relates to personal care.

This particular petition relates to long-term care. What we're talking about here is we're talking about our mothers, our fathers, our grandparents, and one day, Mr. Speaker, ourselves that may indeed require long-term care as an option for us as we age. We want to ensure that anyone who is in long-term care are taken care of adequately. What this is calling for is actual legislation that would put in place standards to ensure that our seniors receive the care they so rightly require and that they deserve.

Putting it simply, leaving it to regulations at the whim of the minister, leaving it to policies at the whim of the health care authorities does not ensure that the adequate care is in place. This group believes that by enshrining it in legislation that will happen. That's what they want; that's what they want to see happen. That's what I'm presenting today in the best interest of the seniors of Newfoundland and Labrador.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the Member for St. John's East - Quidi Vidi.

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

There have been numerous concerns raised by family members of seniors in long-term care throughout Newfoundland and Labrador, particularly those suffering with dementia, Alzheimer's disease and other cognitive debilitating conditions whereby loved ones have experienced injuries, have not been bathed regularly, not received proper nutrition and or have been left lying in their own waste for extended periods of time. We believe this is directly related to government's failure to ensure adequate staffing at those facilities.

Therefore we petition the hon. House of Assembly as follows: To urge the Government of Newfoundland and Labrador to instate legislation which includes the mandatory established adequate ratio of one staff to three residents in long-term care and all other applicable regional health facilities housing persons with dementia, Alzheimer's disease and other cognitive debilitating conditions in order to ensure appropriate safety, protection from injuries, proper hygiene care and all other required care. This law would include the recreation of a specific job position in these facilities for monitoring and intervention as required to ensure the safety of patients.

I'm honoured to stand today and add to what my colleague from Mount Pearl - Southlands has done, as I present a total of over 3,000 signatures from people who speak out because of what they're observing either in their own families, or friends, or others, and their neighbours who are so unhappy with what's going on in long-term care in this province, particularly when it comes to those with dementia in the various forms in which it presents itself.

The Advocates for Senior Citizens' rights want to see a legislated, regulated and enforced staff-to-resident ratio. Our people are not getting the care they need. Seniors who have given their lives to their families and to their communities and to their provinces are not having their rights recognized. Inadequate care inside of our facilities is just shameful. It's not something that we should be accepting here in this province. It's absolutely shameful.

We have a long-term care issue in terms of the long plan. We don't have a long-term plan for looking at how we really should be taking care

of our seniors. In the short term, one thing we absolutely, definitely need is more staff to deal with the people who are inside of our institutions, not warehousing like we have. We have people in beds who can't feed themselves, for example. A tray is brought in by the person who's only in charge of bringing the tray in; trays come out and they haven't eaten. We have to stop this, Mr. Speaker.

Thank you very much.

MR. SPEAKER: Thank you.

Further petitions?

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

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

WHEREAS many students in our province depend on school busing for transportation to and from school each day; and

WHEREAS there are many parents of school-aged children throughout our province who live inside the Eastern School District's 1.6 kilometre zone, therefore do not qualify for busing; and

WHEREAS policy cannot override the safety of our children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to eliminate the 1.6 policy for all elementary schools in the province, and junior and senior high schools where safety is a primary concern.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I've presented, along with my colleagues, many times we've presented this similar petition. We had a PMR on it last year. It's an issue we continue to advocate for, for

residents and our families in our respective districts.

So without getting into the detail of our argument of the safety concern – it's an obvious safety concern. I think everyone in this House can't deny that. But this particular issue, just to let you know the importance of this to individuals, there's a group of parents in my district, the children are 1.59 kilometres away. They have to walk down this byroad. It's a very busy road, no sidewalks. They have to go up Route 60, which again is one of the busiest roads in the province, as I've stated, with no sidewalks to get to school.

It's a serious safety issue, Mr. Speaker. I've spoken out about it many times. I've attended protests. My colleagues here, we receive calls on a daily basis. But this group of parents have actually gotten together, and they got hundreds of petitions. They're notifying me, there are petitions coming from all other districts. I'm sure Members opposite, it's in their districts. They're spreading out.

This is not an individualized district issue in Conception Bay South, or Cape St. Francis, or Conception Bay East - Bell Island or Ferryland, this is becoming a provincial issue. Our children are our most vulnerable, Mr. Speaker. I get the fact this policy has been in place for a long time and have crossed party lines. I'm not arguing that. I'm looking at hear and now – why don't we do an analysis on the cost? Is there a cost-prohibitive factor to this? We've indicated as a party and as a caucus here we're willing to look at that and examine it and make the changes possible.

This day and age we haven't got any longer a little car path; these are busy roads. These schools are no longer your little community school; they're bigger operations. We've got Waterford Valley High is down Topsail Road. The issues that come out of there; people want a skywalk.

I can list off schools, probably, in every district where things have changed, families have changed, society's changed. No longer do you have a family with all the supports around them, nan and pop, aunts and uncles in their neighbourhood. They're on their own, single

families, no vehicles. I can go on and on. All these issues have been brought to my attention, and I'm sure to Members opposite.

It's an issue we're not going to give up arguing on. It's very important to people in our districts. Families are very stressed out about this. It's a policy I really believe it's time for it to be reviewed. There should be changes we've been able to make. We can hear the political rhetoric on any matter, what party's in power, we need action on this policy now, Mr. Speaker.

Thank you very much.

MR. SPEAKER: Thank you.

The hon. the Minister of Advanced Education, Skills and Labour for a response, please.

MR. HAWKINS: Thank you, Mr. Speaker.

I've responded, I think, every time the Member has brought the petition up. Obviously, as minister responsible for Education and Early Childhood Development I know really some of the impacts. Safety is number one priority for us.

I don't like playing politics on this, Mr. Speaker, because it's too important to play, but the Member you wouldn't know that this is something that's happened within the last three years. I'd like to know what the Member told his constituents prior to 2015-2016, how they dealt with it, because obviously there was nothing done.

I have to tell the Member opposite; we have done a significant amount in this last year. We have actually put in a 0.8, which we have now the best policy within the entire country – the entire country. We have a 0.8 courtesy stop put in, realizing that there are some issues out there and some students can take advantage of courtesy stops within the 1.6.

So we have made significant changes, Mr. Speaker, contrary to what the Members opposite and all the years that they had. They couldn't come up with the 0.8 when they were in power, but obviously didn't do that.

So, Mr. Speaker, we do take safety very seriously, safety is priority number one for us,

and we are continuing to work and working with the school board to ensure that we do have availability for students on a courtesy seating for them to take advantage of the bus.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Further petitions?

The hon. the Government House Leader.

MR. A. PARSONS: I call Orders of the Day, Mr. Speaker.

MR. SPEAKER: Orders of the Day, Sir.

Orders of the Day

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

MR. A. PARSONS: Mr. Speaker, I call from the Order Paper, Motion 4. I would move, pursuant to Standing Order 11(1) that the House not adjourn at 5:30 o'clock p.m. today, Monday, November 5.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

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

I would call from the Order Paper, Order 3, third reading of Bill 30.

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

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

I move, seconded by the Minister of Natural Resources, that Bill 30, An Act To Amend The Private Investigation And Security Services Act be now read a third time.

MR. SPEAKER: It is moved and seconded that the said bill be now read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

CLERK (Barnes): A bill, An Act To Amend The Private Investigation And Security Services Act. (Bill 30)

MR. SPEAKER: This bill is now read a third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Private Investigation And Security Services Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 30)

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources for leave to introduce a bill entitled, An Act To Amend The Public Sector Compensation Transparency Act, Bill 33, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Government House Leader shall have leave to introduce a bill entitled An Act To Amend The Public Sector Compensation Transparency Act, Bill 33, and that the said bill be now read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

Motion, the hon. the Government House Leader to introduce a bill, "An Act To Amend The Public Sector Compensation Transparency Act," carried. (Bill 33)

CLERK: A bill, An Act To Amend The Public Sector Compensation Transparency Act. (Bill 33)

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

When shall the bill be read a second time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 33 read a first time, ordered read a second time on tomorrow.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources for leave to introduce a bill entitled, An Act To Amend The Assessment Act, 2006, Bill 34, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Municipal Affairs and Environment shall have leave to introduce a bill entitled, An Act To Amend The Assessment Act, 2006, and that the said bill be now read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

On motion, the hon. the Minister of Municipal Affairs and Environment to introduce a bill, "An Act To Amend The Assessment Act, 2006," carried. (Bill 34)

CLERK: A bill, An Act To Amend The Assessment Act, 2006. (Bill 34)

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

When shall the said bill be read a second time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 34 read a first time, ordered read a second time on tomorrow.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources that pursuant to the motion adopted by the House on November 1, 2018 the House resolve itself into a Committee of the Whole to receive the Commissioner for Legislative Standards for the purpose of answering questions and providing clarity on the process of the recently tabled reports inquiring into Members' Code of Conduct.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to receive the Commissioner for Legislative Standards for the purpose of answering questions and providing clarity on the process of the recently tabled reports inquiring into Members' Code of Conduct

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now receiving the Commissioner for Legislative Standards for the purpose of

answering questions and providing clarity on the process of the recently tabled reports inquiring into Members' Code of Conduct.

I ask the Sergeant-at-Arms to escort the Commissioner for Legislative Standards to a seat in the Chamber, please.

Order, please!

On behalf of all Members, I welcome the Commissioner for Legislative Standards.

Does the Commissioner have a preliminary statement to make?

MR. CHAULK: Yes, I do.

Thank you.

This afternoon I am appearing voluntarily to assist the House. It is my understanding that for the purpose of today's proceedings, questioning is limited to what is stated in the resolution that is to provide clarity on the process of the recently tabled reports.

As these reports have yet to be debated before the House of Assembly and my statutory authority has been fulfilled in presenting my opinion, it would be inappropriate and reflect negatively upon my office's independence if I were to engage in a debate regarding the substance of these reports.

Pursuant to my legislation, I was required to provide an opinion to this House and I have recommended penalties. My reports contain recommendations; however, it is the duty of this House to choose whether or not to accept my opinion.

While the nature of these issues are personal in nature, my legislation provides me with no discretion and I must provide a report to the Management Commission. In my opinion, a more private, restorative procedure would be more valuable to all parties, but as the legislation was drafted it was my statutory duty to provide these reports.

When this issue first came to light, I communicated to all parties that given the

unique and serious nature of the allegations, I would be retaining assistance from outside counsel with experience in workplace harassment and bullying. While my office is statutorily independent, it was prudent to obtain counsel from outside of the province to assist with these issues and I retained one of the leading law firms in the country to provide assistance with these investigations.

It is important to note, that the Code of Conduct arose out of the House of Assembly spending scandal and the recommendations of former Chief Justice Green. It was this hon. House that created the Code of Conduct which provides guidance on the conduct of Members discharging their legislative and public duties.

My office has absolute jurisdiction to decide upon receipt of a complaint whether a Member has violated the Code of Conduct; therefore, it is not the conduct of my office or staff that is under review. It is conduct of these Members that is under review.

Once I've provided my opinion on an issue, the House may or may not agree with me; however, the process laid out by the law ensures that all parties are provided with an opportunity to defend their conduct throughout the process and be aware of the case they have to meet.

I respect the authority of the House to request my attendance; however, I have concerns that the precedent that this House is now setting and requiring an independent statutory officer to be subject to questioning after a finding of misconduct has been made, may severely impact the independence of all statutory offices in the future.

With respect to the process, it is as follows: My authority is engaged when a written request for an opinion is sent to me in accordance with section 36 of the *House of Assembly Accountability, Integrity and Administration Act*. Similar provisions exist in the *House of Assembly Act*, and specifically in that act it is section 42.

There are four ways that a request can originate. Member to Member, which is section 36(1); on my own initiative if I determine it is in the public interest to do so, which is 36(2); by

resolution of the House of Assembly, under 36(3); and, finally, at the request of the Premier, under 36(4).

Upon receipt of a written request for an opinion, section 37 of the act requires me to give the Member concerned reasonable notice. This notice includes being provided with a complete copy of the complaint and reasonable opportunity to respond.

Upon receipt of the response from the Member concerned, I review the information provided to determine if I'm going to conduct an inquiry or if I'm going to provide a certificate in accordance with section 42 of the act. It is not until the assessment of a Member's response is made that I can determine if I'm going to conduct an inquiry.

Once I decide to conduct an inquiry, I have the powers of the Commissioner granted under the *Public Inquiries Act, 2006*. These specific powers are limited to section 9, which is the "Power to compel evidence" and section 10, the "Power to inspect." No other provisions of that act apply to me.

With respect to these investigations, I retained the law firm Rubin Thomlinson of Toronto to assist in the specific area of workplace harassment and bullying. My office currently does not have a staff person with expertise in this area; therefore, that expertise had to be retained.

Copies of the complaints and the responses received were provided to the investigator to assist with determining who should be interviewed regarding the subject matter of the complaints. Rubin Thomlinson, being the expert in workplace investigations, was not restricted in determining the number and identity of witnesses to be interviewed.

I attended all witness interviews to ensure I was fully informed of all the evidence so that I could make a determination, if necessary, if there was a Code of Conduct violation that went beyond workplace harassment. That was within my statutory jurisdiction.

Representation by legal counsel is authorized by section 37(2) of the act, where the Member can

make representations in writing, in person, by counsel or other representative.

The number and identity of witnesses was based upon the submissions of the parties and the evidence that was put forward. While it is expected that not everyone will always agree with who was called as a witness, investigators have to use their professional judgment in determining who would be called. Furthermore, as this process is meant to be timely and confidential, we do our best to balance these two principles with procedural fairness.

Upon receipt of the reports from Rubin Thomlinson, as I had been present for all witness interviews and had reviewed all of the evidence, I was in agreement with their findings with respect to the issue of workplace harassment and adopted their findings in my report. In addition, having reviewed all of the evidence, it was within my jurisdiction to make findings of a breach of the Code of Conduct that I considered appropriate.

Rubin Thomlinson's reports contained the identity of the complainants and therefore have not been released. My reports have removed the name of the complainants and have adopted their findings.

In accordance with section 38 of the act, my opinion is reported to the Management Commission, which is then required to be presented to the House of Assembly. The only exception is if the opinion is requested by the Premier in accordance with subsection 36(4) of the act. In that case, the report is provided to the Premier. All five of these reports were provided to the Management Commission.

Section 39 of the act provides four penalties that can be recommended under the report filed under section 38. The penalties are: that the Member be reprimanded; the second one is that the Member make restitution; the third is that the Member be suspended from the House of Assembly with or without pay for a period specified in the report; or, the fourth one, is that the Member's seat be declared vacant.

As a statutory officer, I have a solemn responsibility to administer the law exactly the

way specified in the law. In doing so, I am expected to behave in a non-partisan manner.

For these investigations, the definition of harassment that was used was: Objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome.

Thank you.

CHAIR: Thank you.

Just a few housekeeping notes. As we're all aware, a total of 400 minutes has been approved and agreed to for this purpose. Any Member recognized to speak will be given the opportunity to do so for 10 minutes. We'll be watching the clock and the 10 minutes will be provided for you to answer the questions and the Commissioner for Legislative Standards to provide answers to you.

As standard procedure, we will go with government to the Opposition, government to the Opposition, government to Third Party, government to independents and, after that, I'll recognize first on their feet.

I would certainly ask for respect of this process here today, and respect for each other.

The Chair recognizes the hon. the Member for Placentia - St. Mary's.

MS. GAMBIN-WALSH: Commissioner, this is regarding Principle 6 of the Code of Conduct.

The portion of the October 18 complaint, which has been upheld by you, relates to the attempts to influence the hiring process to fill a permanent managerial position in the public service. It was my opinion and that of my counsel, that this activity violated a number of principles in the Code of Conduct, including Principles 3, 6, 7 and 10.

Principle 6 covers a number of different scenarios in the present context, including the requirement to carry out official duties in a manner that protects the public interest and enhances public confidence and trust in government and in high standards of ethical conduct in public office.

In relation to this complaint of October 18, the *Public Service Commission Act* makes it an offence for a person to directly or indirectly try to influence improperly the commission, a member of the board of examiners, an employee of the commission with respect to the appointment of himself or herself or another person to the public service.

As the Commissioner, you decided that the actions complained of did not violate the principle cited, other than Principle 10. While I may not agree that it went far enough, I respect that decision.

Commissioner, at no time in my complaint or in the complaint process did I personally raise issues regarding the Member's personal finances. Can you please, to the best of your recollection, confirm this for the House?

MR. CHAULK: I don't specifically know what you're speaking about in that – I have a suspicion I know what that's about, but it's not in my report. There's nothing in my report about the finances of any particular Member.

MS. GAMBIN-WALSH: Thank you for that response.

Regarding the definition of harassment, even in our political arena, we should not have to be subject to treatment such as I received. You outlined the definition of harassment in the October 18 report. Can you please tell us why you used that definition?

MR. CHAULK: That particular definition was the definition that Rubin Thomlinson used based on their expertise in that particular field.

MS. GAMBIN-WALSH: Thank you for that.

Commissioner, I appreciate that you treated each complaint separately. It leaves open the question, however, whether consideration was given to the pattern of behaviour or conduct that appears to have been present. Given that a number of complaints were made, at what point does a decision maker begin to recognize such a pattern? How many complaints are required for a pattern of behaviour to be established?

MR. CHAULK: I can't specifically answer that question because it goes to the specifics of a report, and this is not the venue to debate the reports. That's for the House as a whole when you debate the reports themselves.

MS. GAMBIN-WALSH: Thank you, Commissioner; that's all the questions that I have.

CHAIR: The Chair recognizes the hon. the Member for Ferryland.

MR. HUTCHINGS: Mr. Chair, I just had discussions with the Leader of the Opposition and – or government, sorry, and Leader of the Third Party. I thought it would be better if maybe we stay seated when we ask the questions, if that's okay. Because it's back and forth, and you may want to refer to notes and that sort of thing.

CHAIR: Thank you.

The Chair recognizes the hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Chair.

Thank you, Mr. Commissioner, first of all, for attending. I just have a couple of questions in regard to process and clarity. Could you speak to your authority and guidelines in terms of this process related to confidentiality when a report or a complaint is received by you?

MR. CHAULK: My procedure is not to comment on anything in the report, or any of the complaint, to provide the complaint to, other than the people involved.

MR. HUTCHINGS: I'm not asking for specifics in regard to individual reports and confidentiality. I'm asking, as the Commissioner for Legislative Standards, what's your threshold or what's your understanding of the legislation regarding confidentiality in a generic, broader sense in regard to when complaints are filed?

MR. CHAULK: When complaints are filed, there's no specific information. There's no specific legislation dealing with confidentiality.

MR. HUTCHINGS: Okay, thank you.

You indicated in regard to the expert assistance of Ruben Thomlinson and the type of expertise they had. Was that expertise tied to the issue of harassment and investigative natures of activities in the workplace, and did it also include recommendations to you in regard to the Code of Conduct?

MR. CHAULK: They're not experts in our Code of Conduct. So their sole purpose was to review the workplace harassment allegations.

MR. HUTCHINGS: Okay.

So, the recommendations or any recommendations, in a generic sense, that you would make in regard to a particular case, the Code of Conduct conclusions would be your conclusions directly?

MR. CHAULK: They are.

MR. HUTCHINGS: Okay, thank you.

You mentioned – and I just wanted to reference – in your opening statement – I think it's important here. We're here in the Legislature and this is a unique situation in regard to a statutory officer who reports to the House coming in to give, I guess, witness evidence, or has discussions – you indicated that your thoughts were that this may not be an appropriate venue or there could be further indiscretions or issues in the future. Could you just expand on that? I was interested to hear your thoughts on that.

MR. CHAULK: The thoughts on that is that, you know, willing to help the House out at any time on a specific issue but it is, as you say, very unusual to have a statutory officer sitting in the Legislature to talk about the process on one of their reports. So a lot of the other statutory officers in our own jurisdiction would even find it unusual that one of us would be called in to actually speak about the process in one of our reports.

MR. HUTCHINGS: Okay, but to speak just to the process, irrelevant of a particular report, would you think that would be valuable?

MR. CHAULK: But I don't know that it needs to be in the Legislature.

MR. HUTCHINGS: Okay, thank you.

You referenced section 38 as well in your opening comments. I'm just wondering, if I remember correctly, that's a section to deal with your authority under the violations of the Code and what possible areas of recommendation could be.

Again, I guess in a generic sense in terms of doing your job, do you feel there's a requirement to give a recommendation if there's a finding of breach of Code or – how do you land on that when you give a recommendation if you determine there's a breach of Code, not give a recommendation, give a recommendation? What's the process you go through there? Because, ultimately, I guess the reports come back here to the Legislature.

If there's not a recommendation I guess there's a two-step that needs to take place here. It's either you concur with the report or not concur, and if there's no recommendation for a penalty that has to be determined as well.

MR. CHAULK: Well, I think you're talking about a hypothetical situation because all of these – what I have here includes recommendations.

MR. HUTCHINGS: So in what case would you not give a recommendation or feel not appropriate to give a recommendation in the process?

MR. CHAULK: If I file a report and the report has a – it always has a recommendation. I haven't yet issued a report where there was no recommendation.

MR. HUTCHINGS: Okay. I guess I'm more specific referencing to the penalties. If you find a breach in the Code, I've read reports where there is not specific reference to the penalties.

MR. CHAULK: Right.

MR. HUTCHINGS: It listed in the Code of Conduct which: "The Member be reprimanded; The Member makes restitution or pay compensation; The Member be suspended from the House, with or without pay, for a specified

period; or The Member's seat be declared vacant.

"The Commissioner may also refer criminal misconduct to the appropriate authorities."

MR. CHAULK: Right.

MR. HUTCHINGS: I guess that's written there. I'm wondering, what's the discretion you use in regard to using one of those or not using it when you find a violation of the Code of Conduct?

MR. CHAULK: Again, it would depend on the specific report as to what the recommendation would be.

MR. HUTCHINGS: Okay, thank you.

I think my colleague, the original speaker, may have referenced – again, I don't know if you'll comment on this but this could be in a report.

There was reference made to the scope of behaviour and the actual behaviour that occurs in a political environment. As Commissioner for Legislative Standards, I wonder if you could give some thought to in terms of the process and what weight that played into or would play into a current or a future review in a violation of the Code that somehow this environment or workplace may have a different standard or be held to a different standard than workplaces outside of this Chamber.

MR. CHAULK: I don't know that I can specifically answer that question.

MR. HUTCHINGS: But do you think there would be two different standards for inside this Chamber and outside?

MR. CHAULK: I think when you're in debate it's an adversarial environment. It's designed that way, but –

MR. HUTCHINGS: But outside the debate.

MR. CHAULK: When you're not debating, than this workplace should be no different than any other workplace.

MR. HUTCHINGS: Okay, thank you very much.

Mr. Chair, I think that's good for me for now.

Thanks.

CHAIR: The hon. the Member for Terra Nova.

MR. HOLLOWAY: Thank you, Mr. Chair.

Thank you, as well, to the Commissioner for coming in today. We certainly appreciate you taking the time to help us understand the investigation process that was used by your office.

I have a number of questions, and we'll see how much my time allows me.

As you know, confidentiality has been a significant issue throughout this investigation process. Personally, I experienced premature release of my letter of complaint by both the Joyce and Kirby report, as they were released to the public via the media before coming to this House for tabling and debate.

So my first question for you, Commissioner, is: Can you advise, what is your understanding of the *House of Assembly Accountability, Integrity and Administration Act* with respect to keeping this information confidential while the investigation was ongoing?

MR. CHAULK: There are no provisions in the act that say that the entire thing has to be kept in confidence. I know that I don't speak to anybody about anything that I'm reviewing. That's because anything from a Member to me is privileged.

MR. HOLLOWAY: A supplemental question: Does the act speak to any persons or statutory officers that must keep the information confidential while the investigation is ongoing, from your understanding?

MR. CHAULK: It's not in my part, but I believe – and maybe someone else can provide clarity on it – there's another section of the act which deals with the whistle-blower section, where information is kept confidential.

MR. HOLLOWAY: Okay.

Thank you.

During the investigation, what request or direction did you give to either the plaintiffs or the defendants about keeping the process confidential? And, if so, did you experience any opposition to your request?

MR. CHAULK: In general – and I’ll only speak in general terms because I won’t speak about the specific instances – when anyone was interviewed by the investigator and they were asked to keep things confidential, I have a statutory requirement to provide the information to the parties concerned and that’s what I did. But during the interviews we asked people to keep things confidential.

MR. HOLLOWAY: I’m not sure if you answered the supplementary question about: Did you experience any opposition to your request to keep it confidential?

MR. CHAULK: Yeah, and that would relate to the reports themselves, and I’m not here to talk about the reports themselves only the process.

MR. HOLLOWAY: As you know, and as I referenced already, the letter of complaint that I filed with your office on May 14 was leaked to the media on May 31. As a result, I was confronted by media speaking at an event at the Delta Hotel.

Can you tell the Members of this House who had access to the letter of complaint once you received it?

MR. CHAULK: Well, as required by the legislation, the respondents would have been provided with a copy of the complaint. Obviously, the complainant would have a copy of it and I would have a copy of it.

MR. HOLLOWAY: So there were four parties?

MR. CHAULK: Yes.

MR. HOLLOWAY: Okay.

I still have some time. I’ll continue on, Mr. Chair.

An important aspect of investigating issues like harassment, bullying and intimidation is procedural fairness, and, Commissioner, you reference that term in your opening remarks. So generally – for everybody else’s benefit – procedural fairness requires decisions to be consistent with the bias rule, that is free from bias or the abrogation of bias by decision makers.

Procedural fairness requires that applicants be informed of the decision maker’s concerns, and have a meaningful opportunity to provide a response to concerns about the application.

As I’m sure you know, Mr. Commissioner, there are seven elements of procedural fairness. I’m going to talk about four – just highlight those.

One is the process – so to process of complaint without undue delay; the right to fair and impartial decision making; the right to be heard; and the right to reasons. That is decisions are in writing, they must be clear, precise and understandable.

So my question for you is: In considering the process undertaken to investigate these complaints of harassment, bullying and intimidation, can you advise what steps you took to ensure that procedural fairness was demonstrated throughout the investigation?

MR. CHAULK: As indicated by the legislation, I’m required to provide the respondent with a copy of the complaint, and to give them reasonable time to be able to respond to that. That is procedural fairness. If they required additional time, they were given additional time. Then those responses were provided to the other parties – to the complainants, and them given a given a time to respond to those complaints.

After that, and based on all of the interviews conducted, the reports were written, and the reports contained the reasons for the reports.

MR. HOLLOWAY: So that we’re clear, once you receive a complaint, you go to the respondent, you go back to the applicant and that’s the end of it. You do an interview, and that’s the end of it. There is no other seeking of clarification? Was that part of your process at all?

MR. CHAULK: No, no. If clarification is needed, then it's provided, but everybody is given an opportunity to make representations in this process.

MR. HOLLOWAY: I just want to speak to a point that you raised in your opening remarks. So, in at least one of the investigation reports, the name of the plaintiff is omitted. This is not the case for all investigation reports; although, I think I might have understood that you said it might've have been. So, specifically, my MHA title is contained in both *The Joyce Report* and *The Kirby Report*.

At what point in the investigation process did you give the option to any plaintiff to have his or her name omitted from the final report?

MR. CHAULK: In discussions with the complainants, they had asked not to have their name put in the complaints, and they weren't. It wasn't possible in all cases if the full letter of the complaint is already public, it's kind of hard to not mention the complainant at the end of the day, despite, wanting to do that.

My preference would be not to put the complainants in the report at all.

MR. HOLLOWAY: Mine too.

That's all for me.

Thank you, Mr. Chair.

CHAIR: Just before – anybody who wants to get recognized to speak, I'd certainly appreciate it if I could ask you to stand first, be recognized and take your seat and probably adjust your mics as well. I'm finding it difficult to hear here – adjust your mics down.

The Chair recognizes the hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you, Mr. Chair.

Do you mean for us to bend the mic down like this? I don't want to crack it off or anything.

Mr. Commissioner, thank you for appearing and obliging us in this way. My apologies, I missed your introductory remarks and some of the

initial questioning. Maybe you've made this point but your jurisdiction, your power under the legislation to do these inquiries, these investigations, is in relation not to bullying and harassment but to the Code of Conduct and the investigations was taken out insofar as they related to bullying and harassment because those might constitute breaches of the Code of Conduct. Is that correct?

MR. CHAULK: No. The allegations were that there were Code of Conduct violations that were as a result of bullying and harassment.

MR. CROSBIE: I think we're saying essentially the same thing. Your jurisdiction comes from the Code.

MR. CHAULK: It comes from the Code, yes.

MR. CROSBIE: And as you made clear in your reports, bullying and harassment as you defined them in the reports if that were found to exist would constitute potentially a breach of code.

MR. CHAULK: Yes, I think it would be – if there is bullying and harassment then that would automatically be a breach of the Code of Conduct.

MR. CROSBIE: So the investigators that you retained, the firm of lawyers in Toronto – you've explained in other settings, and maybe here as well – have a great deal of expertise in bullying and harassment; is that correct?

MR. CHAULK: That is correct.

MR. CROSBIE: However, because of the rarity of this kind of situation, in other words, investigations related to codes of conduct for Members of a legislative body, they would have little to no experience in that kind of investigation.

MR. CHAULK: Well, they are not authorities on code of conduct.

MR. CROSBIE: There were two occasions, the only occasions in which you have made a recommendation of merit for sanction, if I understand correctly, where the investigators did not in their own report to you, their own written

report, make a finding of breach of code; is that correct?

MR. CHAULK: Their responsibility was to do workplace investigation of bullying and harassment. I didn't have to rely on them to determine if there was a Code of Conduct violation.

MR. CROSBIE: I understand. In fact, you entered your own opinion, to use the statutory word, as to the existence of Code of Conduct violations in respect of two allegations.

MR. CHAULK: Well, that goes to the reports, which are not up for debate here.

MR. CROSBIE: Very well. What I'm getting at, Sir, is whether – if I can ask you this – in your view the investigators gave adequate weight to the Code of Conduct in making their recommended findings?

MR. CHAULK: Again, you're asking a question about the specific reports and they are workplace harassment investigators. That was their role in this process.

MR. CROSBIE: Very well. The document underlying the Code of Conduct is one with which I'm sure you're well familiar, and we all refer to it as the Green report. At Chapter 5, page 6, I'd like to read you commentary. This is not on the Code of Conduct that you applied and we have before us as binding on us and that we take an oath to follow, because it didn't exist at the time the Green report was written. What he said was, as follows, at Chapter 5-6: "The importance of promoting high standards of behaviour by public officials was emphasized by the Supreme Court of Canada" and he goes on to quote a particular case – you can find it at that page, it's called R. V. Hinchy, 1996. The judge in the case, the Supreme Court of Canada case, said: "In my view, given the heavy trust and responsibility taken on by the holding of a public office or employ, it is appropriate that government officials are correspondingly held to codes of conduct which, for an ordinary person, would be quite severe."

And then he goes on, on page 7 – this is the Commissioner – to say: "Many of the codes that have been adopted are expressed in general,

aspirational language." He's talking about codes of conduct, codes of ethics found in other walks of life. "Their intent is not to set out a set of detailed rules to control every aspect of Members' behaviour, but rather to set general public standards by which the behaviour of parliamentarians can be assessed and, in so doing, provide general guidance"

So, what I want to come back here to is the language of general and aspirational. That suggests – and I'm looking for your views on this – that conduct that one may find to be ordinary or in existence at the time when a complaint, or at the time a complaint refers to, may be generally the conduct that people follow, but it may not be what we would all aspire to be our conduct.

Would you agree with that?

MR. CHAULK: My jurisdiction in here is only on the Code as it's written, and if it's aspirational then it's aspirational.

I only have to apply what's provided to me; what the law has put in place.

MR. CROSBIE: Do you agree that the Code is aspirational in nature, then?

MR. CHAULK: I would say that there are aspects of it that are aspirational.

MR. CROSBIE: Thank you. I have nothing else.

CHAIR: The Chair recognizes the hon. the Member for Harbour Grace - Port de Grave.

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

Mr. Commissioner, thank you for being here today. My questions are with respect to the Speaker vote in *The Kirby Report* of October 3.

With respect to the Speaker vote, you decided to believe the former minister of Education that it was a whipped vote. You believed his assertion that he was told as much by a staff member, whom he refused to identify, an assertion you found compelling.

Yet in a media story published August 8, *The Canadian Press*, Premier Ball was quoted as saying the “Liberals were free to vote as they wished. He said he welcomed Parsons’s challenge.”

He also said: ““This was democracy in action today. We had a young woman who had an interest in doing this. It’s no different than the conversation that I had with Miss Parsons when she came to see me.

‘I told her: “Go and do what you feel you should do. Follow your heart.””

Clearly, this was not a whipped vote. This has been confirmed in this House just recently.

My questions are these: Were you aware of the Premier’s position on this vote? If not, why not?

MR. CHAULK: It would be inappropriate for me to answer that question, as it goes to the content of the report and the potential merits of the debate. If I were to expand upon my written report, it would be unfair, as the complainants would not have had an opportunity to provide their input on any comments that are made.

MS. P. PARSONS: What efforts, if any, did you make to determine if what the former minister of Education told you was accurate?

MR. CHAULK: So there is no provision in my statute that authorized me to comment upon a report or change a report once it’s submitted. My office is a creature of statute, and absent statutory authority authorizing me to make additional comments, it would be inappropriate for me to discuss this matter further.

MS. P. PARSONS: So, having said that, my last question pertaining to this topic: Are you now prepared to admit that you made a mistake in declaring that it was a whipped vote?

MR. CHAULK: I’m not going to comment on the report.

CHAIR: Order, please!

I’m going to remind Members that we are here to listen to the Commissioner for Legislative Standards, and the purpose here is to answer

questions and providing clarity on the process. I remind all hon. Members it is providing clarity on the process.

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

The last question for me, for now: What efforts did you make to ensure that complainants who wished to remain anonymous were protected from being disclosed?

MR. CHAULK: In my reports, where possible, I removed the name of the complainant and tried to remove anything that would specifically identify the Member.

MS. P. PARSONS: Thank you.

That’s all for me now.

CHAIR: The Chair recognizes the hon. the Leader of the Third Party.

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

Mr. Commissioner, I, too, would like to thank you for taking the time to work with us today and also I would like to acknowledge the incredible amount of work that all this represents, and particularly the high stakes for both complainants and respondents, and then also for the reputation of the work that all of us do and the strains on your office as well that there was a by-election during this process as well. And I would like to thank you and your office for the dedication and the commitment to this process.

I have a question, Mr. Commissioner, about the process about any testifying or the investigation process. Where those who were testifying under oath and is your office able to ask that of anybody who would be testifying?

MR. CHAULK: It was expected that people would tell the truth while they were standing and while they were being interviewed. For the most part, it would become fairly obvious in the written report if someone was not telling the truth.

As to a specific oath or swearing an oath when they came in to provide their testimony, no, that

wasn't done. I'm not sure that it's the legislation that I can require it. But under the *Public Inquiries Act* I can certainly compel somebody to testify, and I can compel somebody to provide evidence.

MS. ROGERS: But not compel someone to take an oath.

MR. CHAULK: No.

MS. ROGERS: Okay, thank you very much.

The recommendation that you did making the reports, it would be beneficial if a more private restorative justice model was implemented to allow these matters to be resolved in a setting that will facilitate resolution of these important workplace issues, while at the same time facilitate rehabilitation of relationships, where possible, to allow Members to act in the best interest of their constituents.

We've heard a lot of concerns about the issue of confidentiality and how public this process has become. Do you believe that this form of rehabilitation of relationships and what we would hope would be an outcome – do you believe that that is still possible, considering the process that was used up to this point?

MR. CHAULK: As the legislation is written, that's – my hands are tied as to how I can actually proceed. If the House, or the Members here, decide to change the process, than that is certainly within your purview here to determine if there's a different process needed.

MS. ROGERS: This has been unusual in terms of the breadth and the depth and the number of complaints. In another scenario, considering the process that is stipulated in the legislation – my question is basically about: Do you feel in any way, shape or form that this process somewhat got off the rails in terms of how you would have proceeded if it was completely in your control? And by that I mean, I would anticipate that it would not have been such a public process. Is there anything you can say about that in terms of how very, very public this process has become?

MR. CHAULK: The only thing I can say on that is that the process would be the same. My process is exactly the same because it's dictated

by the legislation. If there's more legislation put around that with respect to confidentiality then so be it, but the process underneath would be exactly the same no matter if there was additional confidentiality provisions in there or not. It is the same process.

MS. ROGERS: Do you have any concerns about the extensive of public nature of where the complaints are now for both complainants and respondents? Do you have any concerns about where we are with that right now, as the Commissioner and for the work you have to do?

MR. CHAULK: I don't know if I can speak for everybody involved in this process, but I'm sure that most people wouldn't want this to be debated in the media, period, whether the complainant or the respondent. And as such, I've – I know what everybody's been going through in this process, including myself.

MS. ROGERS: Yes.

MR. CHAULK: I've been attacked in this, and I've had to explain to my own kids about this process and what's going on.

MS. ROGERS: And I would hope, Mr. Commissioner, you have had the opportunity to also make recommendations about any process in the future in terms of the legislative responsibilities that you have and what you may like to see happen differently. Is there anything you can say to that at this point, again, in terms of the process?

MR. CHAULK: Yes, and I'll refer to something I read very recently. It talks about the role of a statutory officer. One of the things is that a statutory officer – and this comes out of Australia – they said is that a statutory officer is expected to not campaign for changing the act which they are charged with administering. They say that to do so would be a major conflict of interest. And I can somewhat see that perspective.

It's the Members of this House that determine what the law is, and, as they say, I'm just the person who administers it.

MS. ROGERS: Okay. Thank you very much.

I'm sure as the Members of this House, that we will also take into account the process and look at whether or not legislation needs to be changed.

I want to thank you very much for your time.

MR. CHAULK: Thank you.

CHAIR: The hon. the Member for Terra Nova.

MR. HOLLOWAY: Thank you, Mr. Chair.

I certainly appreciate the Commissioner taking these questions, and I do certainly understand that it's been difficult on everybody.

I've got three questions. The first one: on May 14, do you recall how many letters of complaint you had received from me?

MR. CHAULK: Again, you're speaking about the reports themselves?

MR. HOLLOWAY: No, no. Just do you recall receiving more than one letter?

MR. CHAULK: Again, I think you're talking about the specifics of that particular report, and –

MR. HOLLOWAY: All right. The point I'm trying to make is that you received two. You received a short letter –

MR. CHAULK: Mm-hmm.

MR. HOLLOWAY: – and during that first meeting, I also indicated there was a longer, more detailed letter. You had asked for both. I just wanted to highlight that the first letter, as part of your process, was that you would've looked at that and decided if an investigation was in order or not.

At that time, if you recall – and I'm just asking if you recall – if you recall having that conversation that you wanted the more detailed letter to help you with your process?

MR. CHAULK: Well, what you're asking is about one of the specific investigations, so I can't really comment on that. But as I did say in general, in order to proceed I would need a

complete complaint, and I would have to provide a complete complaint to the respondent. I can't just give them part of a complaint.

MR. HOLLOWAY: So it goes to a point that was made earlier about a pattern of behaviour; if you had given it any consideration.

In the short letter, and I'll just quote. It says: This investigation cannot be done in isolation, and it must be conducted in conjunction with other formal complaints that have been brought forward by other MHAs.

So in terms of your process, I'm trying to understand – because the letter that I submitted talked about violations by two MHAs, until we have two separate reports, and there was no consideration of patterns of behaviour. I'm trying to understand your process of – if you saw any patterns of behaviour.

MR. CHAULK: Again, you're asking about the specifics in a particular report or reports. I know that when I sent the reports to the Management Commission, I indicated to them in that letter, or that transmittal, that as there was more than one report, that the Legislature should look at them as a whole as opposed to dealing with them individually, that there was more than one report. So I indicated that to the Speaker that the number of reports related to each particular Member. So it was for them to look at all of the reports at the same time, as opposed to dealing with them individually over a longer period of time.

MR. HOLLOWAY: Okay, thank you.

I'm going to ask a question that I've asked you previously, but I'd like for you – since we're here in the House. So detailed in at least two of the investigation reports, there's a reference to retaining Rubin Thomlinson to assist with investigating the complaints.

Can you tell us what process was used for selecting Rubin Thomlinson; and, once hired, were terms of reference developed to outline the scope of work required under the contract; and is this contract available to the public?

MR. CHAULK: In the beginning when these issues started to arise, I was contacted by a

number of people offering their services. I reached out to various people as to suggestions on particular expertise in this area.

When I had a listing of specific firms or individuals that could conduct this work, I reached out to them directly and gave them a brief outline of what I would expect them to do, which was to conduct workplace investigations involving elected Members, and to provide me with a proposal, including any expertise they had and rates of pay, as well as any – and this comes more from my other hat – any political contribution that they would've made into this particular jurisdiction, to ensure that anyone I had had no ties, politically.

From that, I received a number of proposals from various firms. Given the nature of this, I retained Rubin Thomlinson in Toronto because of their sheer experience, as I said. They wrote the book on workplace investigations and, literally, they have written the book on workplace investigations.

So, that was who I decided on. Given the profile on what was going on, and their experience with doing work with the provincial government in developing the Executive Branch policy on respectful workplaces, it seemed the logical fit that I would use them.

All that exists between myself and Rubin Thomlinson is an engagement letter that they sent me that I signed.

MR. HOLLOWAY: Detailed in the engagement letter, is there a scope of work to be performed?

MR. CHAULK: It would be that they would conduct investigations. They, like most investigating firms, are very concerned about their ability to conduct the investigations thoroughly and without any restrictions put on them. That was the case with these. There were absolutely no restrictions put on them as to who they wanted to interview at all.

As I said in my opening remarks, they received everything and they developed the list of who would be interviewed from that. Then, based on what happened in the interviews, they would determine if they wanted to interview anybody

else. I certainly didn't put any restrictions on them. If they wanted to interview somebody, it was done.

MR. HOLLOWAY: So, let me ask the question in another way: Were there any deliverables that were required as part of that letter of commitment?

MR. CHAULK: Deliverables?

MR. HOLLOWAY: Yes, a report, a number of interviews, a number of trips to Newfoundland and Labrador.

MR. CHAULK: No, there were absolutely no restrictions on them as to how many trips they could make. As we were arranging schedules, they would fly in. There were times that the investigator flew in in the morning and flew back out that night, depending on the availability of the people that we had to interview.

MR. HOLLOWAY: So, for argument's sake, they could have stayed in Toronto and done this investigation?

MR. CHAULK: No.

MR. HOLLOWAY: Okay.

I see my time is winding down. I do have one other question. It's been stated in this House that it appears not all witnesses were interviewed during the investigation. Can you explain the process you followed to determine which witnesses would be interviewed and which ones would be excluded?

So, based on your comment thus far, was that left to Rubin Thomlinson to decide that or was that something that was decided between your office and Rubin Thomlinson?

MR. CHAULK: As I said earlier, copies of the complaints and the responses received were provided to the investigator to assist with determining who should be interviewed regarding the subject matter of the complaints. Rubin Thomlinson, being the expert on workplace investigation, was not restricted in determining the number and identity of witnesses to be interviewed. So I think that was what I stated earlier.

MR. HOLLOWAY: Okay, thank you.

CHAIR: I remind the hon. Member his time has expired.

The Chair recognizes the hon. the Member for Mount Scio.

MR. KIRBY: Thank you, Mr. Chair.

Thanks to the Commissioner for coming in here today. I've a number of questions about the process. If I stray outside of that, I apologize in advance.

Mr. Cory Boyd was the person who I spoke to as part of this investigation. Was Cory Boyd there as a lawyer or as an investigator?

MR. CHAULK: Mr. Boyd is a lawyer and is the investigator.

MR. KIRBY: Okay.

Was Mr. Boyd there as your solicitor or as an investigator?

MR. CHAULK: I am not sure of the relevance of that particular question and it goes towards a specific report.

MR. KIRBY: For me, I'm just wondering if he was your solicitor who would be providing you with legal advice, I'm wondering why he was asking the questions in the interviews.

MR. CHAULK: Again, you're talking about a specific report but he is an investigator and he knows the questions to ask.

MR. KIRBY: I guess my question really boils –

MR. CHAULK: But he is a legal – he is a lawyer so –

MR. KIRBY: – down to if he was the investigator, then there's no solicitor-client privilege so there'd be no reason to release their reports. I say that because I'm still not clear. It's clear that Rubin Thomlinson was contracted because they were experts in workplace bullying, harassment investigations, whatever way you want to put it. I'm just not clear on what they found.

There was quite a lot of – there were allegations very specifically made about bullying, harassment and intimidation. I don't think Members of the Legislature are clear today on whether Rubin Thomlinson found any of those things.

MR. CHAULK: And I think you're asking a question related to the specifics of a report which I think when those reports are debated in the House that may be the appropriate venue to bring those concerns forward.

MR. KIRBY: Do you feel there was anything flawed about this process, Mr. Commissioner?

MR. CHAULK: Certainly not.

MR. KIRBY: And is there anything you would do differently?

MR. CHAULK: There's certainly – I don't know that I can actually answer that question.

MR. KIRBY: So you've said that you – it is within your right under your powers under the legislation to make judgments about Code of Conduct violations. In your opinion, is it making false allegations knowingly against other Members of the Legislature a violation of the Code of Conduct?

MR. CHAULK: If you have specific complaints about another Member, than you can file a complaint under the legislation.

MR. KIRBY: In a report titled *The Holloway Report*, dated May 30, 2017, you stated the following, I quote: "In the particular circumstances of this case it is my recommendation that the member be reprimanded pursuant to s. 39(1)(a) of the House of Assembly Accountability, Integrity and Administration Act for violating Principles 2 and 11 of the Code of Conduct. In addition, while it is recognized that my jurisdiction to make recommendations is limited to the penalties enumerated in s. 39, some consideration should be given by MHA Holloway to making a formal apology to the Mayor of St. Brendan's in the legislature."

Is there a reason why you chose to make different recommendations in a different

recommendations in my instance versus this most recent report that you had completed?

MR. CHAULK: I'm unable to answer that question. It goes to the specifics of a report. Once I provided my report to the House, my report is final. It is not to be explained further or commented upon. You're referring to a report that was previously tabled –

MR. KIRBY: Mm-hmm.

MR. CHAULK: – and, you know, my report needs to be debated in the form it was presented to the House. So I cannot answer questions about a previous report or your report.

MR. KIRBY: Did anyone advise you – you said when you were here in the Legislature previously that you cut and paste sections from the Rubin Thomlinson reports into your final reports. Did anyone advise you on what not to cut and paste and what to cut and paste, or did you make that decision independently?

MR. CHAULK: Cut and paste was probably not the appropriate words to be used at that point. The reports came to me in a PDF format, and in being able to take the report en masse it had to be converted back into Word or a format that I could use. Of course when you do that, you get headings and things like that that I can't keep in my report. So you have to extract vast amounts of data and put them back in, but there are certainly no restrictions on what I could put in there.

The one thing that I did make sure was that I tried to remove the name of the complainant wherever possible, and that was it. The reports virtually look the same.

MR. KIRBY: In other reports that have been done by Rubin Thomlinson and other investigators nationally when it comes to allegations of this sort in legislatures, the reports are not made public, personal information is not made public, but there are also inevitably recommendations around reconciliation and resolution of these matters. Did you give any thought to making recommendations of those sort?

MR. CHAULK: Again, is that the – I'm guided by legislation, and I can only do what the legislation allows me to do. I can't suggest that the House only table my summary, my executive summary. The report had to go in the format that it was in. I certainly can't comment on other reports that Rubin Thomlinson may have issued in other jurisdictions. The legislation is different.

MR. KIRBY: Thanks.

Did you have any impression at any point in carrying out this investigation that any of the Members of the House of Assembly who were making the allegations were working in concert with one another or coordinating their efforts?

MR. CHAULK: You're talking about the specifics of a report and the process itself. I think that the best venue is when the House is in session to debate the merits of the report.

MR. KIRBY: I don't think I've gotten any answers to any my questions. I think I'll leave it there, Mr. Chair.

Thank you.

Thank you to the Commissioner for coming in.

MR. CHAULK: Thank you.

CHAIR: The hon. the Member for Stephenville - Port au Port.

MR. FINN: Thank you very much, Mr. Chair.

And thank you very much, Mr. Chaulk, for joining us this afternoon.

I just have a couple of questions with respect to process, and primarily because I sit as one of the Members of the Privileges and Elections Committee. We are currently tasked with developing a new Legislature-specific policy as it pertains to harassment.

In this context and looking at process, I know you had an overwhelming amount of work in a very short period of time, but with respect to five reports, I believe there was one report that came in just under the 90 days that the legislation suggest a report should be tabled by your office.

In particular, I believe there was one report that took 161 days; there were two that took 102 days; one that took 101 and then, of course, the form I referred to that came in under the 90 days at around 84 days.

I'm just wondering if you could help shed some light on to some of the challenges perhaps, or some of the reasons and rationales as to how that kind of played into your process for compiling these reports?

MR. CHAULK: Okay. First of all, I'd like to say that none of the reports were over 90 days – period.

As I indicated in the beginning, and I'll just read back from what I said in here, is that: Upon receipt of a written request for an opinion, section 37 of the act requires me to give the Member concerned reasonable notice. This notice includes being provided with a complete copy of the complaint and reasonable opportunity to respond.

Upon receipt of the response from the Member concerned, I review the information provided to determine if I'm going to conduct an inquiry or if I'm going to provide a certificate in accordance with section 42 of the act.

So until I have provided a copy of the complaint to the respondent, receive their response, I can't determine if I'm going to start an inquiry. I've got to evaluate that response before I can even go forward on anything. Some might say I'm playing with the dates, but that's reality, is that you can't continue – you can't go forward until you know if you've got something that you've got to go forward with, if you're going to conduct an inquiry.

MR. FINN: Sure, okay.

MR. CHAULK: But, yes, it is – I can certainly say it is challenging to – as some would say, to be listening in the press, saying that I have five complaints when in actual fact I may not even have any.

MR. FINN: Fair. Okay.

So then, again, specifically – and I can certainly appreciate where you're coming from there. So I

guess from my understanding in terms of process, from – at which point is considered to be the beginning of a process. So in the reports – and, I guess, all of the reports, and I don't need to name them in particular, but the reports were – when they were released and published, they have the end date. One was August 24, the other was August 24, one of October 3, the other was October 18, and then finally, we had October 19; but in each of those individual reports, in the forward, if you will, or in the opening remarks, the date is originally set as to when your office was first, I guess, encountered with said process.

I guess if you go by in particular the ones that commenced on May 14, I think it just starts off with one-liner in there that lets us know that your office was notified of whether it be intent or – so, if you take it from the point in which your office was first notified until which time the report was actually completed, I guess I'm just trying to get an understanding as to what constitutes the 90 days. I guess you were just trying to allude that around how – there must be a limbo period whereby we're not certain as to if we have something to move on.

MR. CHAULK: With a process such as this – and I'll speak in generalities as opposed to specific dates in any of the reports – not withstanding that you may have a complaint, you may not have enough details in the complaint to adequately assess whether you're even going to go forward to start with. So, it's within the mandate of the Commissioner to not even go forward from there.

I get a complaint, say, no, there's nothing to this, I'm not going forward with it and there would be no 90 days. Or, I could go back and ask a Member – or whatever situation I had here – and request that they provide additional information before I could even go. Then I have to give something to the respondent. Then I have to give them sufficient and reasonable time for them to be able to make a response to that because they may not know this is even coming.

They may not have seen it, don't know what's going on, and then all of a sudden there's a complaint in their lap. Then, quite often, the first thing they do is they got to out and find legal counsel to deal with the complaint that they've received.

And then, based on what I've received back, I may have to look at it and say yeah, this doesn't have merit. But I have to evaluate the Member's response before I can even go forward.

Sometimes these things take time, especially if you're dealing with it over a summer period or something like that. You contact somebody and they say, yes, my lawyer is in Jamaica for the next two weeks and I can't get a response to you for three or four weeks. Well, it would be unfair for everybody in this process if I said yeah, I don't care, I got 90 days and you're not going to use up two of mine to do it. So you give them whatever reasonable opportunity to make representations back to you.

In general, once I receive that response from the respondent, then I've got to figure out if I'm going to conduct the inquiry or not, because I can, at that point, decide to give the Member concerned a certificate saying that there's nothing to it, and we go from there.

MR. FINN: Okay, thank you so much.

Again, I guess for the appreciation and understanding of all those involved, both complainants and respondents and the length of time, I'm just trying to get an understanding.

I'll conclude with this, and again certainly appreciate your time, is there anything you can suggest to us in terms of this process moving forward for the benefit of all Members here in the House today; anything, suggestions, advice that may be able to enhance this process moving forward, particularly as it pertains, I guess primarily the timelines because you look at – I understand there's a 90-day limitation with the legislation, and you certainly just articulated the challenges that you face.

But in the midst of that we had, again, complainants and respondents in limbo, if you will, and I say that in all fairness and understanding the difficult task that you faced.

MR. CHAULK: I think the Members here would be able to determine what changes they need in the legislation based on this entire process.

It's not really my job to suggest what the changes should be. You're the legislators, and

I'm the administrator. That's the best way to look at it. If you want to talk to me off to the side or something, I could give you my personal views.

But I think in this environment, in this Legislature, it wouldn't be prudent for me to tell you what you should change the legislation to.

MR. FINN: Fair.

Thank you very much, Sir, for your time.

MR. CHAULK: Thank you.

CHAIR: The Chair recognizes the hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Chair.

Thank you as well, Commissioner, for coming in. I certainly believe that this process has been as difficult for you as it has been for all of us.

I've often thought to myself had we known what we were about to embark upon, I really would have questioned the process much more beforehand. We certainly do appreciate your taking the time to come in here, because I do believe as a result of this we can improve the process for future, so there will be some merit to it.

My first question is: Did you receive any requests under section – and when you started out your entry you talked about the four ways in which a report could be generated, section 36(1) to 36(4). Did you receive any request under section 36(4) of the act?

MR. CHAULK: Yes, 36(4) refer to a request from the Premier, and the Premier did contact me and had filed a request under 36(4). Without getting into specifics, but there were no additional complaints filed – there were no details with respect to the 36(4) complaints. So, all of these complaints were filed under 36(1).

MS. PERRY: Okay, so no report was generated under section 36(4).

MR. CHAULK: Nothing was generated under 36(4).

MS. PERRY: Okay.

Again, I'm going to try to stick to generic, so if I stray you can let me know. But in your opinion, how would you define disrespectful behaviour for a politician and/or a minister of the Crown?

MR. CHAULK: I think you're going to get into a question related to – that goes to the reports themselves. I don't want to make comments about anything that could be construed or used in the debate of these matters as they go forward.

MS. PERRY: Okay, I certainly didn't mean to portray it that way, because I'm trying to glean a better understanding of the definition of disrespectful behaviour that has been applied and the lens that has been applied through this process.

Perhaps you could answer this one. What is your understanding of the 2007 Green report's interpretation of disrespectful behaviour by a politician?

MR. CHAULK: I don't have the Green report in front of me to talk about disrespectful behaviour, but the Members of this Legislature, I think former Chief Justice Green asked the Members under section 35 to develop a Code of Conduct, and that the hon. Members here, or the ones that were here at the time, were the ones who created that particular document. So I know that all Chief Justice Green asked was that the Members create a Code of Conduct and then gave it to the Members and asked them to go and within 90 days they were to create the Code of Conduct. So the Members that were here at that time were the ones who created the Code of Conduct.

MS. PERRY: Okay.

I certainly was a politician who came here right after the 2007 Green report. I read it from cover to cover and highlighted, I guess, almost every page. I think it's important – just for the record – that each and every Member of this hon. House read that report from cover to cover because it does go into some good detail speaking to the types of behaviours of politicians that need to be improved. So it's a document that I think for all time, all politicians should read.

Do you believe disrespectful behaviour and harassment – as defined in the executive summary of the reports – are one and the same?

MR. CHAULK: Again, you're talking about a specific report. You're talking about what's written in the reports and I can't talk about the reports. I can only talk about the process.

MS. PERRY: No, I was just trying to get a definition of harassment and disrespectful behaviour, if you feel they're one and the same.

MR. CHAULK: Yes, and I'm afraid that if I started to add something now that it would cloud the debate that is going to happen in the House, subsequent to once the reports are dealt with in the House.

MS. PERRY: Okay.

Would you be comfortable passing an opinion on whether or not you think the Code of Conduct needs more clarity in its definitions?

MR. CHAULK: That's a difficult question to answer. There are a lot of different schools of thought on that and that some require things to be very prescriptive and other people would prefer to have things that are more lofty in their ideals.

There are two schools of thought on that, and I haven't given any real thought to which is better. I know that when you make things very prescriptive, then by making things prescriptive it gives you the opportunity to find a way around it by – if you make something very prescriptive that if this happens then that, then someone would say, okay, well this isn't what happened, so that doesn't apply. But if it's more lofty, then there's more room for interpretation.

MS. PERRY: Okay.

In terms of the report process itself – for the record, I felt like my process was cut short suddenly. We got notice that the House was opening, and I got notice that my report was finalized all in the same day. We were in the process of trying to get testimony under oath, I guess, or at least evaluate the veracity of testimony provided and I felt the need to retain legal counsel to do so.

In the absence of having had the opportunity with my lawyer to do that, can you elaborate for us how you evaluated the veracity of testimony provided?

MR. CHAULK: Yes, you're specifically talking about a report itself, and the venue for that will be when the Legislature opens to debate these reports.

MS. PERRY: Okay.

And I guess my question – I've noticed the other complainants have asked this as well about the pattern of behaviour. So would it be fair to say that a pattern of behaviour is not something that you were looking at as part of this process?

MR. CHAULK: Again, I think you're asking a question that relates to one or more reports.

MS. PERRY: Okay.

MR. CHAULK: The only thing I can say is that I have to evaluate each complaint received against the Code of Conduct as opposed to – I don't see any other way that it could be done other than – you know.

MS. PERRY: Okay.

Again, in terms of process and formatting of reports by Officers of the House, be it your office, Child and Youth Advocate, would you consider these reports to be written in the same format as those of the Child and Youth Advocate whereby the victims and respondents identity are protected?

MR. CHAULK: The legislation as is written doesn't give me that flexibility.

MS. PERRY: Okay.

What process was used by yourself and the investigator to determine who to interview and who to cross-examine?

MR. CHAULK: I think I've answered that question a couple of times so far, if I can go back to it.

So the number and identity of witnesses was based upon the submissions of the parties and

the evidence that was put forward. While it is expected that not everyone will always agree with who was called as a witness, investigators have to use their professional judgment in determining who would be called. Furthermore, as this process is meant to be timely and confidential, we do our best to balance these two principles with procedural fairness.

MS. PERRY: Okay, and time is out on the clock.

So thank you very much, Commissioner, I appreciate your answer.

MR. CHAULK: Okay.

CHAIR: Thank you.

MR. CHAULK: Can I have a break for a minute?

CHAIR: We're just going to – before I recognize the next Member, we're going to recess for approximately 10 minutes.

Thank you.

MR. CHAULK: Thank you.

Recess

CHAIR: Order, please!

The Chair recognizes the hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Chair.

I got a lot of questions, actually – just one statement, actually.

Mr. Chaulk, when you said, should you rush it, I think when your name is purposely leaked out, and you're removed from Cabinet and asked to be removed from caucus, there's a bit of an urgency to have it done. So I'll just put that out there.

The second thing: You stated that you felt the process was fair. Do you stand by that statement?

MR. CHAULK: I think if you're asking about the specific reports, I think the reports –

MR. JOYCE: The process.

MR. CHAULK: Well, the process is what was followed in the reports, and the reports speak for themselves.

MR. JOYCE: And it wasn't flawed?

MR. CHAULK: No, certainly not.

MR. JOYCE: Okay.

You also made a statement, and it's part of the act, that everyone was given a complete copy of the complaint and information. Do you stand by that statement?

MR. CHAULK: That's what's in the legislation, yes.

MR. JOYCE: Okay, you stand by that statement, perfect.

I'm going to ask some questions about – now, they may be a bit repetitious but I just want them on the record for myself.

You stated at *CBC News* on May 3, 2018: "I'm not a harassment investigator, but I'll certainly have an experienced one to do the work." Is that correct?

MR. CHAULK: Yes, and that would be Rubin Thomlinson.

MR. JOYCE: Yes.

Did you say: "I don't currently have the expertise in the office, but I will be hiring the resources I need ..."?

MR. CHAULK: Again, that's what I said in my comments earlier today as well.

MR. JOYCE: Pardon me?

MR. CHAULK: I already said that here in the House as well.

MR. JOYCE: Okay.

So you hired Rubin Thomlinson to do these investigations, correct?

MR. CHAULK: That's correct.

MR. JOYCE: It was just stated that there was an initial complaint made April 26. Is that correct? An initial request for an opinion.

MR. CHAULK: Again, you're talking about a specific report?

MR. JOYCE: No. Request for opinion, April 26, under section 4.

MR. CHAULK: Then that would part of a report?

MR. JOYCE: No, actually it was the information I was trying to gather that I couldn't get the information. We wrote you twice. My solicitor wrote you twice looking for the initial request for opinion on April 26.

MR. CHAULK: Again, as I said, you're asking something that is specific to the reports themselves –

MR. JOYCE: Nope, it's not part of the report.

MR. CHAULK: Then I don't know what you're talking about, because everything related to these investigations is in the reports, detailed in the reports.

MR. JOYCE: So you're saying there was no request for opinion April 26, after I met with the Premier on April 25.

MR. CHAULK: Again, you're asking questions about the investigations themselves, not the process, and the process is pretty clear.

I get a complaint; I work with it. So, is there a specific –

MR. JOYCE: Yes.

MR. CHAULK: – complaint you're talking about, because I don't know off the top of my head what's in the (inaudible) report.

MR. JOYCE: You stated, Sir, and it's in the act, that all pertinent information will be delivered to the respondent?

MR. CHAULK: Right.

Again, I fail to see what your question is.

MR. JOYCE: Okay.

CHAIR: Again, I remind all hon. Members that our purpose here is to provide clarity on the process, and I'd certainly ask you to stick to that.

MR. JOYCE: It is the process, Mr. Chair, because the process is that any pertinent information about a respondent should be given to the respondent for his defence.

MR. CHAULK: Again, you're speaking about a specific report and I'm here to talk about (inaudible).

MR. JOYCE: You're not going to answer the question, that's fine.

The firm Rubin Thomlinson, did they file a report?

MR. CHAULK: As I indicated, Rubin Thomlinson provided me with reports that I used to create my report.

MR. JOYCE: And the report filed in the House of Assembly, was that the report completed by Rubin Thomlinson?

MR. CHAULK: The report that was tabled in the House is the report completed by me, as the Commissioner.

Rubin Thomlinson is not the Commissioner.

MR. JOYCE: Okay.

Were there any changes or additions to this report they submitted to you to present to the House of Assembly?

MR. CHAULK: They didn't provide me anything to be presented to the House of Assembly.

MR. JOYCE: Were there any changes or additions to this report, they submitted to you, that you presented in the House of Assembly?

MR. CHAULK: Again, you're asking me specifics about the individual investigations.

MR. JOYCE: Pardon me?

MR. CHAULK: You're asking me specific questions about the individual reports. I'm not here to –

MR. JOYCE: Actually I'm not; I'm asking were there –

MR. CHAULK: Well, in order to answer that I would have to say what was – I'd have to relate to a specific report and I can't do that.

That is not the process here; it's to talk about the process.

MR. JOYCE: Did Rubin Thomlinson find any bullying or harassment in their report?

MR. CHAULK: Again, you'll have to read my report to determine what was said or what was found.

MR. JOYCE: Pardon me?

MR. CHAULK: I said that specific question relates to a specific report. I'm not here to speak about the specific reports. The venue for reviewing those reports is when the Legislature decides to debate those particular reports, not here.

MR. JOYCE: I'm not asking for a specific report. I'm asking did they find any bullying or harassment.

MR. CHAULK: Again, you're talking about a specific report.

MR. JOYCE: Can I get an unedited version of the Rubin Thomlinson report?

MR. CHAULK: Again, you're asking questions about a specific report. We're here to talk about the process.

MR. JOYCE: It is the process – the process is you hired a firm. You hired a firm to complete an investigation. I’m asking did you present their report. Was that the report that they presented? That is not the specific report; that is the process.

MR. CHAULK: The process is that they provide me with a report. I take that report and create my report.

MR. JOYCE: Okay.

On October 23, you stated that you cut and paste their report; do you still stand by those statements?

MR. CHAULK: As I said earlier in the House that maybe that wasn’t the proper – as I answered that question previously, it was probably not the correct wording to use. But the reports came to me originally in PDF form and that in order to work with them and to be able to use them to create my report, they had to be reversed and put back into a format that I could use.

That’s not always an easy process and sometimes it requires me taking the information in one report and putting it into Word so that I can work with it.

MR. JOYCE: Did you edit their report?

MR. CHAULK: Of course I had to edit. I had to edit. The Rubin Thomlinson would have referred to the specific Members and, as I indicated earlier, my reports removed the names of the complainants.

MR. JOYCE: On page 36, I’ll just read part of – I know you can’t speak on it, but I just want it for the record. “However, I was struck by the language used by the complainant herself to describe many of the interactions on this matter, that such behaviour is what they do, trying to get their points across whenever they have a moment in front ... Accordingly, I’m not sure that MHA Joyce knew, or ought to have known, that calling the Complainant about the hiring process would have been unwelcome by her.”

Are you familiar with that statement, Sir?

MR. CHAULK: Again, you’re talking specifics about a report and it would be inappropriate for me to answer that question.

MR. JOYCE: Okay.

And you said this on October 23: Does Rubin Thomlinson have the authority to rule on the Code of Conduct?

MR. CHAULK: And as I indicated earlier, Rubin Thomlinson was retained to do a workplace investigation. I’m the only one with the authority to determine if a Member is in violation of the Code of Conduct –

MR. JOYCE: And you made –

MR. CHAULK: – in accordance with the legislation.

MR. JOYCE: I’m sorry.

And you made that determination, the Code of Conduct, principle 10, correct?

MR. CHAULK: Again, you’re talking about a specific report –

MR. JOYCE: Yeah.

MR. CHAULK: – and I’m not here to talk about specific reports.

MR. JOYCE: Just on how you came about it, not the report itself. When this determination was made, was it done on the evidence and the witnesses provided or asked by Rubin Thomlinson to appear?

MR. CHAULK: Again, you’re talking about the specifics of the investigation itself, not the overall process that’s involved in creating what is required by the legislation. So the proper venue would not –

MR. JOYCE: I can’t hear you, Sir.

MR. CHAULK: I said this is not the proper venue for making that determination. You can debate the merits of the report, I guess when they’re tabled in the House, or when they’re debated in the House.

MR. JOYCE: How did you come up – without calling witnesses, just in general – without calling witnesses on the principle of Code of Conduct, how would you determine if there is a Code of Conduct violation? Just in general.

MR. CHAULK: You're asking generalities. You have to look at what is being presented and what evidence is being provided and then what the witnesses provide as testimony.

MR. JOYCE: I see my time is up, but –

CHAIR: Order, please!

I remind the hon. Member his time has expired.

The Chair recognizes the hon. the Member for St. Barbe - L'Anse aux Meadows.

MR. MITCHELMORE: Thank you, Mr. Chair.

I thank the Commissioner for coming here today to answer questions about the process that was followed for these particular reports.

I just have a question, I guess, based on earlier commentary made by the Commissioner around who would have been determining who would be interviewed and who would not. So I just would like the Commissioner to confirm that a complainant may file a testimony and reference the behaviour of another Member of the House of Assembly without ever that Member of the House of Assembly ever being interviewed to either confirm or deny such testimony.

MR. CHAULK: I'm not sure what your question is. What is your specific question there?

MR. MITCHELMORE: My question is very clear, I believe, is that somebody could file a complaint with you as the Commissioner or with the investigator that would be deemed as evidence put forward that references a Member of the House of Assembly and I'm asking: Is it possible that that Member of the House of Assembly that is referenced would never have been interviewed to confirm or deny such testimony and be referenced in any report?

MR. CHAULK: Okay. The process is that once a complaint is provided – that's what we had here – is that then that complaint, in its entirety, is provided to the other Member for a response. The Member's response can be in person, by legal counsel, by any other representative that they so choose. It doesn't have to be in person, it can be all in writing. Then that response then is provided to the complainant for a further response.

So there wouldn't be a situation where the parties involved weren't aware of what the complaint was and what the response was.

MR. MITCHELMORE: My question is not about who filed the complaint and who was the person involved, my reference is more around the fact that an individual who filed a complaint could put forward a reference or testimony about another Member who's not involved in a particular matter and no testimony or no interview had ever taken place with a particular Member to either confirm or deny such behaviours had existed. And I just want that placed on the record, if you would answer the question.

MR. CHAULK: Yes, and if you're asking specifics about the individual investigations, I can't answer that; but, as I said previously, in general terms not everybody and not every witness that is put forward would be interviewed. It's not necessary, unless – there are other ways of providing the information that we needed, or that is needed. So it's not the case that everybody is going to be interviewed – period.

CHAIR: The Chair recognizes the hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Chair.

So in the early testimony, you mentioned that Rubin Thomlinson decided who they would interview. Is that correct?

MR. CHAULK: Based on the – so I said: Copies of the complaints and the responses received were provided to the investigator to assist with determining who should be interviewed regarding the subject matter of the complaints.

Rubin Thomlinson, being the expert in workplace investigations, was not restricted in determining the number and identity of the witnesses to be interviewed.

MR. JOYCE: Okay.

And Rubin Thomlinson was investigating bullying and harassment. Correct?

MR. CHAULK: That is what I asked them to do.

MR. JOYCE: To do. Okay.

So they were not calling any witnesses whatsoever for Code of Conduct. Is that correct?

MR. CHAULK: You're asking specific questions about a specific report.

MR. JOYCE: No, it's not specific, Sir. What I'm saying is that, you just stated that Rubin Thomlinson were asked – could call witnesses concerning bullying and harassment.

I'm asking you: Were they given direction, or did they call any witnesses concerning the Code of Conduct?

MR. CHAULK: Again, the question you're asking relates specifically to a report, and to what and who was or wasn't requested to be interviewed by the investigator. That definitely goes towards a report, and that's not the question here.

What the process is, is that the investigator determines who they want to interview. And that was it.

MR. JOYCE: For bullying and harassment. Correct?

MR. CHAULK: To assist me with this investigation.

MR. JOYCE: Okay.

Did you add anybody to the list, or was it just Rubin Thomlinson?

MR. CHAULK: Again, you're asking a question about the specific report, and this is not the venue to be responding to that.

MR. JOYCE: Okay.

How many people were interviewed?

MR. CHAULK: Again, that's specifically identified in the report.

MR. JOYCE: Did you not pass that information on to another committee?

MR. CHAULK: I don't know what you're asking.

MR. JOYCE: You did, Sir.

MR. CHAULK: I don't know what you're asking.

MR. JOYCE: I'm asking, how many people were interviewed?

MR. CHAULK: Again, that information is in the reports.

MR. JOYCE: The information is in the report?

MR. CHAULK: It is in the reports.

MR. JOYCE: Okay.

Were there any that you requested to be interviewed and refused to choose – chose not to be interviewed?

MR. CHAULK: Again, you're asking a specific question about the reports themselves.

MR. JOYCE: Sir, did you make a statement to the Management Commission that there was one respondent who did not wish to participate or refused to participate in the interview?

MR. CHAULK: Again, you're asking a question about a specific report about the –

MR. JOYCE: That's not a report, Sir. That's a statement you made to the Management Commission. I'm asking you did you make that statement. I wrote you twice; I asked you for the response. You made a statement to the

Management Commission that there was one respondent who refused to participate.

Did you make that statement, Sir?

MR. CHAULK: You're asking me about a statement I may or may not have made in an in camera session of another committee. What I will say is that what I said before in my preamble is that representation by a legal counsel is authorized by section 37(2) of the act where the Member can make representations in writing, in person, by counsel or other representative.

Whether or not a Member or a complainant was interviewed or not is not relevant to this discussion because they are well within their rights to make their representations in writing, in person, by counsel or other representative.

MR. JOYCE: Okay.

I just want it on the record that this person told the Management Commission that I refused to meet with the investigator and that is absolutely false.

CHAIR: We need to stick to the clarity of the process.

MR. JOYCE: Well, it is the process.

CHAIR: I remind all hon. Members again –

MR. JOYCE: Sorry.

CHAIR: – in answering the questions the Commissioner has to stay – it's just providing clarity on the process.

MR. JOYCE: Part of the process – should anybody who wanted to be interviewed, should they have been interviewed?

MR. CHAULK: You're asking a hypothetical question about –

MR. JOYCE: It's not hypothetical. If anybody who wanted to be interviewed, if he or she is a respondent, do they have the right to be interviewed if requested?

MR. CHAULK: Their participation is not – if they made their representations in writing, totally in writing, then it's not – I can't compel them to come in and talk and if they are not available – you know, it's a case of when you're in one of these, if you're being interviewed, you're only being asked questions about your written testimony, your written response –

MR. JOYCE: So why did you interview other people?

MR. CHAULK: Because a lot of them didn't have written submissions.

MR. JOYCE: Okay.

A lot did though.

MR. CHAULK: Well, I can't comment on that because that would be in the report. And it would be fairly obvious, as you read the report, on what was written submissions and what wasn't.

MR. JOYCE: I want to read into the record, Mr. Chair, a statement that was sent to the Commissioner when I was given one day – the date I was given was August 1. The solicitor for me at the time – August 1 was Regatta Day. He was not even in the office, not even sure if he was in the province. Here's a letter I wrote to the Commissioner, Mr. Chair, and I want to read this for the record because my rights as a respondent were violated. I did not have the opportunity to answer any questions. I was never interviewed – never interviewed and here's the response that was given to the Commissioner.

If, however, as Commissioner for Legislative Standards you feel that any aspect of the request for opinion has not been fully addressed or requires further clarification or application, our client will agree to meet with the investigator. I just wanted to put that in the record because I feel my rights have been violated by not having the opportunity to present or answer questions to the investigator on any of these matters. Of all the people that were investigated, there was a statement made that I refused and that is absolutely false.

Would you like to respond to that, Sir?

MR. CHAULK: I'm not sure that there's a question there, but it does relate to a specific investigation. As I said, you know, it's up to the respondent if they want to make their presentations in writing and it doesn't mean that they didn't get a proper venue or a proper thing but, at the end of the day, this isn't the forum to be debating the merits of the report. The venue for that is when those reports are debated in the Legislature.

MR. JOYCE: Okay.

Did you make a statement to my lawyer – and I quote, when you called before she wrote back – there is no need to meet, is it? Did you make that statement, Sir?

MR. CHAULK: Sorry, you're asking a question about a specific report.

CHAIR: Order, please! Order, please!

Again, we're going to have an opportunity to debate the reports at a later date. Today is for the purpose of answering questions and providing clarity on the process, and I'd ask Members to stick to that.

MR. JOYCE: That is the process, Mr. Chair, because the process for me was to meet. Part of the process is that the respondent can meet.

He made a statement: There is no need to meet, is it? That is part of the process because I was trying to, when the request was made, to sit down with Rubin Thomlinson to discuss the issues in that report. That is a part of the process.

How could a Commissioner make that statement and say to the Management Commission that I refuse to meet? That is part of the process, Sir.

MR. CHAULK: No, sorry, that is a question specific to the report itself, not to the general application of the legislation.

CHAIR: Order, please!

I remind the hon. Member the time has expired.

The Chair recognizes the hon. the Member for St. John's East - Quidi Vidi.

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

And I'm asking a question, Commissioner, which you may or may not have the information to answer. If you don't, I'll understand, but I am very interested in the fact that I think we know that the reports that you worked on were all complaints under the Code of Conduct.

My question, though, is a policy question: Say a complaint came in today under the interim policy with regard to harassment-free workplace, which is in place for us as MHAs, would the process be much different for you than doing a complaint under the Code of Conduct? And if so, what would be the differences?

MR. CHAULK: I don't have the interim process with me, so I can't speak to the various steps in that particular one. I think there are aspects to the interim policy regarding confidentiality that don't exist in the current policy, or sorry, in the legislation for the Code of Conduct.

But the one thing that is certain is that a Member – or both processes can exist at the same time. So a complaint can be filed under the interim policy and filed under the Code of Conduct at the same time. So there can be two. Two could be going on at the same time, on the same issue.

MS. MICHAEL: Okay.

Have you at any time sort of compared the two policies in detail? I know you've been very busy and you probably haven't had a chance to do that.

MR. CHAULK: I know that the one time that I did look at that was in late May when they were going through both processes at the same time and they were trying to do an interim application of the Executive Branch policy. I remember going down through it at that point, but haven't specifically gotten into a line-by-line review of the two policies.

MS. MICHAEL: I think I'm correct, I don't have it in front of me, but I know I've read it because it struck me. There's one thing in the interim policy on Harassment-Free Workplace

that I think is significant and that is that when an investigation is finished and the report is ready, before the report being finalized, the report is to be shown to the complainant and respondent.

Would that be different from covers you under the Code of Conduct?

MR. CHAULK: Yeah, under the *House of Assembly Accountability, Integrity and Administration Act* the respondent and the complainant are provided with a copy of the report around the same time as it's provided to the Legislature – or to Management Commission.

So, there'd certainly be differences in that. There's another process to occur after the first one.

MS. MICHAEL: Yes, I think that's my understanding. So, that process doesn't exist under the accountability, integrity and act?

MR. CHAULK: No.

MS. MICHAEL: But it does exist under the new interim policy?

MR. CHAULK: Yeah, I would assume so, without looking at it. I didn't come here with that particular act with me.

MS. MICHAEL: Thank you very much.

MR. CHAULK: Thank you.

CHAIR: The Chair recognizes the hon. the Member for Mount Pearl - Southlands.

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

Mr. Commissioner, the only question I have really is one of the things that struck me when I was reading the reports – and it's kind of been alluded to by the Members – was I seemed to get a sense from some of the commentary that you made in making your assessments of the reports and recommendations that it almost seemed to me like there was this sense that because we're operating in a political environment, whether it be inside or outside the House of Assembly, it almost seemed like there was a bit of a different

lens being put on it from the perspective of some of the opinions that were rendered.

So without getting into the specifics of any of the reports, I'm just wondering, when Rubin Thomlinson did these reports, and they were looking at it from a bullying, harassment point of view and so on, but you did, in the end, take their recommendations.

I'm still a little unclear in some of the answers you've given as to whether or not that other than just simply removing – identifying names and so on, were you taking their exact recommendations, or whether you took their report and then applied your perspective from the perspective of the environment which we work to apply a different standard that would not be acceptable in a regular workplace, but, somehow, there was a little bit of – what's the word I'm looking for? Somehow there was this sense of, you know, you can go a little further in this environment than you would in a normal workplace.

I'm just wondering how that factored into any of the decisions that you made or would make in the future.

MR. CHAULK: You're touching on the reports themselves and the specifics that are in them, and that's certainly not the thing here. But if I was going to say anything was that a workplace is a workplace. It was sort of an automatic. If you had harassment and bullying, then you automatically had a Code of Conduct violation which, in general terms, that would be it.

The Code is written with different – some said maybe lofty goals. So you have to apply whatever you do against that standard, so what that standard expects of you. That's how I do my job. But as was said along the way is that Rubin Thomlinson are experts in workplace harassment investigations, so that's why they were retained.

I said many times I wasn't a workplace harassment expert. But, by law or by definition, I am an expert in the Code of Conduct violations because that's the legislative authority that I have.

MR. LANE: Okay, thank you.

Just so that I'm clear then. If Rubin Thomlinson, who was used in this particular case but it could be a similar firm if these were to ever happen again in the future – what I'm hearing then is that if Rubin Thomlinson determined that there was no bullying and harassment, if that's what they were to determine in any case, then simply you would theoretically just say okay, they said there was no bullying, harassment, therefore there is no bullying and harassment and there's no automatic breach of the Code of Conduct.

If they felt there was bullying and harassment, then you would automatically through the process say okay, they said there was bullying and harassment so, therefore, I'm going to take their word on it that there was and there would be a breach of the Code of Conduct.

What I'm getting at is that you're not applying then your own lens to what they said – you're not just taking what they're saying under consideration then applying your own lens as to because it's in a political environment maybe it has to be looked at differently. You're taking it basically verbatim from what they recommended and applying it to your report. Would that be – in terms of if there was bullying and harassment that took place.

MR. CHAULK: You can always go hypothetically, if there's bullying and harassment then, by definition, there's a Code of Conduct violation. You have to remember is that throughout this entire process I reviewed all of the materials. I was in every single one of the interviews, so I saw the same thing and heard the same thing that the investigator was hearing. It's well within my jurisdiction when I'm reviewing the evidence to make a determination of the Code of Conduct. That, by definition, will always be the case.

MR. LANE: Okay, thank you.

I do appreciate that and I do understand that. I guess the point I was just trying to get clarity and other Members have sort of tried to get this point as well, but I'm just trying to get it clear in my head is that basically if – when we get into the whole thing of the fact that we're not seeing the Rubin Thomlinson report, you saw the Rubin Thomlinson report and everything that was contained within it. We didn't see the Rubin

Thomlinson report. I'm assuming we're not going to see – maybe you can answer that as well.

From what I'm gathering, we're not going to see the Rubin Thomlinson report. Basically I'm just trying to get a sense of that in you editing parts of the report, which you said that you edited from the perspective of removing names and so on – which I totally understand and agree with – beyond that, if you've said that there was no bullying and harassment that has taken place, and therefore a breach of the Code of Conduct, I can only assume that Rubin Thomlinson said the same thing, there is no bullying and harassment.

Because if they did say there was bullying and harassment, then you would have said: well, if they're saying there's bullying and harassment, there was bullying and harassment; therefore, there's automatically a breach of Code of Conduct. I'm just trying to understand that part just for clarity – without getting into details.

MR. CHAULK: Without getting into the report – without getting into any of the reports and saying anything, but if someone goes through the effort of hiring an investigator to investigate a particular situation, I think the person would be a fool to overturn or dispute what the investigator is telling them.

So, for the most part, you are reading Rubin Thomlinson's reports.

MR. LANE: Okay, thank you.

I appreciate that. I think that that was kind of where other Members – I'm not going to speak for anyone else, but I think that some of the questions I heard, and I had the same question, I think you've kind of answered it for me that – going forward, in not seeing the actual Rubin Thomlinson report, I can only conclude if there was something there it would have been in your report, and if it's not there then it wasn't in the Rubin Thomlinson report. In the absence of actually seeing their report, I have to go by that.

MR. CHAULK: And the other part of this is the Rubin Thomlinson reports that I used to create my report contain the names of the complainants which, where possible, I was able to remove them. When anyone reads down through the

report, the vast majority of the report of – anyone who was involved in the process, if you look down through the specific report, you’ll see what was written that wasn’t provided to the investigator.

It’s very much a case of, in all these reports, the complaint is this, the response was this and the complainant’s response was that. Then there’s a little paragraph after each one that says findings with respect to each of the specific allegations. That’s just the way it is.

That’s what those reports look like, and that’s what the report looked like when I received them from Rubin Thomlinson. They looked exactly like that. Of course, I put a section in the front which deals with the chronology and the legislative authority and my executive summary; but, for the most part, you’re reading the Rubin Thomlinson report.

But to make those reports public would result in the complainants being specifically identified, and identified 35 years from now when someone does a search and finds the report. In 30 years from now – everybody in here has a good idea who the complainants were. I haven’t told you who the complainants are and I don’t intend to, but if you have Rubin Thomlinson’s report in your hand and that gets on the Internet, it’s there forever.

In five years, 10 years from now, someone picking up one of the reports off the website, of my reports on the website, would not be able to identify the complainants without specific information. That’s why they’re done that way.

MR. LANE: Thank you.

CHAIR: Thank you.

The hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Chair.

We just spent 10 minutes discussing the report but every time I ask a question we can’t discuss the report.

This is the process, this is not about the report. Did you receive an email from my solicitor, and

you responded on August 1: Sorry for the misunderstanding on my part, I wasn’t expecting you or your client.

MR. CHAULK: That is specifically about an individual report. I’m here to provide clarity about the overall process not about a specific investigation or –

MR. JOYCE: If a respondent wanted to meet, does he have the right to meet and be investigated?

MR. CHAULK: They do, or they can provide written submissions.

MR. JOYCE: Can they do both?

MR. CHAULK: Yes, at times. Some have, yeah.

MR. JOYCE: I noticed in your report, you just mentioned to the Member for Mount Pearl - Southlands, you mentioned that there’s a complaint, there’s a respondent and then you ask – but one thing you left out, Sir – and everyone knows the reports and part of it – is that there is an interview by the complainant or the respondent. The only one that was not in the interview was myself, which clearly, and what I put on the record, that I was willing to meet. I even asked if I was on the agenda for August 1, Regatta Day.

So I have to put that on record, Sir, that in the report that you just mentioned, the way it is, is the respondent. I asked how many people were interviewed. You won’t, because you say that’s about the report. You won’t release that information – although you did through the Management Commission. You won’t release it here publicly where I can see it, where I’m a respondent.

I asked you a question, and you just stated that Rubin Thomlinson report came back saying there was no bullying and you didn’t edit it. So that’s one thing I got today out of it. Thank you for that.

You stated that you found the principle 10 because you have the power to do so under the legislation. Is that correct?

MR. CHAULK: Again, you're talking about a specific report and about the findings of a specific report. The venue for that is to debate the report when it's presented in the Legislature. That's the venue.

MR. JOYCE: Okay.

MR. CHAULK: What you've received, or what was provided was my opinion.

If the Legislature decides that it doesn't like my opinion, or you don't like my opinion, then the venue to determine that is when the House meets to discuss the specific reports.

MR. JOYCE: Okay, that's fine.

Just a question: Do you have the authority under the act to decide if there's – under the Code of Conduct, if there's any principle violated? Do you have that authority?

MR. CHAULK: Of course, I do.

MR. JOYCE: Okay.

I ask you a question: Do you have any formal training in administrative law?

MR. CHAULK: It's not a relevant question for this venue.

MR. JOYCE: Well, it is, Sir, because if you're going to – without calling any witnesses and without giving the respondent any opportunity to respond, what ability do you have, without any formal training of administrative law, to make that determination?

MR. CHAULK: Sir, I was given the authority by this House.

MR. JOYCE: Okay.

It's a simple question: Do you have any formal training in administrative law?

MR. CHAULK: I have legal counsel that I retain to assist me with any legal matter that comes up with respect to the administration of that law.

MR. JOYCE: Okay.

Do you have any thorough understanding in due process and administrative procedure?

MR. CHAULK: Yes, I do, Sir.

MR. JOYCE: You do.

One of the fundamental principles of natural justice is the right to a fair hearing and the right to be heard. Do you feel that was given to me in this process?

MR. CHAULK: Now, you're asking a specific question about a report, but you should understand that making representations in writing is certainly being heard during a process.

MR. JOYCE: In general terms, if a person wrote and asked to be interviewed and stated that they're willing to be interviewed, emailed and asked, am I on the agenda, would that give an impression that someone would want to be interviewed?

MR. CHAULK: Wanting to be interviewed and needing to be interviewed are two different things. Throughout this process, it's not necessary that everybody that is identified had to be interviewed.

MR. JOYCE: So a respondent don't have the right to be interviewed, Sir?

MR. CHAULK: Sorry, right to be interviewed or right to make representations and throughout the process every respondent has the right to make representations either, as I indicated earlier, in writing, in person, by counsel or by other representative. It doesn't have to be all four of them. It can be any one of them.

MR. JOYCE: I just want to put in the House for the procedures itself here – and this will come up in debate – if someone ever made a statement in the discovery, any type of discovery whatsoever, injury discovery in court, when is the last person you know that was never interviewed during the discovery but found guilty?

So, do you think, Sir, that natural justice is a right to a fair trial?

MR. CHAULK: This isn't a trial. I'm here to answer questions about the process in general, not specifics about an individual report or whether or not someone choose or did not chose to attend or wasn't required to attend.

MR. JOYCE: So you are admitting here that I did not, at no time, be interviewed by Rubin Thomlinson?

MR. CHAULK: Again, Sir, you're asking a question that relates to a specific report and I'm not here to debate the merits of the report. I'm here to respond to questions about the process.

MR. JOYCE: That is the process.

MR. CHAULK: No, that is that the process of the individual report. I'm here to talk about generalities about the report, the process as a whole.

MR. JOYCE: Do you think, Mr. Chair – and it's very important to me – that my rights were violated by not having the opportunity to be interviewed before you made your determination on Principle 10?

MR. CHAULK: Again, as I say, this is not the venue for you to making that question. That is a question that can come up during debate of the House about the reports themselves. I've rendered my opinion on those five reports. It is up to the House, as a whole, to make a determination about whether they are going to accept my opinion on those matters.

If you feel that there is something flawed, then the venue should be when the reports are debated in the Legislature. I am not here to respond to questions about the reports themselves.

MR. JOYCE: Okay.

Did you ever find anybody in violation of the Code of Conducts before without given an interview, in general? Not me specifically.

MR. CHAULK: Again, you're asking questions about other reports that were issued in the Legislature. I certainly can't talk about other reports.

MR. JOYCE: Okay.

I understand that you're not going to answer the question, and I understand that because I did not – and I know made the statement to the Management Commission that I refused to participate, which is false, Sir.

CHAIR: Order, please!

MR. JOYCE: Mr. Chair, it is false.

Okay. Sorry, Mr. Chair, I just had to put that on the record.

I asked you – and this is part of the process that you said. Mr. Chaulk, you mentioned the documentation. Were all the names for the Member for Placentia - St. Mary's list of witnesses included when you sent me the documents?

MR. CHAULK: Again, I'm going to respond that you're asking a question about a specific report, not about the clarity of the process.

MR. JOYCE: It is clarity, Sir. You stated earlier – and I asked you if you wanted to change it. You stated that the complete copies – this is the process, Sir. You stated the complete copies were given to the respondents. And I asked you: Do you stand by that statement? And you said yes. I was not given the complete copy.

Now, do you want to clarify?

MR. CHAULK: Sir, you're – Member Joyce, you're asking me a question –

MR. JOYCE: I will release what I wasn't given, Sir. It took two letters from the lawyer to get this – two letters. It took 13 days for me to get it, and the comments that were made – and this is the process.

Is the process fair that you're supposed to give the respondent the information immediately upon receiving it, Sir? And you said earlier that it is forwarded. That is the process.

MR. CHAULK: No, I never said immediately upon receiving something, Sir. You are taking what I said out of context. The act requires me to

provide the respondent with a complete copy of the information that was provided to me.

It may end up being twice before you get it. You may have gotten information prior to just – you may have received one copy, and then received a further copy when all of the information was provided.

But you're asking a specific question about a specific report and I'm not here to talk about the specific reports.

CHAIR: Order, please!

The Chair recognizes the hon. the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Chair.

I've been sitting here somewhat perturbed the last 20 minutes or so because based on the line of questioning about half hour ago, it appears that the Member has access to some information from an in camera meeting. And if the Member is going to be informed – and this is just for our purposes as Members here in the House – of something that was discussed during an in camera meeting of any committee of this House, then all of us MHAs should be informed. So, that's for the record for the House, not for you, Mr. Commissioner.

I would like to state in terms of the process itself – and for me this is all about when we go forward from here, if this ever happens in the future, how we make it better. Because this process has truly been horrendous as complainants. As a complainant, I've received emails from people all across the province who have shared their own stories. At this point in time I don't have a comfort level saying to them yes, if you're concerned about bullying and intimidation in your workplace, go forward because I'm still trying to get a comfort level around what one would endure.

In my own experience, it has been quite challenging. I do share concerns of others involved in this process that there was no cross-examination under oath. Again, I felt I was in a situation where there were some things presented that were rife with inaccuracies that we never got a chance to defend. Certainly, in

future, hopefully that type of situation could be averted for future complainants. But hopefully, there won't be future complainants and we raise the bar in terms of our behaviour.

Another issue I had, of course, with mine was similar that many of the witnesses names provided weren't contacted, but those are things we can work out, I guess, in terms of fleshing out a more detailed process to follow in the future.

I just have one last question for you: In your opinion, to improve the credibility of a process like this in future, do you think as MHAs one of the things we should consider is ensuring that anyone who provides testimony as a witness must do so under oath?

MR. CHAULK: That again is a decision of the Members in this group to determine what that process will be. You have the legislative authority to require that and to put it into the law. I don't comment on the law; I only administer the law.

MS. PERRY: Okay. Well, that's certainly – and again, Mr. Chaulk, I don't think I have any more questions, but some may arise as the afternoon goes on.

Once again, I certainly appreciate you taking the time to come in here with us as we all endeavour to make this a better place for everyone.

Thank you so much.

MR. CHAULK: Thank you.

CHAIR: The hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Chair.

Again, I know the Member for Mount Pearl - Southlands asked specific questions and they were answered about the report, but I can't and I got to ask why.

I asked about the document, Sir: Is it normal under any procedure – forget my specific report. Is it normal for any procedure to hold back copies of information?

MR. CHAULK: The legislation requires all information – or that the details of the complaint be provided to the respondent.

MR. JOYCE: Is it procedure to have it be given to the respondent when the full package is presented, if you have the information available and part of the presentation, give it as a package?

MR. CHAULK: The normal procedure would be whatever I have. If it's the full details of the complaint would be provided.

MR. JOYCE: Okay.

Sir, if that's normal, why did you hold back this documentation that I have that the Member for Placentia - St. Mary's provided to you? It took two letters from my lawyer to get it. We got it 13 days later. We had two weeks to respond. We had to ask for an extension because we had to review this information. Why did you hold this back, Sir, if you said –?

MR. CHAULK: Now, I'm going to have to say that that relates to the specifics of the investigation itself and one particular report. I will say that nothing was ever not provided to a respondent, and that is not my process in anything. It is to provide the information when I get it.

MR. JOYCE: With all due respect, Sir, I'd like for you to clarify that, because –

MR. CHAULK: You're asking me a question about a specific report –

MR. JOYCE: No, no, I'm not. No –

MR. CHAULK: – and I am not here to answer questions about a specific report.

MR. JOYCE: I'm not going to ask you – on page 5 –

MR. CHAULK: Well, then if you're asking me something on page 5 –

CHAIR: Order, please!

MR. CHAULK: – that relates to a report –

CHAIR: Order, please!

I remind the Member –

MR. JOYCE: No. I'm making a statement. I'm not asking you, I'm making a statement.

CHAIR: The Commissioner is here to provide clarity on the process.

MR. JOYCE: It is clarity.

CHAIR: Clarity on the overall process.

MR. JOYCE: It is the –

CHAIR: Please leave reports out.

MR. JOYCE: It is the process. It is a process to supply the information as a package. That is part of the process. The Commissioner said yes it is, but I'm stating that it wasn't the case for me. That is part of the process, Sir.

On page 3 of the Member for Placentia - St. Mary's request for opinion, and I quote: I have removed all the attachments – which are here, Sir. And I quote: I have removed all the attachments, names of witnesses or individuals to ensure the protection of their privacy. I will provide this information to the investigators only.

Did you have any discussions with this Member for not providing this to me?

MR. CHAULK: You're asking a specific –

MR. JOYCE: That is the process.

MR. CHAULK: You're asking a specific question about a specific complaint and a specific report. I'm not here to provide clarity about the reports themselves, I am here to provide clarity about the process. I don't know how I can say it any clearer than that.

All I will say is that the legislation requires me to give you the information. I gave you all of the information that was – I'm sorry, I provided all of the information as required by the law.

MR. JOYCE: On the process, the usual process, does it usually take lawyers to write to

ask for information to be released? Is that part of the process or is it usually given free will?

MR. CHAULK: Sorry; can you repeat that, please? I didn't hear your question.

MR. JOYCE: Is the information, information that you provide, is it usually given by the free will of yourself as part of the package which is under the legislation, or is it normal – would it be normal for a lawyer, solicit to have to write you twice to ask for that information? Is that usually normal you would give it up right away, or is it ...

MR. CHAULK: You're asking specific questions about the procedures that were in a report.

MR. JOYCE: In general.

MR. CHAULK: No, I fail to see how that's relevant here to this. It has nothing to do with the process.

The process says in legislation that I provide the respondent with a copy, a complete copy of the report and I give them time to be able to provide a response. To say anything different – this is what the legislation requires and that is the process that I followed in all of my investigations.

MR. JOYCE: Sir, in the response you gave most – I know me, you gave 14 days to respond. Is that correct? Is that normal? In a procedure, in a normal case?

MR. CHAULK: In a normal case, I would provide somebody with – give them a timeline as to when I require a response, to give them ample time to be able to provide a response.

If someone comes back and says they are unable to provide it within that period of time and ask for an extension or that they were on vacation and they haven't had sufficient enough time to respond, where possible, I give them the extension.

MR. JOYCE: Okay.

MR. CHAULK: I am not in the process of trying to – if I was hard and fast about saying,

well, I didn't get your response by 14 days, then I'm not going to take your response, I wouldn't be doing my job properly.

Everybody was given ample opportunity to provide a response and given extensions where necessary, and I would do that again today for any report.

MR. JOYCE: For the record, Mr. Chair – the procedures, for the record. I want to read this into the record, Mr. Chair, and it's part of the report.

On June 28, a copy of the letter was sent to counsel requesting a written response to the complainant – which was me, which was the information, okay. Get this, Mr. Chair – and this is very important to me about the natural justice, my rights.

“On July 13 ... a letter was sent to counsel for MHA Joyce with the balance of the submission.” Which was withheld, Mr. Chair, for over two weeks, withheld for over two weeks. I had six days. On July 19 a written response was received.

So, Sir, for you to say that you sent all this information in, and in the initial report from the Member for Placentia - St. Mary's she stated that this is in the report with specific direction not to give it to me, is under her understanding, will not be given to me. For you, Sir, to stand here today and say that you supplied all the information is just not correct. Your own statements say –

MR. CHAULK: Sir, you're asking me a question about a specific report. But, having said that, by the fact that you have the information that you say that I didn't give you, then you must have received the information.

MR. JOYCE: I did receive it, Sir. It took two letters from a solicitor to receive it. Then, by the time I received it, instead of having the normal two weeks – we even asked for an extension for two extra days. Instead of having the normal time for two weeks, Sir, we had up to four days to respond with additional information, Mr. Chair. I'll mention some of the names, some code names that are even in this.

MR. CHAULK: Well, Sir, and all I will say is that if the –

CHAIR: Order, please!

Again, I ask the Member to stick to providing clarity on the process of the report.

MR. JOYCE: That is process, Sir.

Should the information be given to the – is it normal process to give all the information at once –?

CHAIR: I will tell you that if the Commissioner says that he's not speaking to it, I'd ask you to abide by that.

MR. JOYCE: But I did ask the Commissioner is it normal to give the full complainant's package to the respondent once they received it, and he said yes, he does it.

And I'm asking was there a misunderstanding with this here, by delaying this here by two weeks?

MR. CHAULK: Sir, you're assuming – well, you're talking about a specific report. You're also assuming that I withheld information from you that I had. I would suggest that that might be a question that you might want to debate in the Legislature when the reports themselves are being debated.

My process is to provide the information as I receive it. If there was information that I didn't have, I can't provide a respondent with information that I don't have. But when I have information, my process is to provide that information.

That is the process. The process is to provide the information. At times I may not have it all, but my normal process is to provide the information.

CHAIR: Order, please!

MR. JOYCE: For the record, it was date stamped, Sir.

CHAIR: Order, please!

I remind the hon. Member his time has expired.

The Chair recognizes the hon. the Government House Leader.

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

I'd say thank you to the Commissioner for Legislative Standards for appearing in front of us today. I have just one area that I want to go into, and certainly if I go too far into it, by all means tell me to stop.

I want to ask specifically about section 39 of the legislation as it relates to penalties. And I know it may delve into the reports, and again I have read the reports.

So, it was your clear understanding that section 39 lays out four very specific penalties that he or she, as in the Commissioner for Legislative Standards, may recommend.

MR. CHAULK: Yes.

MR. A. PARSONS: And to the people out there watching and listening: The Commissioner for Legislative Standards has the power to make a recommendation, but not the power to impose.

MR. CHAULK: That's correct.

MR. A. PARSONS: It's that the Members of the House of Assembly that have the ability to take the recommendation, and to follow that recommendation and to impose said penalty if they so choose.

MR. CHAULK: If they so choose. They can also decide not to.

MR. A. PARSONS: Okay.

Now, one question I had – and this sort of goes away from this. In doing these five reports – you've been Commissioner for Legislative Standards for how many years now?

MR. CHAULK: Two.

MR. A. PARSONS: Two.

And prior to that, you worked in the same office prior to you taking on the Commissioner role?

MR. CHAULK: That's correct.

MR. A. PARSONS: How many of these reports have you filed in this House of Assembly prior to these five?

MR. CHAULK: I filed one prior to that, and all of the other reports would've been by the previous Commissioner.

MR. A. PARSONS: Okay.

The one before, without getting into specifics, generally, you go through – anybody that's read the report, there is an analysis, the factual findings and then you make a recommendation. And you make either a recommendation if there are no findings, or a recommendation as to the findings, and if there's a contravention, you can make a recommendation as to the penalty.

MR. CHAULK: That is correct, yes.

MR. A. PARSONS: Okay.

Generally, when you make your recommendations, do you leave them open for interpretation, or do you – you've made a recommendation in your reports based on your findings.

MR. CHAULK: Yes, and it's my opinion of the violation. And then what I would consider the appropriate penalty provided under the legislation for that. If it's the case of the first one, that the Member be reprimanded, I don't say what the reprimand should be, but I say that those are on the four options I have available.

MR. A. PARSONS: So that leads me to a general question, because the word "reprimand" – again, you may have had more experience in looking at other jurisdictions. Earlier, you talked about articles you've read from Australia and other – I'm sure you've a chance to consult with legislatures around.

What are the possibilities for the word "reprimand" or the term?

MR. CHAULK: In some instances – in this Legislature, I'm sure that it has been that the person has to stand in their place and apologize for their behaviour. Again, because this is one of the few legislatures where we actually have a Code of Conduct which talks about behaviour,

as opposed to under the *House of Assembly Act*, which has the same provisions, which would be in a case of a person who is in a conflict of interest.

MR. A. PARSONS: But if you were to say a reprimand that would be under 39(a)?

MR. CHAULK: That is correct.

MR. A. PARSONS: Okay.

So using that logic, if you were to recommend something else it would have been under 39(a), (b), (c), or (d) – you would have used one of those?

MR. CHAULK: One of those four. If there's a finding then there has to be, presumably, a penalty to go along with it and those are the four options that have been provided, which ultimately are debated in the Legislature as to if they agree with my opinion with respect to the reprimand or with respect to the penalty. It is up to the Legislature to – they could impose it even more.

MR. A. PARSONS: So just to clarify to those out there, because sometimes there's questioning as to what a reprimand is, but according to the legislation under which you are governed, a reprimand is a penalty.

MR. CHAULK: Yes.

MR. A. PARSONS: All right, Mr. Chair, that's all the questions I have at this time. Thank you for your –

CHAIR: The Chair recognizes the hon. the Member for Ferryland.

Oh, I'm sorry –

MR. CHAULK: Can we have a break?

CHAIR: Okay.

Order, please!

The hon. the Government House Leader.

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

I notice that the Commissioner has indicated he would like to take a recess at this time. I don't know if this is an appropriate juncture perhaps for us to take a recess to allow everybody to take a quick break and then reconvene. We are able to sit here after we recess. I don't know if that's okay with the Commissioner and other Members.

MR. CHAULK: Ten minutes is fine for me.

MR. A. PARSONS: I don't know how long the Commissioner needs.

MR. CHAULK: I only need 10 minutes.

MR. A. PARSONS: For the sake of this, I'm going to suggest 20 minutes to the Chair and see if that's agreeable to the Members.

CHAIR: The Committee stands in recess.

Recess

CHAIR: Order, please!

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Chair.

Mr. Commissioner, I just wanted to briefly go back to a question that was asked by my colleague, the Government House Leader. He referenced reprimand and a definition for that. I just want to be clear – I think he referenced section 39(a) – is it your understanding that in regard to the possible remedy for any violation of the Code of Conduct that there are four different types of reprimand that are outlined in the legislation and those would be the ones that you could either make a recommendation specifically, or you could make indicate a reprimand is in order and then allow the report to be tabled here and then a decision made on it here in the House?

MR. CHAULK: Yes, the legislation only provides for those four penalties. That's the only four that are available. So (a) being the reprimand; (b) that the Member make restitution or pay compensation; (c) that the Member be suspended from the House of Assembly with or without pay for a period specified in the report; or that the Member's seat be declared vacant.

Those are the four penalties that can be levied or that can be recommended based a violation of the Code of Conduct.

MR. HUTCHINGS: This is a broad sense now; it's not specific about the case. If you were to say and recommend reprimand, if you didn't specifically state what that reprimand would be, then that would be up to the House in this Chamber to determine, I guess based on the other three, what that reprimand would be?

MR. CHAULK: Yes, but it's my understanding that a reprimand involves an apology.

MR. HUTCHINGS: Okay.

MR. CHAULK: But that would be a better question for probably the Clerk or for the House itself.

MR. HUTCHINGS: I know this is a difficult question for you to answer because we don't want to get into reports, but when you reference a reprimand, are you excluding or including anything in that recommendation or are you still leaving it to the House and the Chamber to decide?

MR. CHAULK: Well, these are my opinions and this is my opinion of the penalty. It's up to the House as a whole to determine if they accept that penalty, or if they want to change the penalty, or if they accept the opinion or not.

MR. HUTCHINGS: Okay, thank you.

That's good.

CHAIR: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Chair.

I'll be brief as well. Some of this, of course, with the discussion that we've had today there's been – I know it has been difficult and I want to thank you for coming in today and sitting through the number of hours that we've been here now. I guess three hours or so.

Nevertheless, it's an important issue that we're discussing here but what I want to – and the lines are often getting blurred about the reports and the process. I'd ask you if, at any point here,

I wander into the report – but I just want to add some clarity to the discussion because a couple of times today 36(4) has come up, and 36(4) means, to those that are listening, if someone had reached out to me or how an allegation would be made, you'd mention Member to Member, MHA, Member of this House of Assembly about another Member, they could make that allegation. The Commissioner, yourself, or someone who sits in your chair could actually do that by themselves, unsolicited basically watching what's happening in the landscape in the province. You could actually come in and file a report and do an investigation yourself, through a resolution of the House of Assembly. The fourth one, which is 36(4), which I want to add some clarity around was at the request of the Premier.

So a couple of times today this has come up. I know there was some Members in the Opposition and some of our independents have raised this about 34(c) and was I ever asked to do this. I just want to add some clarity. I was and there was an email that was provided in this process – not to get into the individual reports, but I was asked to do that. I did so at the request of Members. So for the record here because as people read the reports and deliberations on today, I just want to make sure that we complete and there is an understanding of what actually would have happened.

So, 34(c), on two occasions which would've been April 26 and May 1, and this was of course, prior to these reports – this is not getting into the reports; just clarifying some of the process that could've occurred within the last five, six months. At no point did any report come back to me as part of a process. I want to clarify that. That's already been done.

Somewhere along the line, of course, the processes had changed and Members made a decision, which was certainly up to them and I certainly encourage and support all of that, but Members took a different route to actually get the allegations dealt with and investigated.

So, that was my only involvement in all of this, but I just want to make sure that that's clarified today, if someone's been watching this and wondering what role the Premier, me, or any

other premier could actually participate in this process.

MR. CHAULK: Yes, very much so. It's always the prerogative of the Premier to file a complaint on their own regarding any other Member.

But as you correctly indicated that, there was no report prepared under 36(4).

PREMIER BALL: Thank you.

CHAIR: The hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, and I just want to clarify that with the Premier.

The reason why I asked that is because that information should've been forwarded to me, and it wasn't. I'm not saying that the information or the report went back to you, but there was an allegation made at the beginning because of a complaint to you.

I, as the respondent, had the right to receive that information, and we wrote twice to look for it, and I understand it was just an email but that's just how all the information never came to me as the respondent, and that was my point.

Again, Mr. Chaulk, I mentioned – and I know you keep saying you can't get into the report, but myself, personally, I was embarrassed in the House of Assembly when the Leader of the Opposition was constantly asking questions about meetings that I had with Greg Mercer and the Member for Placentia - St. Mary's when there was a meeting with the Member for Placentia - St. Mary's, the Premier and Joy Buckle, it was raised in the House of Assembly an hour later.

Why wasn't this documentation that I finally got, why wasn't that added to the report, any parts of it? In normal procedures?

MR. CHAULK: What you're asking is, again, a question about what is or isn't included in a specific report. I don't know how I can answer that because it goes to a specific report.

MR. JOYCE: A lot of the information that I provided is included, and I'll tell you why it's

relevant. One of the witnesses that she put down was the Member for Fortune Bay - Cape La Hune, and her phone number – which I won't release – but there's a code name there Tammy. There's a code name Tammy.

MR. CHAULK: You're specifically talking –

MR. JOYCE: In this –

CHAIR: Order, please!

MR. JOYCE: – information that I'm given.

CHAIR: Order, please!

MR. JOYCE: I'm just saying, that's in – and this is relevant to me because the information that was put out there – this is what I can't understand. There's some information included, some not, and this is one.

I also know there's a second code name for a CBC reporter that I know 100 per cent that the Member for Placentia - St. Mary's had in her phone for Fred Hutton. So this is the kind of stuff that – this here is not in the report, which I think it should have been, which would have shown how this information was brought public. Once it's brought public – and then I had to be removed from Cabinet. I had a good idea how it was being done. We all had a good idea that the Opposition was getting information.

The Member for Mount Scio put out an email saying whoever is leaking this information –

CHAIR: Order, please!

I remind the hon. Member to stay focused on asking the Commissioner –

MR. JOYCE: Okay, I will. I'm sorry, okay.

CHAIR: – to provide clarity on the process.

MR. JOYCE: Okay.

I'll ask the Commissioner, in general, if a person was asked – but I had to get that out, Mr. Chair, because it is part of the report that I received, the information that was forwarded to me which is knowledge about how I feel a lot of this information got out prior to.

Mr. Chair, in general: If someone was asked to be a witness, would you feel that they would give relevant information or additional information, in general?

MR. CHAULK: The decisions about who is being interviewed or who is being called to be interviewed or to provide evidence is based on the submissions that are made by the parties and the responses that were received. It doesn't specifically mean that everybody – and as I indicated in the beginning of this, is that not everybody who was identified as a witness was going to be interviewed, nor was it necessary for them to be interviewed.

MR. JOYCE: Yeah. Just in general –

MR. CHAULK: In general; that's what I mean, in general.

MR. JOYCE: Yeah, in general.

I just ask, in general, if I was asked for a witness – and just in general terms. Were you aware that the initial allegations – if I was allowed to be a witness. The initial allegations was turning my back on somebody, turning my back in a swivel chair, grunting, I glared once. If I was allowed to be a witness, would that make any concerns to you?

Also, the bigger part is that the Member for Placentia - St. Mary's asked for mediation. That's so insignificant. They're not insignificant to her, but they're – how much they – they weren't in the original report. Would that have made a difference if I was a witness?

MR. CHAULK: You're asking questions that are specific to the report –

MR. JOYCE: Yes.

MR. CHAULK: – or you're asking hypothetical questions, and I'm not here to answer hypothetical questions or questions about the report. I'm asked to provide clarity about the process.

I provided clarity with respect to whether or not someone would be interviewed. It would be based on the professional judgment of the investigator and I.

MR. JOYCE: Yes. That's fine, but I'm just saying, because that was the case, Sir, and that was never, ever presented to you before you made your concerns. Because I know in the report, the notes from Joy Buckle said the position at the job was never included in the initial allegations, at the compost facility nor the swimming pool. And there were other witnesses that could've been asked to do that, Sir, but was never called as a witness.

On principle 10, in general. Is the principle 10, in general, on the Code of Conduct – is that for government employees? In general.

MR. CHAULK: I don't have the copy of the complete Code of Conduct in front of me, but I think the preamble says between Members, and then goes on to include government employees.

MR. JOYCE: I'll give it to you, Sir.

CHAIR: Order, please!

MR. JOYCE: (Inaudible.)

MR. CHAULK: Yes, and the principle says that: "Relationships between Members" - and then goes on – "and government employees should be professional and based upon mutual respect and should have regard to the duty of those employees to remain politically impartial when carrying out their duties."

MR. JOYCE: So, Sir, if, hypothetically, I had to apologize, who would I apologize to?

MR. CHAULK: Sorry, I don't know what your question is, because it

MR. JOYCE: Principle 10 is saying that it's Members and government employees. If I had to – I wrote you twice on this for clarification. Who do I apologize to, the Member for Placentia - St. Mary's?

MR. CHAULK: Again, as I have said, I've never identified the complainants in this process and I don't think it's appropriate to name the complainants or suspect who the complainants are in this process while the House

MR. JOYCE: So if I stand up on Thursday, who do I apologize to?

MR. CHAULK: I think that might be a question for the House.

MR. JOYCE: Just for the record, Sir – and I'm assuming it is the complainant that I have to apologize to. Earlier this week I made a request for – on a point of privilege and it was rejected, and I went to the Speaker. I got a letter back from the Speaker, Sir, and this is very relevant under Code 10, because Code 10 says: "... members and government employees...."

Here's what the Speaker wrote me back. With respect to your – respecting human resource spot: Members of the House of Assembly are elected officials, they are not employees.

So, Sir, if you can explain in general how I violated principle 10 when the Speaker of the House is saying we are not government employees. And principle 10, it goes from Members to government employees. If you can explain, in general.

MR. CHAULK: You're asking a question about a specific report and a recommendation in a report and a question about the Code of Conduct. The only thing I would suggest is that relationships between Members is certainly plural.

MR. JOYCE: It don't say Members, it says "... members and government employees ..." Sir.

MR. CHAULK: No, it says: "Relationships between Members"

MR. JOYCE: Member and government employees.

MR. CHAULK: No, it says: Members – plural.

MR. JOYCE: Yeah. So if the Speaker made that ruling in the letter to me, saying that we are not government employees. In general, are you saying that in this case that you're making the determination that –?

CHAIR: Order, please!

I remind the hon. Member that his time has expired.

MR. JOYCE: Okay.

CHAIR: The Chair recognizes the hon. the Member for Mount Pearl - Southlands.

MR. LANE: Yes.

Mr. Commissioner, I just have one question. I'm wondering, because a lot of the questions we're hearing – and from different Members, primarily, perhaps one Member more than others, but other Members have raised questions where you said I can't speak to specific reports and I understand that. But, some of the questions – to me, at least – they sound like they are questions around the process; albeit, yes, it is about specific reports but it sounds to me like it's about was due process followed in those specific cases.

So, given the fact that you can't answer these questions here, publicly – and I understand all that – I'm just wondering is there a process – for any Member, I suppose it could be, but I guess primarily those who would be involved on either side of the issue.

Is there a process for them that they could ask you some of the questions around process in more of a private setting to get the answers to the questions and concerns that they have around the process that you used in making determinations in the specific reports? Not doing it here publicly, not doing it in front of the cameras, in front of the public so at least they can get answers from you about the questions they're asking on either side – just wondering.

MR. CHAULK: Okay.

The one thing to remember out of all of this process is my statutory authority has already been fulfilled because I have presented my opinions and those opinions are at the House now for debate. To provide anything else – so, as my report has not been debated by the House, it is not for me to comment further upon the contents of the report in any circumstances.

As it would say here: A judge would not make further comments to his or her decision, and I will not be making further comments on the contents of my reports, period.

The purpose of this session here today was to provide clarity on the process of the recently

tabled reports, what the statutory authority is and the general process that's followed to ensure that the legislation was followed as it is written. It is not for me to engage in debate over the reports under any circumstances, period.

MR. LANE: Thank you, Mr. Commissioner.

I'm not suggesting debating any of the specific issues contained in the reports. I'm also not suggesting debating it or talking about it here; I was just simply asking, just as a matter of process – not even necessarily about these claims, but anything in the future that could ever happen. And hopefully, we can change some of the rules and legislation to make it better than the process that we have now.

I was just wondering if there was an opportunity for a Member, any Member – not to debate the merits of your decision; that's not what I'm saying. But if somebody, for example, said can you explain to me why you didn't interview a witness or why you wouldn't interview witnesses – that's just as an example, a random example. And then that question gets asked here and you're saying, I can't debate the specifics of the report, fair enough.

But that is still a question and I would view it as a legitimate question to ask. So I'm just wondering if any Member of the House, whether you're involved in this or you're not involved in it, if you had a question around simply the process of why certain things were done, is there any further process to ask those questions, or are you saying there isn't? I'm just looking for just for information purposes. I'm not arguing it; I'm just asking it.

MR. CHAULK: The answer to that is no. The report speaks for itself.

MR. LANE: Okay, thank you.

I have no further questions.

CHAIR: The hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Chair.

I'm just, in general – because I know you can't speak about the report, apparently, but you did

say to the Member for Placentia - St. Mary's that something is not in the report, so you do speak about the report.

Just a question, in general, if information came to you in the report, do you do an investigation to see if the information is false?

MR. CHAULK: You're asking me if I believe everything that is submitted and then when I provide the response to somebody else whether I believe what the other part says. You have to look at it and figure out when looking at the back and forth as to who is more credible.

MR. JOYCE: For example, and I'll just give you an example, there was a rumour – this is in the report, Sir, and I'm just asking in general, but you don't have to speak on this – that the Vale funding was spent, was used to leverage federal funding for the West Coast and that's why the money for the swimming pool was tied up. If you did an investigation on that allegation, a false allegation like that, why isn't it in any report?

MR. CHAULK: You're asking a specific question about a –

MR. JOYCE: In general.

MR. CHAULK: And about – well no, you're asking a specific question about a particular investigation. So I can't comment on the materials that were in that report, period.

MR. JOYCE: Okay.

In general, if false allegations are put in a report and you investigate and find out those allegations are false and malicious, would you normally put that in the report that there's no foundation to them? In general.

MR. CHAULK: A lot of things you've got to figure out whether I was even relying upon them in order to write my report.

MR. JOYCE: Pardon me?

MR. CHAULK: Not everything that's in the allegations is necessarily included in the reports. Only the real relevant stuff is what I had to make decisions on, is ever in a report.

MR. JOYCE: In general, if someone made an allegation, in general, and made a request for an opinion in general, and you found 10, 15, 20 inconsistencies normally, probably even up to 20, would you normally take that into consideration when you look at the credibility of a witness?

MR. CHAULK: You're asking a hypothetical question about what I would do in a hypothetical situation and I'm not sure that I have enough information to be able to make that determination. The part about this is that this is not – you're asking questions that are hypothetical questions about what might happen in a process. It's not relevant.

MR. JOYCE: Sir, the reason why I'm asking hypothetically because they are fact in the reports, but you won't respond to them. That's why I'm asking hypothetically; hopefully I will get an answer.

MR. CHAULK: Well, you're asking a question about the report.

MR. JOYCE: No, I'm not, I asked generally.

MR. CHAULK: However way you veil it doesn't change from the fact that you're asking a specific question about a specific investigation, and I'm not here to talk about specific investigations.

MR. JOYCE: How do you decide the credibility of an individual?

MR. CHAULK: Well, you have to make a judgment call somewhere along the way as to who is more credible.

MR. JOYCE: Okay.

How about, for example, if there's a threat in there that you're going to smack someone up the side of the head? Making a threat, and two weeks later you follow through on that threat. Is that taken into consideration, if that ever happened?

MR. CHAULK: Sorry, you're asking a hypothetical question. I'm certainly not going to answer something like that.

MR. JOYCE: Well, it's not hypothetical. It's in the report.

MR. CHAULK: Well, if it's in the report, then I'm certainly not going to talk about it.

MR. JOYCE: Okay. But it's in the report that someone's going to smack me up the side of the head as soon as they can –

CHAIR: Order, please!

I remind the hon. Member on asking pertinent questions to the clarity of the process.

MR. JOYCE: Yes. In the clarity of the process, would you ask people for witnesses if you weren't sure about statements? Is that normal?

MR. CHAULK: Again, you're asking a hypothetical question. I don't see how that's relevant.

MR. JOYCE: How do you determine if something is credible? Do you just say I think it's a yes or no? Do you call witnesses?

MR. CHAULK: Again, you're asking a hypothetical question. The act provides me with the structure as to how the investigations take place.

MR. JOYCE: In the report, in any report, if someone else was named in the report, in general, named in a report, is it your duty to ask those people if the allegation – for example, if \$30 million was taken and spent on the West Coast, is it normal to ask, say, the Minister of Finance, ask the minister of infrastructure, if that was ever done to prove that they're not in cahoots trying to spend government funding without going through the proper procedures? Is that normal?

MR. CHAULK: Sorry, you're asking me a question that I don't even know if I know what the question is, to be honest.

You're asking hypothetical situations that are veiled as something that was in the report, and trying to ask in a different way. I'm not going to respond to anything that I even sense that's going to be related to what's in the report.

MR. JOYCE: Sir, I'll go back to myself. Is it normal to, if anybody wanted to – in a normal situation, is it normal, if anybody wanted to and wrote anybody who was doing an investigation, in your case, normal to be as a witness if they asked?

MR. CHAULK: You're asking me about the report.

MR. JOYCE: No, normal.

MR. CHAULK: No, you are asking me about the report, Sir.

MR. JOYCE: If, for example, my name was put out there April 25 by code names being passed back and forth, and I don't have a right to respond?

MR. CHAULK: Sorry –

MR. JOYCE: Kicked out of Cabinet, and I don't have the right to respond as a – I mean, is this real? That I – by code names, which I have here, and I know CBC had a code name in the phone also, 100 per cent guaranteed. And here I am, I cannot respond? I can't be interviewed? Being kicked out Cabinet, being embarrassed across Canada, and you're telling me, Sir, after writing you and telling you that I'm willing to meet –

CHAIR: Order, please!

MR. JOYCE: – and you're saying it's not normal?

CHAIR: Order, please!

I'd ask the hon. Member to stay relevant to what we're doing here.

MR. JOYCE: I am.

CHAIR: We're just asking questions of the Commissioner for Legislative Standards to provide clarity on the process.

MR. JOYCE: I'll ask once more, because I lived six months through this, Sir, and I never got an interview.

Is it normal for you – did you ever yet, have a respondent, besides myself, that you did not ask to be interviewed? That is not about this report.

MR. CHAULK: No, you're asking about any of the reports, and that's – I'm certainly not going to answer that question. It's not –

MR. JOYCE: Is this real?

MR. CHAULK: I'm sorry –

MR. JOYCE: A person six months – and you're here – letters from lawyers saying I want to meet and you refuse. You make a statement behind closed doors saying that I refuse, which is false – which you, Sir, yourself said to me in front of the Speaker. You said: I'll straighten the record out. Did you not say that to me, Sir? That's got nothing to do with the report.

CHAIR: Order, please!

Let's get back to the process.

MR. JOYCE: Did you not say to me you're going to straighten the record out, Sir?

CHAIR: Order, please!

MR. JOYCE: Did you not say that?

CHAIR: Order, please!

We need to get back to the process here.

MR. JOYCE: It is the process, Sir.

Well, anyway, I can't get any questions. But I got to say, Sir, I was embarrassed April 25 across Canada through names that was being leaked – asked by Paul Davis in this House of Assembly. I have a good indication how they were getting the information, Sir, and for me to go through that and not be asked as a witness to give testimony about other things in this report that are absolutely false allegations that my personal finances aren't in order, I'm politically corrupt, that we took \$30 million and I spent it over on the West Coast. Mr. Chair, I can tell you, this is not justice.

CHAIR: Order, please!

Shall I report that the Committee of the Whole has received the Commissioner for Legislative Standards and conclude its deliberations carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

The hon. the Government House Leader.

MR. A. PARSONS: I move, Mr. Chair, that the Committee rise and report that it has received the Commissioner for Legislative Standards and concluded its deliberations.

CHAIR: Before I put the question, I would like to thank the Commissioner for his attendance here today and ask the Sergeant-at-Arms to escort the Commissioner, please.

The motion is that the Committee rise and report that it has received the Commissioner for Legislative Standards and concluded its deliberations.

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Those against, 'nay.'

Carried.

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

MR. SPEAKER: The hon. the Member for Baie Verte - Green Bay, Chair of the Committee of the Whole.

MR. WARR: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report that it has received the Commissioner for Legislative Standards and concluded its deliberations without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee has received the Commissioner for Legislative Standards and concluded its deliberations without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, report received and adopted.

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

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

And prior to moving forward with the adjournment, normally – during the normal course of business we would've done Notices of Motion. I have a number of resolutions here, five, that I would like to give notice of, but I would require leave of the House in order to do so.

I ask leave if I would be allowed to give notice of these resolutions this evening.

AN HON. MEMBER: Leave.

Notices of Motion

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

MR. A. PARSONS: I appreciate the leave, Mr. Speaker, being given by my colleagues.

The first resolution, I give notice, seconded by the Member for Gander, of the following resolution:

WHEREAS in accordance with subsection 38(1) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commissioner for Legislative Standards has submitted a report respecting his opinion on a matter referred to him under the authority of subsection 36(1) of that act;

THEREFORE BE IT RESOLVED that this House of Assembly concur in the Joyce Report of August 24, 2018.

Secondly, Mr. Speaker, I give notice, seconded by the Minister of Natural Resources, of the following resolution:

WHEREAS in accordance with subsection 38(1) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commissioner for Legislative Standards has submitted a report respecting his opinion on a matter referred to him under the authority of subsection 36(1) of that act;

THEREFORE BE IT RESOLVED that this House of Assembly concur in the Kirby Report of August 24, 2018.

Thirdly, Mr. Speaker, I give notice, seconded by the Minister of Finance and President of Treasury Board, of the following resolution:

WHEREAS in accordance with subsection 39 of the *House of Assembly Accountability, Integrity and Administration Act*, the Commissioner for Legislative Standards has recommended to this hon. House that MHA Kirby be reprimanded for a violation of Principle 5 of the Code of Conduct for Members;

THEREFORE BE IT RESOLVED that this House of Assembly concurs in that recommendation and asks that the Member for Mount Scio stand in his place in this House of Assembly and apologize to this Assembly for the failure and violation as cited by the report of the Commissioner for Legislative Standards of October 3, 2018.

Number four, Mr. Speaker, I give notice, seconded by the Minister of Children, Seniors and Social Development, of the following resolution:

WHEREAS in accordance with section 39 of the *House of Assembly Accountability, Integrity and Administration Act*, the Commissioner for Legislative Standards has recommended to this hon. House that MHA Joyce be reprimanded for a violation of Principle 10 of the Code of Conduct for Members;

THEREFORE BE IT RESOLVED that this House of Assembly concurs in that recommendation and asks that the Member for Humber - Bay of Islands stand in his place in this House of Assembly and apologize to this Assembly for the failure and violation as cited by the report of the Commissioner for Legislative Standards of October 18, 2018.

Finally, Mr. Speaker, I give notice, seconded by the Minister of Tourism, Culture, Industry and Innovation, of the following resolution:

WHEREAS in accordance with subsection 38(1) of the *House of Assembly, Accountability, Integrity and Administration Act*, the Commissioner for Legislative Standards has submitted a report respecting his opinion on a matter referred to him under the authority of subsection 36(1) of that act;

THEREFORE BE IT RESOLVED that this House of Assembly concur in the report of October 19, 2018.

MR. SPEAKER: Thank you.

MR. A. PARSONS: On that note, Mr. Speaker, I've given notice of these resolutions which will be on the Order Paper as of tomorrow.

Given the hour of the day, I would move, seconded by –

MR. SPEAKER: Yeah, that's okay. You can continue.

The Government Leader can continue, then I'll turn to the –

MR. A. PARSONS: No, I'm going to take my seat and let the Member speak.

MR. SPEAKER: Okay.

I understand the Member for Conception South has a statement.

He needs to ask for leave before he makes his statement.

MR. PETTEN: Yes. Could I have leave to make the following motion?

AN HON. MEMBER: Leave.

MR. SPEAKER: Please proceed.

MR. PETTEN: Mr. Speaker, I move the following private Member's resolution:

BE IT RESOLVED that the House of Assembly urge the Government of Newfoundland and Labrador to ensure the safety of all children by removing the restrictive 1.6 kilometre busing policy where safety is a concern.

This motion is seconded by the Member for Cape St. Francis.

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Mr. Speaker, the resolution just read in will be the private Member's resolution we'll debate on Private Members' Day, Wednesday.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

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

Given the hour of the day, I would move, seconded by the Minister of Natural Resources, that we adjourn.

MR. SPEAKER: It has been moved and seconded that this House do now adjourn.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

This House stands adjourned until, tomorrow, at 1:30 o'clock.

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