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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.

It is my pleasure to welcome yet two more new Pages to this House of Assembly this afternoon. To my right – your left, I guess – I have with me Tamsyn Russell and Katelyn Galway.

Tamsyn is from St. John's and is studying political science at Memorial University, and Katelyn is from Harbour Grace and is studying French at Memorial University.

Welcome to both of you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Bienvenue, tout le monde!

In the public gallery, I would like to welcome the Mayor of Lawn, Mr. John Strang, and I'm looking for them. I don't see them.

Yeah, Mr. Strang, thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: And I'm also looking for a nice group of folks from MADD Canada who are here.

There she is, okay, hello. I'd like to welcome Patricia Hynes-Coates, the President of MADD Canada, Terry Coates, Amanda Hynes, Anthony Hynes and Sharon Cobb, and Sharon you're with MADD Avalon.

Thank you, you're joining us here this afternoon for a Ministerial Statement.

Great welcome to you.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today for Members' statements we will hear from the Members from the Districts of Ferryland, Humber - Bay of Islands, Bonavista and Mount Pearl - Southlands.

The hon. the Member for the District of Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I stand in this hon. House today to recognize a constituent who is an entrepreneur and business owner, Jill Curran. On October 25, Jill was awarded the Entrepreneurial Excellence Award at the 21st annual Newfoundland and Labrador Organization of Women Entrepreneurs.

The award recognizes the entrepreneurship of an individual who has owned and been in operating control of a business for at least 10 years as of March 31, 2018. This award also recognizes the significant impact on the economy of a region.

Jill, whose success is an inspiration for other women in business, opened Lighthouse Picnics 15 years ago in the historic Town of Ferryland, and now employs over 12 people during the season. Seven years later, she opened the business Maxxim Vacations which has become a leading tour operators business. Lighthouse Picnics is operated out of a 130-year-old lighthouse in Ferryland, while Maxxim Vacations is located here in St. John's.

Jill's success has been significant and far reaching, not only on the Southern Shore, but in profiling what we have to offer in our entire province.

Mr. Speaker, I ask the Members of this House to join me in congratulating Jill on receiving the 2018 Entrepreneurial Excellence Award, and making a major contribution to the tourism industry in our great province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Humber - Bay of Islands.

MR. JOYCE: Mr. Speaker, I rise in this hon. House today to recognize a great volunteer in my district. This past summer, George Sheppard of Curling received the Sovereign's Medal for Volunteers.

This medal, awarded by the Governor General of Canada, recognizes individuals who have made an exceptional contribution to their community through their dedication to volunteer work.

When George returned to Corner Brook 30 years ago after serving with the RCMP in Regina, he helped organize the first RCMP charity golf tournament. He decided that the money raised should go to the Children's Wish Foundation. That first tournament raised \$450 and has grown tremendously over the past 30 years, with last year's tournament raising over \$15,000, giving the total raised to date over \$300,000.

In addition to the tournament, George also does his part selling tickets, collecting recyclables for cash, helping out during the annual Children's Wish telethon and sits on the committee with his partner in crime Jack Pennell, that helps make wishes come true.

To quote George, "That's what it's all about; looking after the young ones."

I ask all Members to join me in congratulating George on receiving this prestigious award and thank him for his continued service to his community.

SOME HON. MEMBERS: Hear, hear!

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

MR. KING: Thank you, Mr. Speaker.

With Remembrance Day upon us, there are many events held to honour our veterans. That was the case on October 26, when dozens of veterans received a prayer shawl from Lieutenant-Governor Judy Foote and Prayer Shawl Chairperson Vi Parsons at a special ceremony held at Heritage United Church in Musgravetown.

The Prayer Shawl Ministry of Heritage United Church is a group of 25 ladies from the church and community who meet regularly on Wednesdays to share in fellowship, worship God, and knit or crochet shawls with a prayer attached. Since 2006, hundreds of shawls and other knitted items have been presented to those

who are in need or to anyone who needs the comfort of knowing that someone cares.

Earlier this year, the group decided that it would recognize local veterans in Musgravetown and surrounding communities, thus the Honour our Veterans ceremony was planned. Veterans, their families and special guests packed Heritage United, where service and sacrifice were honoured. Afterwards, fellowship was shared at an afternoon tea reception.

Mr. Speaker, to the women to the prayer shawl group I'd like to extend a naval expression for a job well done: Bravo Zulu!

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Mr. Speaker, it is my privilege to recognize an amazing constituent of mine who has made a significant difference in the lives of persons living with disabilities.

Craig Reid has been a tireless advocate for many years and a force to be reckoned with when it comes to issues around access and inclusion and the concept of universal design in the built environment. He is not only passionate about making government, business and communities aware of these issues, but has a proven record of influencing them to initiate change.

Craig is well known to government officials and has acted as a watchdog whenever he's found evidence of the province not following its own accessibility rules.

One area where he has had a very positive impact is with the English School District. Thanks to his efforts, the district funded an accessible pilot project to ensure they were meeting accessibility policies in schools throughout the Avalon Peninsula which resulted in many improvements.

It was also his persistence that led to enhanced blue-zone parking at the Confederation Building, the Health Sciences Centre, St. Clare's Hospital and the St. John's Arts and Culture Centre. He was also the primary catalyst behind the CBC Newfoundland and Labrador series,

Access Denied, which explored mobility issues, accessible workplaces and many other related topics.

This past August, Craig was recognized for all his efforts by the Coalition of Persons with Disabilities who awarded him the Linda Wilansky Individual Advocacy Award for 2018.

I ask all hon. Members to join me in recognizing this amazing volunteer.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

Statements by Ministers.

Statements by Ministers

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

MS. GAMBIN-WALSH: Mr. Speaker, I am honoured to rise today to recognize the Project Red Ribbon campaign. In its 31st¹ year, Project Red Ribbon is Mothers Against Drunk Driving's longest running, and probably most well-known, public awareness campaign.

Losing a loved one due to impaired driving is particularly devastating because of how needless and unnecessary it is. Each year, almost 1,500 Canadians are killed and more than 63,000 are injured in impairment-related crashes.

Mr. Speaker, these types of incidents are preventable.

Never drive impaired, or with an impaired driver. If you plan on drinking, arrange for a designated driver or call a cab and, if you suspect someone is driving impaired, call 911.

I would also like to remind all Newfoundlanders and Labradorians that it's not just alcohol that impairs. Illegal drugs, cannabis, prescription or over-the-counter medication, and even fatigue, can impact one's ability to safely operate a motorized vehicle.

This province has some of the strongest impaired driving laws in the country. Mr. Speaker, thanks to the support of MADD and all the Members of this House, we have made significant changes to the *Highway Traffic Act*, including stronger penalties for impaired drivers.

I commend the efforts of Mothers Against Drunk Driving and encourage everyone to participate in this important campaign.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MS. PERRY: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. Mr. Speaker, we in the Official Opposition strongly support the Project Red Ribbon campaign and stand with Mothers Against Drunk Driving in promoting the very important work they do.

Impaired driving takes lives and while there has been significant effort to reduce it, Mr. Speaker, impaired driving continues to be a serious problem and there's much more work to be done. Continued education and awareness campaigns such as Project Red Ribbon play a vital role in this regard.

Mr. Speaker, road safety is a shared responsibility and we must all do our part. We, too, want to thank MADD for all the work it has done and continues to do in raising awareness about the importance of always driving sober. We, too, encourage everyone to support this very important campaign.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

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

I, too, thank the minister for the advance copy. I join in thanking Mothers Against Drunk Driving for the annual effort to raise awareness of the damage caused by impaired driving. Detecting impairment is vital for law enforcement and yet government still has no reliable roadside detection method for cannabis as it does with alcohol. For the safety of everyone in our province, I hope this issue can be addressed soon with the province talking to the federal government.

Thank you, Mr. Speaker.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Children, Seniors and Social Development.

MS. DEMPSTER: Thank you, Mr. Speaker.

I rise today to recognize a noteworthy achievement by the Labrador-Grenfell Health Authority.

In July 2018, the Labrador West Health Centre became the first health care facility in Atlantic Canada to receive the World Health Organization and UNICEF's Baby-Friendly Designation.

The Baby-Friendly Hospital Initiative was launched in 1991, and is a worldwide effort to implement best practices to support breastfeeding. Today, there are more than 150 participating countries.

Congratulations to everyone who helped achieve this designation, including the staff of Labrador-Grenfell Health, members of the Baby-Friendly Council of Newfoundland and Labrador and the Regional Baby-Friendly Initiative Working Group.

Through your work, you are helping new parents make informed decisions about infant feeding and ensuring that families are supported in these decisions.

This initiative complements our commitment in *The Way Forward* to increase our province's breastfeeding initiation rate by 7 per cent by 2025.

We have also provided the Baby-Friendly Council with \$25,000 to develop toolkits to help municipalities create breastfeeding-friendly spaces, policies and practices. These toolkits will be available this fall.

We also supported the recent Breastfeeding Research Symposium – I was pleased to attend and bring greetings on behalf of government – here in St. John's, which brought together researchers, practitioners and policy makers to discuss ways to increase breastfeeding rates in this province.

Mr. Speaker, I ask my colleagues to join me in applauding Labrador-Grenfell Health and the Baby-Friendly Council for their commitment to supporting families in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Fortune Bay - Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

I'd also like to thank the minister for providing an advance copy of her statement. I join her in commending the Labrador-Grenfell Health Authority and the Labrador West Health Centre in particular for becoming the very first health care facility in Atlantic Canada to receive the World Health Organization and UNICEF's Baby-Friendly Designation. Congratulations as well to members of the Baby-Friendly Council of Newfoundland and Labrador and the Regional Baby-Friendly Initiative Working Group.

The World Health Organization recognizes that breastfeeding is the normal way of providing young infants with the nutrients they need for healthy growth and development. Virtually all mothers can breastfeed, provided they have accurate information and the support of their family, the health care system and society at large.

Colostrum, the yellowish, sticky breast milk produced at the end of pregnancy is recommended by the World Health Organization as the perfect food for the newborn, and feeding should be initiated within the first hour after birth. Exclusive breastfeeding is recommended up to six months of age with continued breastfeeding, along with appropriate complementary foods, up to two years of age or beyond.

We need to continue to educate people to accept breastfeeding – whether at home in private or in public social settings – as absolutely normal, convenient and healthy.

Once again, we all commend them on this significant achievement.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I thank the minister for the statement. An important determinant of good health is nutrition and a key measure of nutrition is breastfeeding. Studies show breastfeeding reduces health costs in the first year of life, and I'm glad the Baby-Friendly Council is working with Eastern Health to study this in our own province.

I commend the council and health centre along with the minister and my colleague for their hard work getting our breastfeeding rates up and I look forward to seeing the toolkit.

Thank you very much, 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.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: Mr. Speaker, if breastfeeding reduces cost in the health care system, then that's certainly an additional reason to be very much in favour of that.

My first question is for the hon. Premier. Over the last three years, from 2015, the Liberal government has increased spending.

I ask the hon. Premier: Having regard to the financial update today, how do you expect to find \$442 million in savings in four years?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

One group we will not be reaching out to will be the Leader of the Opposition, since – if you look at the history of the record, it was as a result of the administration, the group that he now leads, that has gotten us into this spending issue where we are.

What we've been able to do is maintain the expenditures of this province, Mr. Speaker, keeping in mind that we are actually in a very volatile economy. So the layoffs that the Leader of the Opposition would be – he would be promoting, which is what we've heard from him and his Members in recent weeks. So his layoffs would therefore have further impacts on the economy.

So the approach we've been taking is to partner with the industry sectors, partner with our labour groups to navigate our way through this. The economic indicators in our province right now, I will tell you, have much more improved since they were in 2015.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Thanks, Mr. Speaker.

The Minister of Finance – Premier, said today that he was sowing the seeds of diversification.

I ask the Premier: Are these cannabis seeds or acorns, and where is the additional revenue from these seeds of which the minister spoke?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Speaking of seeds, Mr. Speaker, one of the things we've been able to do through *The Way Forward* is to promote the agriculture industry, which back in the 1930s, this was a province that was self-sufficient in food; where in the '90s and into the last 10 or 15 years, and with the group that you now lead, that reduced to nearly just 10 per cent of our population.

So we recognize significant opportunities. We've highlighted those in our Way Forward, which is a growth in sustainability for the future of Newfoundland and Labrador. We are working with many industry sectors, including the community sector – some of the best volunteers we have in our province – to help guide our way through partnerships, even with other provinces, Mr. Speaker, to help this province, which is rich in natural resources, to get the future of this province back on track.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I appreciate the seed reference might draw the hon. Premier into musings about agriculture, and we all anticipate the advent of edible cannabis soon.

When the Minister of Finance took office, he promised legislation to reduce spending in agencies, boards and commissions. The minister has backed away from this.

I ask the minister: Where are the savings from the ABCs which have been promised?

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

MR. OSBORNE: Thank you, Mr. Speaker.

First of all, I'll start off by saying that many of the agencies, boards and commissions that were put in place by the Members opposite, we've already reduced a number of the agencies, boards and commissions put in place.

The second item, I'll say to the Member opposite, he's asking where the legislation is. I'll say stay tuned, because we've only just started this legislative session and most of the time it's been tied up dealing with other issues, as you know, but you will see the legislation.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I thank the minister and assure him we will stay tuned; although, the picture on the screen is getting a bit snowy three years into his mandate.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: The minister trumpeted the success of oil today; however, he says that the province is not relying on oil revenues. How can he say this, considering deficit reduction is due solely to the increase in oil revenues?

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

MR. OSBORNE: Mr. Speaker, the Leader of the Opposition says the picture on the screen is snowy. I say it's a downright storm, a storm left by the uncertainty, the debt that your colleagues, that you're sitting next to, left this province in; an unprecedented debt level of an estimated \$2.7 billion in deficit. Over \$1 billion more than your colleagues, your Minister of Finance, your partners that you're sitting with, projected. That was a huge task to deal with.

We've been able to reduce the deficit by \$2 billion in just three years, Mr. Speaker, without cutting major services, without having a drastic effect on services. I'd say that's something to be proud of.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I thank the minister, and I'd ask him when he intends to take ownership of the problems he's just put his finger on but I'd probably get a rhetorical answer.

I'd like to change topics. For the Premier, we have documents that show the lobbyist on the Canopy deal, Mr. Jeffrey Ryan, registered as a lobbyist on the exact same day that the numbered company was created.

Does this seem like a coincidence, or does it arouse suspicion in your mind?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: First of all, Mr. Speaker, in the preamble the Leader of the Opposition talked about taking ownership. I would suggest that the Leader of the Opposition should also accept the responsibility for where you left this province, you and your team that you are now sitting with.

We are taking ownership of where we are, and we're making a big difference. That is what *The Way Forward* is all about, I say to the Leader of the Opposition.

To the question that he asked about this Jeff Ryan, if the lobbyist registry is working, that's the reason why the registry is in place. Simply, the fact that you actually know who the individual is shows that the registry that we put in place is working. I would encourage you to go look at that registry. You would see the person sitting to your right is actually also registered as a lobbyist on that registry.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Official Opposition.

Order, please!

MR. CROSBIE: I believe his lobbying career is not nearly so illustrious as Mr. Ryan's.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: And there's reason for that.

Ted Lomond is a former Liberal Party executive member and now the deputy minister of Tourism, Culture, Industry and Innovation. Documents obtained through an ATIPP request show that on the day following the creation of the numbered company and the registration of the lobbyist, the deputy minister emailed his team instructing them to start drafting the contract with Canopy.

Is the timing of this email also a coincidence?

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

The executive team that's at the Department of Tourism, Culture, Industry and Innovation and the team that I have working in the department do their proper due diligence when they deal with particular files, when you're dealing with a publicly-traded company such as Canopy. This was something that we wanted to do in terms of being able to attract a world leading, cannabis production facility here, secure supply with the legalization of cannabis, and we did that.

It's very important that when you look at, Mr. Ryan in particular, he is an in-house consultant. He is an employee of the Canopy Growth Corporation and will be acting in that role and capacity.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, let's deal with some facts.

So the financial arrangements are these: \$8.74 million for shares; \$10 million interest-free construction loan; the annual lease payments at \$4.99 million over a five-year period, for a total of \$25 million; adding up to \$44 million, less the cost of the land at \$2.7 million. A net total of \$41 million.

I ask the minister, or the Premier: Is Canopy really just doing a pass-through of the \$40 million of taxpayer money to a numbered company whose shareholders have Liberal lobbyists, but whose identities remain unknown?

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

MR. MITCHELMORE: Mr. Speaker, the answer is no. Canopy Growth Corporation is a publicly traded company that has shareholders. All of their shareholders are anybody that could be buying shares in Canopy Growth Corporation. I, myself, certainly would not have shares as a minister.

What I will say is that we have a contract with Canopy Growth Corporation that allows them to recoup up to \$40 million in reduced remittances for eligible cost. Anything that is not deemed eligible, they would not be able to recoup that cost.

So, there is process, there is adequate protections in our contract to be able to ensure that any amount or any dollar that is reduced in terms of remittances is adequately accounted for through this process.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Mr. Speaker, I'd say to the hon. minister that having just done the math, we now know how his government came up with the \$40-million taxpayer gift.

I would ask the Premier. Did you meet with Jeffery Ryan, the lobbyist?

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

MR. MITCHELMORE: Mr. Speaker, the Leader of the Official Opposition certainly loses credibility when he continues to make up numbers and put numbers out there publicly that are completely inaccurate.

What has been stated publicly is that Canopy Growth Corporation will invest far more than \$40 million in their capital expenditure. In order to get a reduced remittance, they have to be able to make sales here in Newfoundland and Labrador and it has to be based on eligible cost. Anything that is not deemed eligible, they will not get that recoupment.

What we are getting in Newfoundland and Labrador is a supply agreement; it's not costing the taxpayers any money. There's no upfront grant. There is no cash in this situation that is being provided. Every dollar that Canopy Growth Corporation expends in this province, our province gets even more.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Will the minister tell the House if he directed his deputy minister, Ted Lomond, to make this deal happen?

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

When it comes to any type of deals that we do in our province, we're certainly committed to making sure that we do good deals here in Newfoundland and Labrador on behalf of the people of the province. I can certainly list off a number of deals that were done in the past by the former administration.

One thing that we've seen recently with, in particular, the Biome deal is that you're seeing \$54,000 a year average salaries in rural Newfoundland and Labrador. We did a deal when it comes to Canada Fluorspar that is seeing 3,000 person-years of employment; S&P Data we did a repayable loan to them and \$500 per employee that's going to create 500 jobs. Hundreds of people have already started this process of being employed there and that's going to create \$131 million in economic activity.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Last week, the Minister of Finance and President of Treasury Board said in this House he was going to try and find out, or do an investigation, into who the shareholders are of the numbered company that's leasing land to Canopy Growth.

I ask the minister to give an update on that investigation, and if it's determined who actually owns and who are the names in that company.

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

What I will say is that when we had done a deal with Canopy Growth Corporation, as I've said before, that they went into an agreement with the Newfoundland and Labrador Liquor Corporation and the Government of Newfoundland and Labrador, and they created a numbered company which has representatives from their corporation.

They did so to create this company here in Newfoundland and Labrador so that the province could get additional taxation or other benefits associated with having such a company created. That is the approach that has been taken.

When it comes to any outside dealings outside of that contract, beyond December 2017, we do not dictate, as a government, where or who companies get and do business arrangements. There are all sorts of arrangements that a company may get into, and I'll certainly further answer his question –

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker, there's a Canopy numbered company and there's another numbered company that's leasing property to Canopy. That's the question was asked to the Minister of Finance and President of Treasury Board last week. He stood here and said he'd do an investigation, he'd find the information out and he'd bring it to the House.

So I'm asking the Minister of Finance: What investigation did you do, and did you find out who the names are and, if you did, could you please tell us in the House?

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

MR. MITCHELMORE: Mr. Speaker, when it comes to anybody that's doing business here in Newfoundland and Labrador, like for example S&P Data – I know that the Member for Signal Hill - Quidi Vidi doesn't appreciate 500 jobs being created here in the city of St. John's, as she said so yesterday, but we did not dictate to them to set up at the Village Mall.

We did not dictate to Biome Grow Corporation that they would set up on the West Coast of this province. It was actually the president of the local company who had an application in with Health Canada since 2014, who was seeking investors, and they said we want to bring this to St. John's, and he said absolutely no.

When it comes to Canopy Growth Corporation, they said they would set up a company on the northeast Avalon. They are doing that. Anything outside of that has no involvement with the contract and is not part of the government.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Mr. Speaker, I can only assume that the minister's not going to follow up

on what he suggested he would do last week in the House here.

In the state of Colorado where cannabis was legalized in January of 2014, criminal activity has been introduced by investments in production facilities and licences have resulted in legally grown cannabis being shipped out for illegal market sale by the criminal element.

While certainly we have no evidence of that activity here in this province, this is significant to understand.

I ask the minister: If you do not investigate who the beneficiary is along the chain of investors, how do you ensure the protection of the public investment and security of the public in general?

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

MR. MITCHELMORE: Mr. Speaker, we have a contract with Canopy Growth Corporation, the Newfoundland and Labrador Liquor Corporation, the Government of Newfoundland and Labrador and the numbered company that was created by Canopy Growth.

We have a contract with them and it involves them supplying 8,000 kilograms of cannabis annually with us. And it also prescribes a requirement that we would provide up to \$40 million of their eligible expenses. Anything that is not deemed eligible, we have an audit process. We have prescribed protections in place that would allow us that if there is some form of overpayment we can stop remittances at any time. We could also relinquish retail licenses, if necessary.

So when it comes to the chain of command, we have appropriate process in our contract to protect taxpayers. This is a good deal for the people of the province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: So the minister confirms there are no checks done in that particular

circumstance that we're seeing arise in Colorado.

Mr. Speaker, it's common knowledge that Canopy Growth had trouble meeting the supply needs for the first several weeks of legalization. The contract with Canopy Growth, I understand, indicates that 50 per cent of construction of the facility would be completed by October 1, 2018.

I ask the minister: What percentage of completion have they reported for construction?

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

One thing that I can say that here in Newfoundland and Labrador is that Canopy Growth has been supplying us with a significant amount of product to the licensed producers and retailers here. It's quite significant. You see in other provinces like New Brunswick they have had to close 10 of their 20 stores. Quebec is operating just three days a week.

When it comes to the contract with Canopy Growth Corporation, there are milestones that are in it, and we have a requirement of which they would be open by October of 2019.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

Yesterday the minister indicated there were penalties in place in regard to the contract with Canopy Growth. Could he outline the penalties and if any have been executed related to delivery, supply or other elements of the agreement?

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

MR. MITCHELMORE: Mr. Speaker, as I've said previously that we have a contract with Canopy Growth Corporation to supply cannabis, 8,000 kilograms for a year – that's annually, for the first two years with an option to renew.

Cannabis has only been legal for just three weeks here in this particular province. We're not in a position to be able to go to a company and say, you have not delivered at this point in time. We do have appropriate mechanisms in our contract over time to look at and see if they delivered the measurables and the milestones that are in place. We have adequate protections. There is no taxpayer money going into this particular contract. Should there be an overpayment of remittances at any time, there's an ability to recoup or stop remittances, and there's an ability to shut down or relinquish retail licenses. So the taxpayers of this province are protected.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

He's not going to tell us the details of the penalty, so I'll ask him this.

If the actual supplier, Canopy, delivers in the agreement what they said they would, they delivered in the twelfth month of the year, would that still meet the requirements of the contract, even though for 11 months they may make no deliveries?

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

MR. MITCHELMORE: Mr. Speaker, it seems like the Member opposite and the previous administration were very heavily involved in business dealings and how business could or could not work. It seems like they wanted to dictate where a company would set up, dictate who they would deal with and who they would operate. That is not our approach.

Our approach to doing business is that we are open for business, we are creating jobs. And we are seeing it having success, not just in the cannabis industry of attracting two companies right now with hopefully more to come and the jobs that have already been created, but look at all the other things that we've done in mining and attracting major investment, over \$16 billion, and how we're correcting the fiscal mess that was left by the administration on the other side.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The Public Accounts Committee met with the Auditor General this morning to discuss the findings of the audit of the Eastern School District.

Can the minister outline what action the department has taken to ensure taxpayers' money is being spent where it is most needed to support the education system?

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

MR. HAWKINS: Thank you, Mr. Speaker.

I'd like to thank the Member opposite for the question. Certainly, the Auditor General's report was not something that any of us on this side of the House will be proud of, and I'm sure on the other side of the House either, Mr. Speaker.

Some time back in last year my department felt that there might have been some issues with what was happening in the school district, the English School District, and requested that the Auditor General would go in and check on what was happening. Mr. Speaker, unfortunately, we realized the audit was done between 2011 and 2016, which certainly bring some concern for us as a government.

So, Mr. Speaker, we are certainly working with that and we'll ensure that there are efficiencies and ways (inaudible) to do that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MR. BRAZIL: Thank you, Mr. Speaker.

I ask the minister: Do you have confidence that the school district understands the seriousness of these findings and the importance of implementing proper internal controls and oversight to protect the monies of the citizens of this province and to ensuring it's being spent where it's needed in our education system?

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

MR. HAWKINS: Thank you, Mr. Speaker.

The number one priority for the English School District should be for programming. Unfortunately, when some of these situations happen – totally unacceptable. As minister responsible, Mr. Speaker, I can assure the Member opposite that I have had some very serious discussions with the English School District and with the board, as a matter of fact, to ensure that these types of things are not repeated.

Too often we stand there and have to defend these things. They are not things that we need to defend. These are totally unacceptable. Some of them could be even fraudulent, and we are making sure that the total investigation goes into that to ensure we do have the necessary funding for programming in our school district.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

I do agree with the minister, these are very serious and are indeed, and already been proven, that they are fraudulent.

Has the department put mechanisms in place to monitor the board and ensure that they are

taking the findings of the Auditor General seriously and are implementing the needed procedures and proper oversight in a timely manner?

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

MR. HAWKINS: Thank you, Mr. Speaker.

I can assure the Member opposite that there were some issues with regard to making sure all the checks and balances were in place, and we are working with the English School District and with the board to ensure that we do have adequate checks and balances in place going forward, Mr. Speaker.

What happened is totally unacceptable and should not, and should not, and hopefully will not happen again. And we will work within the resources we have, Mr. Speaker, and we'll work with the school board to ensure that these checks and balances are in place to make sure these things do not happen in the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MR. BRAZIL: Thank you, Mr. Speaker.

Will the minister instruct the board to do a full audit of other services within the board to ensure that the proper controls and oversights are in place and working throughout the entire board?

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

MR. HAWKINS: Thank you, Mr. Speaker.

We're already ahead of that. Because actually when the Auditor General came in and we talked about some of the issues that we're facing with the English School District, and we know – she more focused on the Avalon Peninsula and we asked at that time – and, of course, her schedule's pretty busy as well – to make sure we

have really a good, broad perspective of what could and potentially happened in the other areas of the province.

As you know, Mr. Speaker, there were four school boards at the time and they collapsed into one school board under the former administration. So they had to work through some of these issues when they tried to consolidate all of that. So there were some issues. We'd like to know what's happening in Central and Western as well.

So, Mr. Speaker, yes, we want to make sure that we have measures in place to ensure that these things do not happen and will not happen.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MR. BRAZIL: Thank you, Mr. Speaker.

The board recently approved a \$2 million plan to address the problems identified by the Auditor General and will be seeking funds from the department.

Will the minister support this request and provide the monies to the board?

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

MR. HAWKINS: Thank you, Mr. Speaker.

For the Member opposite, you should realize and understand that there is a budgetary process that we go through. Part of that is each of our departments will look at – and we will look at our budgets that we have and we'll deal with these issues.

One of the things that there are, not necessarily one or two or three or do something in silos – there are opportunities to look at synergies and opportunities within the Finance Department, and some other departments, to work with to ensure that we have the proper checks and balances in place and that the English School Board will have the resources that are necessary

for them to ensure they're doing the things when it comes to a financial perspective going forward to have these tools in place, and we will work with them to ensure that we do have that, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East - Bell Island for a very quick question, please.

MR. BRAZIL: Has the minister had dialogue with the elected school board to outline concerns around this particular issue?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development for a quick response, please.

MR. HAWKINS: Thank you, Mr. Speaker.

Yes, I do have regular discussions with the chair of the board.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

While government gives away \$95 million to among the largest producers of recreational cannabis in the world, many of our people, especially seniors, are suffering from severe dental pain and infections but cannot afford to see a dentist because this government cut the Adult Dental Program. Doctors around the province are ringing alarm bells about the suffering and danger their patients are in, the extraordinary use of antibiotics and the dangers of addictions with pain meds.

I ask the Premier: What is he going to do to help these people who are showing up in our emergency departments in desperation?

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

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

The Adult Dental Program in this province is on a par with at least five other jurisdictions in Canada. We have actually increased, between budget '17 and '18, the amount of money within that program by roughly 20 per cent. Given our fiscal constraints, we were very pleased to be able to do that.

We service somewhere in excess of 50,000 clients in the course of the last year. We look to find ways to improve it, bearing in mind the issues of fiscal sustainability and the problems we inherited from the previous government.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, so the minister is telling me that the race to the bottom is what he's looking at.

Last week, The Gathering Place opened a free dental clinic with services provided by volunteer dentists and hygienists. Already, 1,500 people are lined up desperately wanting to see a dentist. Many haven't seen one in years and have very complicated dental issues. The Gathering Place cannot meet this dental emergency situation alone.

So I ask the Premier: Will he bring back the Adult Dental Program so people can get the health care that they need?

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

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

The Gathering Place serves an invaluable function. It deals with a very vulnerable population – a significant number of who don't actually have MCP cards for reasons that we can't manage.

We have, as a government, quadrupled funding to the Gathering Place over recent years.

SOME HON. MEMBERS: Hear, hear!

MR. HAGGIE: So I think we are doing what we can, given the situation in which we find ourselves, with not unlimited funds, and a constrained environment to dig ourselves out of the hole that we inherited three years ago.

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.

We're hearing from families around the province about the situation of loved ones in long-term care who are experiencing repeated assaults, falls, delays in hygiene care, lack of assistance at mealtime and being forced to stay in bed. They say the problem is lack of adequate staff.

I ask the Minister of Health and Community Services: Is he taking this situation seriously?

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

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

The care of our seniors is of paramount importance to this department. These are the people who built this province. I will not stand by when there are any cases of neglect. There are mechanisms in place through the RHAs, through the new patient safety and quality assurance act that we put in place through the adult protection program for those individuals who have concerns about their loved ones, and I would encourage them to use those. If there's anybody else out there who has a specific case of neglect, and you haven't brought it to me, you should have.

From the point of view of staffing, we have the single largest number of RNs and LPNs in the country on a per capita basis. We are the leading province in that regard. We have added nurse practitioners, and seen huge improvements in the last year alone.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MS. MICHAEL: Mr. Speaker.

People are trying use the system, and it's not working for them. Yesterday, a group submitted a petition to this House, and offered many more examples of neglect and poor care and threats to the health and well-being of their loved ones. We have an urgent situation now because staffing levels are not meeting the needs of the people.

So I'm asking the minister: Will he conduct an immediate review of the staffing needs in long-term care, and end this suffering of residents? Whatever he says about statistics, it's not working.

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

MR. HAGGIE: Thank you, Mr. Speaker.

Once again, any individual or family member who's concerned about the welfare of their loved one in a long-term care facility, or anywhere in this province, should bring that to the attention of the health authority, or the appropriate authorities or my department if they fail to get satisfaction. I will not tolerate that kind of activity.

In terms of staffing, we have an opportunity now, going forward with the new long-term care facilities, which we have managed to find funding for and partnerships to enable us to build at a time again when we have had very little fiscal maneuverability, we are able to put new long-term care facilities in place. This is an opportunity for us to make sure that our staffing levels and staffing ratios align with best practices, and I was speaking with the RNU literally two hours ago.

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.

Tabling of Documents

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

MR. CROSBIE: My apologies for my hesitation.

Last week when questioning the minister responsible for The Rooms, I made reference to a document. The document is called *The Rooms Corporation of Newfoundland and Labrador, Request for Proposals, Agency of Record (AOR)*, issue date January 25, 2018, and it is the conflict of interest guidelines.

Might I table this document?

MR. SPEAKER: Thank you.

MR. CROSBIE: I gather I just leave it here for pickup.

Thank you.

MR. SPEAKER: I require consent of the House to table that document.

Do I have consent?

AN HON. MEMBER: Yes.

MR. SPEAKER: Okay, document is tabled, thank you.

Further tabling of documents?

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

MR. SPEAKER: The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

At a time when the people of Newfoundland and Labrador are dealing with high levels of taxation, increased unemployment rates, increased food bank usage, increased bankruptcies and many are forced to choose between food, heat and medications, Newfoundland Power and Newfoundland and Labrador Hydro are continuing to seek numerous power rate increases through the Public Utilities Board. Once the Muskrat Falls Project comes online, these rates are predicted to further increase significantly to unmanageable levels for the average citizen of our province. While government has indicated they are working with Nalcor to mitigate these rates, they have provided no detailed plan as to how they intend to do so.

Therefore, we petition the House of Assembly as follows: To urge the Government of Newfoundland and Labrador to publicly provide all the potential options for rate mitigation, develop a comprehensive, detailed plan to deal with current and impending power rate increases. This plan is to be provided to the public as soon as possible to allow for scrutiny, feedback and potential suggestions for improvement.

Mr. Speaker, I have over 200 signatures here today. These are mainly – well, actually they're from all over: Middle Arm, Burlington, Baie Verte, Burin – different parts of the province – La Scie. I presented this numerous times. I will continue to do so because people have asked me to do so. This is certainly not being critical of the current administration in terms of where we find ourselves with the project. That's not what people are saying. It's not about casting blame on anybody. It's talking about where we are, the reality of where we stand today and the concern that people have about how they're going to pay for the light bills if something isn't done.

The Premier and minister have indicated that they do intend on implementing rate-mitigation policies and so on to get it to a manageable

level. All is being asked here by people is that simply just saying that in itself does not ease people's minds. They want to see action. They want to see exactly a detailed plan as to how we are going to arrive at that place. That's what they're asking the government to do. I don't think that's unreasonable. I don't think even the Premier or government would say it's unreasonable.

I know it's a matter of timing. They say they're working on it. I hope they are and, hopefully, sooner rather than later this is going to happen so that people can have some piece of mind.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Minister of Natural Resources for a response, please.

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

I've been listening intently to the hon. Member who has tabled a number of these petitions in the House and I can say this government certainly recognizes that people are concerned about their electricity rates. We, too, are concerned about their electricity rates, and that's why we're working with the Public Utilities Board to find a path forward based on the incoming Muskrat Falls Project.

We all know the difficulties that we inherited around that. The Member opposite asked for a response as soon as possible, and we are working on one, Mr. Speaker. As the people of the province know, in 2021 is when we anticipate having to start to pay for the Muskrat Falls Project, and certainly there will be a detailed plan before that time.

Thank you.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. LESTER: Thank you, Mr. Speaker.

Mr. Speaker, workplace health and safety currently requires that where more than one but less than 15 workers are engaged in one shift, an employer shall ensure that one of the workers holds a valid emergency first aid certificate, unless an officer directs that a higher certificate is necessary.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to specify workplace health and safety to include a mental health first aid certificate in this requirement.

Mr. Speaker, in today's society it is theorized that we are under about 35 per cent more stressors that effect our mental health than that of our ancestors in previous decades, and particularly in our province where we're now faced with escalating economic challenges, our mental health is definitely at risk.

We, right now, have the highest rate of bankruptcy in our history. We have the highest rate of self-harm in the country, of all provinces. Mental health is a recognized and emerging important factor of overall workplace health.

Therefore, I am fully supportive of this petition. It's not a big added cost to the employer by any means, and I would think that it would far counteract any negative business costs that are caused by mental health issues in the workplace.

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

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

Today I rise again to present this petition – the federal government's current policy regulation linking harvest quotas to vessel size.

Many harvesters own fishing vessels of larger sizes, but because of the federal regulations, harvesters are restricted to using smaller vessels, which often put their crews in danger.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to make representation to the federal government to encourage them to change the vessel length

restrictions policy to ensure the safety of our fish harvesters.

Mr. Speaker, I bring this again today, and I've been bringing it for the last number of years, actually, in the House, and it's very important. This year I have not heard of any casualties at sea because of smaller vessels, but in the past we've heard it several, several times.

What's happening in our crab fishery today, it's probably even more so. I know in my own district – I'm not sure in other districts, but I know in my own area that the inshore fleet this year had a very difficult time in catching their crab. In fact, there were a lot of quotas that were left in the water and not even caught because there was no crab available.

That's an added cost to people that have two or three different vessel sizes. It'd be easier for them to be able to use the larger vessels to be able to fish the inshore quotas, and that way the costs wouldn't be so much on the harvesters. It's important in safety. Anybody out on the water knows that the changes in temperature, the climate can just change so fast with wind increasing, stuff like that.

We're putting our harvesters at risk by using smaller vessels. I just call on the minister to talk to the federal government about changing these restrictions. There was a reason why these restrictions were brought in in the first place: to ensure that the inshore harvesters had a piece of the pie when it came to harvesting crab, shrimp and anything at mid-shore. But most people today are fishing both and they're being forced to use smaller vessels, even when they're only nine or 10 miles offshore, where it can become very rough.

I just ask the minister to make representation to the federal government to change this regulation.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I'm glad to rise today to present a petition on behalf of constituents in my district dealing with the management plan described for Mistaken Point Ecological Reserve, which is a World Heritage Site.

The management plan described the partnership between Mistaken Point Cape Race Heritage Inc. to assist with the interpretation site in Portugal Cove South, which is the gateway for visitors. Mistaken Point Cape Race Heritage administers and operates the site for Mistaken Point, Cape Race and the wireless interpretation centre at Cape Race as well.

Therefore, we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to support the Mistaken Point UNESCO management plan and meet all the responsibilities to maintain and grow the Mistaken Point world heritage UNESCO site.

Mr. Speaker, this actual recognition was in July of 2016 and was a long process going through with the department and officials, with the help of the federal government and Parks Canada in terms of putting the actual, what's called a dossier, together in terms of the documentation of why this site should get the world heritage recognition, and that was acknowledged in July of 2016.

With that was a management plan that was to be executed by the provincial government and as well a local group on the ground, as I referenced, Portugal Cove South and Cape Race Heritage. With that collectively as a partnership to look at the administration – because that's the gateway; it's a physical facility there in Portugal Cove South and the community and the volunteers work to administer and expose the world to Mistaken Point. And that's supposed to be a partnership.

There are specific requirements within that plan that needs to be met by UNESCO to make sure that you retain that status. One of the challenges is certainly a fiscal challenge. We've seen no input in terms of new dollars from this government to assist with that facility or to assist with the overall management and administration of it.

Even today, we're seeing the community groups out selling tickets on various things to try and raise money for operation, which is really not good enough when you think about a World Heritage Site and how unique those are around the world, and the tremendous opportunity from an economic point of view that it can bring to the Southern Avalon. It's not just about that region; it's about the whole province and the recognition of this world site.

So we certainly call on government to step up the responsibility, get engaged with this, look into the management plan and what the requirements are and work collectively with those great volunteers on the ground so we can maximize the opportunity for the Mistaken Point World Heritage Site, not for the region but certainly for the whole province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

Further petitions?

The hon. the Government House Leader.

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

I call Orders of the Day.

MR. SPEAKER: Orders of the Day.

Orders of the Day

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

MR. A. PARSONS: Mr. Speaker, I call from the Order Paper Motion 9. I move, pursuant to Standing Order 11(1), that this House not adjourn at 5:30 p.m., today, Tuesday, November 6.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

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

I call from the Order Paper, Order 7, first reading of Bill 35.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board for leave to introduce a bill entitled, An Act To Amend The Workplace Health, Safety and Compensation Act, Bill 35, 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 Service NL, or Government House Leader, shall have leave to introduce a bill entitled, An Act To Amend The Workplace Health, Safety and Compensation Act, Bill 35, 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.'

Carried.

Motion, the hon. the Minister of Service NL to introduce a bill, "An Act To Amend The Workplace Health, Safety And Compensation Act," carried. (Bill 35)

CLERK (Barnes): A bill, An Act To Amend The Workplace Health, Safety And Compensation Act. (Bill 35)

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 35 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 Workplace Health, Safety And Compensation Act No. 2, Bill 36, 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 Workplace Health, Safety And Compensation Act No. 2, Bill 36, 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 Minister of Service NL to introduce a bill, "An Act To Amend The Workplace Health, Safety And Compensation Act No. 2," carried. (Bill 36)

CLERK: A bill, An Act To Amend The Workplace Health, Safety And Compensation No. 2. (Bill 36)

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 36 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 call from the Order Paper, Motion 2.

MR. SPEAKER: If I may and before the Premier speaks, I would like to address the House of Assembly with some remarks before we commence.

This is a very unique and challenging time for this Legislature; therefore, I would ask all Members in the context of debate on the reports from the Commissioner for Legislative Standards to please do the following: Keep their remarks courteous and respectful; ensure language used in debate is not unparliamentary; and that any debate ultimately respects and promotes the dignity of this hon. House and its Members.

I ask for the co-operation of all Members in this manner.

The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I move, seconded by the Member for Terra Nova, 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.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Mr. Speaker, we opened this House on October 23, rather than the scheduled November 5, to deal with the reports from the Commissioner, Bruce Chaulk, which contained findings based on the investigation to allegations of bullying and harassment brought forward by four Members of this House.

For the benefit of all involved, I wanted the reports to be tabled, to be debated and determinations made in a fair, expeditious and decisive manner. Right now, I will not get into

what has become a belaboured process, but the delay of this debate by two weeks – but I will say that this certainly did not favour those involved.

When this legislation began back in May of this year, it was the only process that we had available to us. We were in uncharted waters with this investigation. It is now clear to me that this has to change. It has to be a much better process.

The Commissioner did the best that he could under the current guidelines. A process that allows for the names of those who wish to remain anonymous, to be made public, Mr. Speaker, that's a flawed process. A process that allows reports to be released before they are seen by this House is a flawed process. And a process that allows for opportunities for people to make their case in the House and in public, before the debate begins, is also a flawed process. A process where decisions are delayed by several months is also flawed.

So I do not hold the Commissioner responsible for these flaws. He pointed out yesterday that much of this process is based, essentially, on the honour system, for want of a better word. For those who made submissions – everyone, Mr. Speaker, is expected to tell the truth. It is clear we have to consider changes that will allow for a more controlled and certain framework.

I said in the past, Mr. Speaker, that families are affected by this. When matters that we fully expect to be confidential are shared with the public, for whatever reason, it brings undue grief to the families of all parties involved. Yes, the public has a right to know, but they would expect to be informed once the process is complete, and certainly not to suit any personal objectives of any one individual. A process that is not safe for people to come forward, that does not protect them in a process, well, these processes must change.

Members must be comfortable to come forward. Just think about it, given what has transpired lately, how comfortable would anyone feel bringing forward an allegation of bullying and harassment right now? A truthful answer to that question, Mr. Speaker, alone is enough. It's enough to tell us we need to make dramatic

improvements. The handling of bullying and harassment complaints is new for us and is also new for other provincial governments.

Unfortunately, Members have had to endure an ordeal that was never intended when we sanctioned this process. It was sanctioned many years ago. While such an ordeal must never be allowed to happen again, neither should people have suffered in vain. We owe it to ourselves to come forward, to all Members of this House and to the people of Newfoundland and Labrador, to heed the painful lessons of this experience and to use those lessons to set us on a course to establish a new higher standard for dealing with bullying and harassment in provincial politics. And believe me, Mr. Speaker, people are watching.

One of the biggest lessons I have learned in this is that we need a process that separates matters of bullying and harassment from other matters related to legislative standards of conduct. We have to do everything we can to ensure a new process will have the confidence and trust of all those that need it.

In short, we need to get it right. And I make this pledge today that we will get it right. When I say we, I mean all Members of this House. If ever there was an issue for which we must come together and set aside party politics, this is it. We owe that to the people of our province. We owe that to young people. We owe that to the very young people in our province; and, in particular, we owe it to women in our province.

We must send a clear and unmistakable message that this House of Assembly is a safe place for them to engage in public life. Of course, the best message that we can send is to conduct ourselves in ways that will preclude the need to file an harassment or bullying complaint in the first place; but, should that need arise, Mr. Speaker, the process must be safe, respectful, impartial and confidential.

You've heard me say that my door is always open, but while that is true and will continue to be true, it is not a sufficient process. A sufficient process should be timely, it should be clear and it should be confidential. Furthermore, rumours and innuendo do not have a part to play in a trusted process.

In the Commissioner's opinion, many of the behaviours described in the reports fall within the scope of behaviour that exist in a political environment. That finding alone should make it clear we need a fundamental change in a political culture. In my view, these behaviours should be unacceptable in any environment, including the political one.

I see a big difference between the cut and the thrust of debate and the vigorous defence of one's position, but it cannot cross over into belittling and diminishing behaviours. We must not and cannot support a culture that gives licence to the behaviour simply because it resides in the political arena. It is this very culture that all too often discourages people from seeking public office.

While I'll acknowledge anyone can be affected by this issue, men and women alike, I will not rest until women who aspire to be MHAs know that they'll be welcomed and respected in this House. Mr. Speaker, currently less than 25 per cent of this Assembly are women, and we need more women in this Legislature.

The Commissioner also wrote that in his opinion the behaviours described in the reports did not rise to the level of objectionable or offensive behaviour that would support a finding of harassment and bullying. It is my view and firm belief, as representatives of people of this province, we must be held to a higher standard, and we must rise to a higher standard.

Now, I have already stated, I personally believe that the standard must be zero tolerance; zero tolerance for disrespect and zero tolerance for abuse. Zero tolerance for harassment, zero tolerance for bullying in whatever form. The higher standard must be founded on respect and decorum.

We can disagree as passionately as we want. We can be vigorous in defence of our positions and opinions. Even in the heat of political persuasion, we must be respectful and ever mindful that diminishing another person to elevate one's own position is not acceptable and will not be tolerated. Members of this House must feel safe at work, and if the behaviour of a fellow MHA threatens that sense of safety, there

must be a recourse through the process that inspires confidence and inspires trust.

Times are changing, Mr. Speaker, for the better, in my view, as more and more people, particularly women, are taking a stand against systemic injustices. We see this happen globally, and as a result we need to do better. That means a fundamental shift in what we consider to be acceptable behaviour towards men and women in and outside of this House. I would argue that this culture change should extend into the realm of social media.

Now, I realize we cannot control the voices of others. These voices are often nasty, they're vicious, they're self-serving and often dishonest, but we can control our own voices. We can control our own manner of debate however vehemently we disagree on issues. By engaging in respectful debate, however vigorous, even online, we can, at the very least, set the right tone and lead by example. We can control our own voices.

Mr. Speaker, none of us are perfect. We are all prone to make mistakes, but it is important to be able to recognize those mistakes. It's important that we own up to them. It's important that we take responsibility. It's important that we apologize if need be and commit to do better.

The Commissioner talks about introduce a restorative justice, a model with an emphasis on rehabilitation of relationships. It is an approach that would focus on addressing the harm of one person who has caused another by words or actions. However, I am not completely sure that such a model applies in all cases.

Matters of harassment and bullying inherently flow for an imbalance of power. The offender must be accountable and accept responsibility for those words or actions. Acknowledgement, the hurt it's caused and can demonstrate, not just by their words but also by their actions, a willingness to address the needs of the person or the persons that have been hurt. We also have to bear in mind that a restorative justice approach is only appropriate if all feel that it's safe to take part. Only then can those who hurt be empowered, and through that process, Mr. Speaker, the path to healing is possible.

Then there is a matter of violations of the Code of Conduct. The Code of Conduct violations can be very serious. While Members of the House will decide a measure of discipline and compliance with the Commissioner's recommendations, I have decisions to make on my own, to make with respect at the entirety of the reports. I have no doubt that Members of this House will weigh in with their own assessment of these violations, as well as other matters outlined in the reports.

During these discussions that follow, there will be likely moments of very high emotions. After all, Mr. Speaker, these are emotional issues. Nevertheless, I ask that these discussions, and the debate to follow, be conducted in a manner that is respectful to all Members; that we conduct ourselves in a manner that will rise to the level of decorum that the people of this province so rightfully deserve.

Mr. Speaker, we have an opportunity in the next few days to change and set the course for making this a safer place to work. I challenge everyone in this House today, all Members, to let that culture change begin now.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, I wish to thank the hon. Premier for those eloquent and entirely appropriate words.

I do believe, if I'm not mistaken, that we are on now – and I do wish to address my remarks to the first of these items. I believe that's correct. So it would be the one concerned with *The Joyce Report*, August 24, 2018.

Mr. Speaker, I would like to express, on behalf of the Official Opposition, that we do not concur in this report, and I would like to explain why that is. It is not that we contest the findings of fact in the report, it is that we contest the conclusion that the facts as found do not support a recommendation to this House, or an opinion on the part of the Commissioner, that a violation of the Code was committed.

Specifically, I would refer to page 1, where at the bottom of the executive summary – this is page 1 of the report before us, *The Joyce Report* of August 24, 2018. “Although there is no contravention of the Member’s Code of Conduct,” – wrote the Commissioner – “MHA Joyce acknowledged that he would refrain from using profanity towards MHA Holloway and I would recommend that all MHAs not use profanity towards each other in the future as such language is not an acceptable practice for our elected officials.”

Yesterday – and with the greatest respect to the Commissioner for Legislative Standards. Yesterday, I did ask him toward the end of my questions as to whether he viewed the Code of Conduct as at least partly aspirational. And he said that he did and he agreed it was at least partly aspirational.

The importance of that concept of having an aspirational Code of Conduct is that we are acknowledging – and I don’t think this is controversial. We all acknowledge that standards of conduct, as they exist at this moment or have existed in the recent past, although they may be generally accepted, may not be good enough. In the moment of decision, it is possible we may have to acknowledge that we set ourselves a higher bar than the conduct which may have been normalized in the past, and this is how progress occurs.

I submit, Mr. Speaker, that we collectively should set ourselves a higher bar than that the use of profanity towards a colleague, a fellow Member of the House of Assembly, is acceptable. As the Commissioner himself said, this is not acceptable. But, to fail to find a breach of the Code of Conduct in the face of these findings is to legitimate and accept and tolerate conduct, which the Commissioner himself has found unacceptable.

I turn to the conclusion page, page 20 of this report. The findings, specifically, were under Conclusions, top of page. I refer to this: “Used the word ‘f...’” – I’ll just abbreviate – “with humorous intent”

Now, in my submission, Mr. Speaker, whether the intent was humorous or not, it was, it seems to me, experienced by the complainant as

unwelcome, which is one of the definitions of harassment; otherwise, he would not be complaining about it.

“Used the word ‘f...’ with humorous intent when speaking to MHA Holloway, and on at least one occasion told him to ‘f... off.’”

Nobody in this Chamber, if asked in a formal setting would say that that conduct is acceptable. It is not; yet, the respected Commissioner has found it appropriate not to enter a finding that there should be a sanction in relation to that.

I now refer to the principles of the Code of Conduct that the respected Commissioner has quoted further on, on the same page.

Principle 4: “Members will act lawfully” – well, we expect that – “and in a manner that will withstand the closest public scrutiny.” So that is an aspirational standard. “Neither the law nor this code is designed to be exhaustive and there will be occasions on which Members will find it necessary to adopt more stringent norms of conduct” – more stringent norms of conduct – “in order to protect the public interest and to enhance public confidence and trust” – enhance public confidence and trust.

It goes on in Principle 11 to state: “Members should promote and support these principles by leadership and example.” I submit that the language and the attitude of disrespect manifested by the hon. Member in the findings in this report merit sanction in the form of a reprimand.

I listened carefully to the hon. Premier’s remarks and I wrote down some of the phrases he used. He referred to even in the heat of political persuasion, the gist of it being we must always remain respectful of persons. Well, this is not remaining respectful of persons in the heat of political persuasion.

I agree with the Premier, we do need a culture change. I have now, I trust, adequately expressed the reasons that we on this side of the House have for refusing to concur in the report.

Thank you.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The next speaker.

The hon. the Member for Terra Nova.

MR. HOLLOWAY: Thank you, Mr. Speaker.

I certainly thank you for the opportunity to rise today and speak to this resolution. This resolution arises from the Commissioner for Legislative Standards investigation into allegations of workplace harassment by the Member of Humber - Bay of Islands.

Yesterday, Mr. Speaker, I had the opportunity to pose questions of the Commissioner about the process which he undertook to investigate this complaint and other complaints brought forward by my colleagues.

While it is clear, at least from my perspective, that the process has some flaws, it is the process that currently governs the behaviour and the conduct of all Members of this hon. House. When I first came forward with my complaint, I knew this process was not a good fit for investigating and, hopefully, starting to address workplace harassment. In fact, during my interview with the Commissioner, I made a very similar statement.

During the past six months, I, along with my family, my closest friends and my colleagues have endured a great deal, because I decided the behaviour of some must change. In 2018, Mr. Speaker, there is no tolerance for workplace harassment and, collectively, we must all do better to ensure that it ceases to exist or, if it does exist, that we take immediate steps to shut it down.

I would like to be clear that workplace harassment is not an issue alone to the Liberal caucus. It is a pervasive issue that impacts all sides of this Legislature and legislatures across this country. In July, I was in Ottawa attending meetings with other parliamentarians from across this country. One of the key topics for discussion was workplace harassment, intimidation and bullying. In conversations with fellow parliamentarians, I quickly learned that Newfoundland and Labrador is not the only jurisdiction to rise up and demand this change. I

also learned that the country is watching what we do here, so it is important that we set the stage to do it right.

Mr. Speaker, not for a moment do I think that at the end of these next few days will we have all the answers, but I am confident that we will be moving in the right direction. So to my colleagues, who have had the courage to come forward with your complaints, I applaud each of you. You are a part of this change, and I look forward to continuing our work to serve the people of this province.

I wish to express my deep gratitude to the people of the Terra Nova District who have been steadfast behind me throughout these past few months. I have appreciated every telephone call, email, social media message and personal visit. It is your support that has continued to encourage me to push on and to see this through. I would also like to express my gratitude to those of you working in the public service who have stopped to offer words of support, a friendly handshake and your encouragement to never give up.

Mr. Speaker, the change we are about to see is not about me. It is not even about other Members of this House. But it will be about the children in our schools, the people who work in our communities and those who consider to run for public office in the future, including women, all of whom will want a workplace that is free from harassment, intimidation and bullying.

Before I take my seat, Mr. Speaker, I'd like to leave you with this quote from George Bernard Shaw who wrote: "Progress is impossible without change, and those who cannot change their minds cannot change anything."

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I reluctantly stand to speak to this motion today. We've spent a lot of time, energy and money on

the issues that face us here today, and I believe I must point out once again, as my colleague has – or the Leader of the Official Opposition – in the executive summary of this particular resolution and report that: “MHA Holloway also indicated that the culture of harassment and intimidation was pervasive within the Liberal Party Caucus.”

I believe it’s important to state that once again, Mr. Speaker, that what’s at issue here is not a debate about what has been going on within the House of Assembly within these Chambers as we do our work here, but something other than that. I’m concerned about the process. I raised my concerns about the process with the Commissioner for Legislative Standards yesterday about the extensive public nature of this process as it relates both to complainants and to respondents. I am a very reluctant participant in the continuation of this process. I do believe that everyone who was involved has done so from the best of intentions, trying to again work with a very, very difficult situation.

What I find very interesting and would like to point out, in the culmination of all of the reports together, although we are speaking specifically to this one, when we look at the best practices in looking at mental health issues in the workplace, when we look at the best practices in terms of determining diagnosis of PTSD – I’m not equating what happened here as a mental issue, but when we look at what is happening in best practices there, and then also best practices in the issue of workplace harassment and bullying, it is not one specific issue but the culmination of many issues, of many acts, of quiet, subversive, deliberate acts – and one stands out that is incredibly egregious or very specifically identifiable, but the culmination of the petty, little acts in order to discredit, isolate, intimidate and that’s what we see in the culmination of these reports if we were to look at that.

Mr. Speaker, that’s not how this is being handled. That’s not at all how this is being handled. I am disappointed in that, but then I’m also disappointed in how nobody has been protected in this process, either complainants or respondents. When we look at the reprimands, I don’t know how this House makes restitution to those who have had to go through this process so publicly. I don’t know how we do that.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Speaker.

I’m going to rise to speak on this and to speak on the report itself. First of all, the Leader of the Opposition made out that I’m the only person that ever used – and the context itself it wasn’t to the person; it was about an issue we discussed and I’ll explain that. I ask the Member for Cape St. Francis or the Member for Ferryland: In our discussions, was that ever used? Do you ever use it?

So, Mr. Speaker, I do not think that I’m the only person here on occasion when I was speaking – and it was about a project that I said it and I’ll explain it.

So, don’t give the impression that everybody in this House are saints because we’re not. We’re definitely not. And I see the Premier’s comments about the flawed process. It was flawed, absolutely, 100 per cent flawed. Imagine, going in court and never being a witness, and you’re going to vote and say I’m bad? Never had the opportunity, not once, to speak to Bruce Chaulk – not once.

Mr. Speaker, I’ll even say to the Member for Fortune Bay - Cape La Hune, as everybody talking about me being out in the public: How many times did I give you a heads-up when capital works, or sit down and let you go through the list? How many times did I tell you what projects was going to be approved? I ask the Member for Cape St. Francis: How many times I do that to you? How many times are you in my office going through what you needed in the district, and we worked out a deal? I ask the Member for Ferryland: How many times did that happen?

So you get this idea that you don’t deal with people. Ask anybody across the aisle, one person that never sat down and went through everything you needed in the district – just one, stand up, anybody in this House. It just never happened. Because all this gets out in the public, you’re this big animal, that happened, but it just never happened.

So the Member for Fortune Bay - Cape La Hune, if I never sat down with you and went through the projects with you, any time there's firefighting equipment, stand up and say it now. The Member for Cape St. Francis, stand up and say it if I never did it, if I'm saying something wrong. The Member for Ferryland, any Member across, it just never happened.

I got to say for the Member for Terra Nova – the other two were different, but I was disappointed because I worked well with you. I worked hard in your district. I used to drive in just so I could come back from meetings in your district. Like this here shocked me, yours shocked me, but the other two I'll explain later, but it did. I can honestly say it did, and I know the times I stood up in the House of Assembly and defended you, and your wife used to send notes, thank Eddie. I mean, you knew that. You used to read them out to all the boys here. It actually shocked me. Then when you come over to the dinner that we were having, you were going to stay at my house. A month earlier, you bought a ticket – you still owes me 20 bucks for it, by the way – but you got the email and you purchased the ticket.

I say it to the Premier, talk about the respondents, the people that were accused. There was a meeting with myself and Greg Mercer, and I have to bring this up. A meeting with myself and Greg Mercer and the Member for Placentia - St. Mary's, and when you review all the copies, that night the Member for Fortune Bay - Cape La Hune, a CBC reporter contacted her, that night, and there was only three people knew: myself, the Member for Placentia - St. Mary's and Greg Mercer.

Premier, when an allegation was made against me, which I didn't even know at the time, on April 25, three people knew, Sir: you, Joy Buckle and the Member for Placentia - St. Mary's. It was brought up on the House floor that afternoon with only three people knowing, and it was in the media – CBC. And how am I supposed to feel? Dismissed out of Cabinet; gone – across Canada: bullying.

You have to point out here, Mr. Speaker, there wasn't one case of bullying or harassment found in these reports – not one. So all these things about the bullying and harassment that myself

and the Member from Mount Scio – not one. And I'll just give an example. I'll just give one example. There's a lot I can go through the report on. I will just give one example that the Member for Terra Nova – and I got to say that I was shocked, by the way. I really was. But anyway, that's fine.

One example: I called 11 times from July 14 to July 31 about the Speaker and, apparently – which I didn't do – I was saying nasty things about the Member for Harbour Grace – whatever the district is.

AN HON. MEMBER: Port de Grave.

MR. JOYCE: Harbour Grace - Port de Grave. So I was put across Canada, and I was a bully for one of these allegations. Guess what? There wasn't even a Cabinet shuffle until July 31, but I had to defend that I made 11 calls to that Member's house. I wouldn't give up. There wasn't even a Cabinet shuffle. Yet, I'm a bully. That's the kind of allegations that's put in here. It never happened because there wasn't even a Cabinet shuffle until July 31. Yet, I'm a bully.

And the second one that the – apparently – and I'm sorry for bringing this up, but I have to get the record out because I'm the type of person who can move on, but after seven months, it's pretty hard.

The next one was in the meeting with the pensions that I made statements to the meeting with the pensions. I was never in the meeting with the pensions. It never affected me. I gave 17 witnesses to say I never attended the meeting. Yet, in the report, two of the four allegations that I was saying stuff in a pension meeting, and you could ask the people who were involved. I was never in the meeting, yet I was a bully for doing that.

Those are the kind of allegations that's in this here. That's the kind of allegations that's in it, and that's why it's so disappointing. It is so disappointing, and I know I got a lot of calls from your towns, from mayors and all that. They were disappointed, too.

MR. SPEAKER: Order, please!

I just going to remind the Member to please direct your remarks to the Speaker.

Thank you.

MR. JOYCE: I got a lot of calls from the Member from the District of Terra Nova – sorry about that – and I also got a lot of calls and people were shocked because we worked so well.

Mr. Speaker, they didn't say that I raised my voice, and I'll tell the incident. I got no problem with it. We were sitting – I was having lunch. You came in with the proposal for Clarenville. The Member for Terra Nova came in for a proposal for Clarenville. I was sitting down – and I make no bones about it. I was having lunch, and he put it on my desk, and he laughed, and I looked at it and I said, are you serious? He said, yeah, and he laughed. I said, well, how about the rest of the MHAs? The words were: Well, that's their problem. I said this is effing crazy.

Do you know what it was? I never did swear at the Member. It was the proposal that was – do you know what it was? Out of the \$10 million capital works that the province had, looking for five for a new fire hall and town hall, and I wouldn't do it because of the rest of the Members. I said, I can't do it. That was the comment. It was never to him; it was never to his face. Because I'll tell you, I had, what, 40, 50 meetings in Terra Nova; 30, 40 with the fire departments, probably 400 or 500 people. Ask one, did I ever raise my voice. Ask one, did I ever swear. Ask one staff, just one. It just never happened.

So this idea that this is a big part of the culture, it's just wrong. It's just absolutely wrong. Then – because it's out in the media and everybody is talking about confidentiality. I note the Premier brought it up also, the part about confidentiality.

How would you feel if your name was out in public going across Canada? How would you feel? How would you feel if your name was put across – first of all, when the complaints were made to the Premier only three people knew. The Opposition knew about it at 1:30 that afternoon, CBC announced it at 1:31 that

afternoon – CBC. Now we know there are code names involved.

How would you feel that your name has been put out there, you're dismissed from Cabinet, you're told you're a big bully. You're told that everything you did – but it was two months later the complaint was ever put in – two months. You're waiting for two months and everybody expects 90 days. There was never a complaint put in for two months, and then you wonder – with the names that were going back and forth and how stuff was getting leaked out. You start to put things together when you put the reports together.

I'm not paranoid; definitely I'm not paranoid, but I can tell you one thing, if there was anybody putting stuff together – you believe there were people working in tandem to put this out in the public; yet, we have a confidentiality – myself and the Member for Mount Scio, we were put across Canada as Members released because of bullying and harassment. And there wasn't one finding of bullying or harassment, not one – yet, seven months of your life when you talk about confidentiality.

Just think about it. Just think about it, Premier. Only three people knew about that; yet, at 1:31 the leader, Paul Davis at the time, who was involved with another Code of Conduct case. I might say, that that was thrown out in another case that I have the documentation for. So at 1:31 CBC announced that it was me. I didn't even know. No, I think the Premier told me at 12 o'clock or 12:30 he said.

How many people in this room, how many people across this province know, the initial allegations that were brought to the Premier of the Province was I turned my back on someone? I was in a swivel chair, I turned the seat. I walked by the Minister of Finance's chair, I grunted, and then when I walked by I pushed aside and I glared.

How many people in the province know that's the initial allegation that was told to me? How many people know that? How many people in this province know that the Member for Placentia - St. Mary's asked for mediation and I reluctantly agreed to mediation? How many people know that? That's the initial stuff.

Then when it got leaked out here to the Opposition and the CBC it got bigger, and then everything changed. Two months later, and in the report itself – I mean that’s the kind of things, Mr. Speaker, that I’ve been facing for seven months. Four months I knew about people changing information back and forth, code names –four months.

Do you know why I didn’t tell anybody across the way? I didn’t want to interfere with your caucus meetings or your Cabinet meetings, but I knew four months that three people knew about the meeting. It was leaked over here. That night I remember myself and Greg Mercer, April 11 that was leaked also to CBC – to the CBC, I know because they were contacted. It’s in her report. I knew about that for four months and I wouldn’t tell anyone because I didn’t want to put anyone on the spot.

How would you feel? How would you feel? Then you’re talking about the process. The process comes up – and I’ll say to the Member for Terra Nova, at any time we had an open relationship, my office door was open. I went in your office. I went to Terra Nova and made many announcements with you.

There’s something I got to clarify here. You were talking about that you were – I have to say this, it’s nothing against you, to the Member for Terra Nova. I have to say that you’re frozen out. I remember the time that you mentioned it. It was an incident and I did it to everybody. I did it for you also, to the Member for Terra Nova. Is that if there was an announcement in someone’s district, I wanted the MHA to make the announcement. I wouldn’t go myself. I know there was one down in, I think it was Stoneville. You requested to go, and I said no, let the Member do it. He had it all planned, and that’s what he did.

So when you think you’re frozen out because you don’t represent the minister, I’ll just give you a good example. We were in Glovertown and we were in Clarendville, myself and yourself, the mayors and the towns and the minister at the time, Judy Foote. Guess what, Mr. Speaker? Guess what? The Member himself, to ensure that he got the credit, I emceed it. He made the announcement on behalf of the government.

That’s the way I operated, and I did it every MHA, every MHA.

So the idea that you were frozen out because the Member in Stoneville was making an announcement down there that you didn’t go down and I wasn’t there, it’s the way I operated. That had nothing to do with you, and you felt that way. That’s just the way I did it, and I can go across this room on many occasions where I emceed, as a minister, I emceed the event. I actually emceed so you could get the credit for it.

Mr. Speaker, when you think about it – and I won’t go through the rest of the report and stuff like that, there’s no need of it. But anytime, Premier, when you’re talking about the system itself, think about the people who the complaints are made against. Think about that. Make sure in the system we’re protected, because I can tell you it happened to me. Over what? When you look through it, over what? And I’ll get into that report later – over what? All it was over was a job, which a guy never got an interview.

I’ll ask one question – Opposition also – name any person here who never gave a minister a resume, stand up. As I said, that is normal to hand someone resumes.

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

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

I believe the challenge that the Member just issued to all of us, without the ability to stand up, is inferring something quite negative to us, for those of us who have not.

MR. SPEAKER: I would rule that it’s a request, frankly, that’s not consistent with Parliamentary procedure, and I’d ask that we just move on.

MR. JOYCE: Thank you.

I know, just trying to grandstand again, Mr. Speaker, that’s typical.

Mr. Speaker, and I’ll get into what you said in the House of Assembly also without any

foundation about me. I'll say to the Leader of the Third Party, without any foundation. But you see, bullied, no allegation, one about a resume dropped off in September. This is the type – one person over there, and one person on the Opposition, one person in the Opposition –

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

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

I again rise on a point of order, section –

SOME HON. MEMBERS: 49.

MS. ROGERS: – 49, the accusation that I was grandstanding, rather than really referencing back to the sort of double jeopardy that he has put us in by his request for those to stand who haven't given a – and then to call that grandstanding when it really is a point of clarification.

Thank you, Mr. Speaker.

MR. SPEAKER: At this time, I don't see a point of order but I am watching closely.

I see it as a disagreement between hon. Members, but again, I am watching very closely.

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

MR. JOYCE: The Members of the Opposition – thank you. And so, stand up. You can't, because it's normal. It's normal.

Mr. Speaker, I ask the Member for Cape St. Francis: How many resumes did you pass in?

MR. SPEAKER: Again, I will remind the Member to please direct his remarks to the Speaker.

Thank you. That's the second warning.

MR. JOYCE: (Inaudible) give an example. It's not that you're going to interfere with the Public Service Commission because it's illegal to do that, Sir. It's illegal to do that. I'll get into that later, and how I never had a chance to respond,

even the person that applied for the position never got a chance to respond. Never even got an opportunity to speak about it. Yet across Canada we're bullies, myself and the Member for Mount Scio are bullies, and there wasn't one allegation of bullying in it.

When I see the Premier's remarks, there's no foundation for bullying, I agree. I ask any Member opposite, any Member when I was in government, if you were getting – how can I put it? If you were getting a rough time from anybody, who picked up for you? Who stood up for you, even in caucus? I did.

And when we were in Opposition, and we had government Members, I used to always say to our Opposition: If there's someone over there weak, don't say much to him, don't embarrass him, don't pick on him, don't embarrass him. I said that a hundred times.

I have no problem, if I went toe-to-toe with the Member, any of the Members, the Member for Ferryland, because we're both capable in the House of Assembly; but if you bring a rookie in, you don't embarrass the rookie. You just don't do it. You just honestly don't do it, and we never ever did do that, and I always made the point. The Members opposite, even some of the ones that made the allegations that I'm a bully, how many times did I stand in this hon. House and defend them? How many times did I go to their districts and support them? How many times did I meet with town councils on their behalf and go over and above – and I know some on Sunday afternoon, Saturday nights, Sunday nights.

So this idea because it's made up, and then how it was made up, Mr. Premier – and this is what got to be in this legislation. How it was made up, it was made up in the public. It was not done privately. So I want, when I ask the Committee – and I know the Member for Stephenville Port au Port, I asked that I be able to attend when all this is over. I'll give you some ways on how that Committee itself and some recommendations.

So I say to the government that when you make up this policy, make sure it's a fair policy for everybody – for everybody. Because I can assure you that when you get tried in the public, when you get this idea of all the bullying and harassment you all did, all across Canada and it

takes two months to even see what you're talking about, and when you actually get it – just imagine, I ask anybody. I ask the Member for Burgeo - La Poile, just imagine if you were a lawyer and someone walks in today and makes an allegation and you say okay, here's the allegation and you're defending them; two months later they come back oh, no, no forget that, here are the allegations now. What are the chances of saying that witness is credible, two months later?

In the statement that was put in, just an example, the statement that was put in by the person who was the meeting with the Premier, as a witness to the Commissioner, said the compost facility wasn't brought up, the swimming pool and the job because it was never an issue. How many people across the way now is going to say I'm a big, bad bully, but I never had one opportunity to sit down and explain one thing that happened – not one thing.

MR. SPEAKER: Order, please!

The Member's time has expired.

MR. JOYCE: Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

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

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

I just want to make a couple of points that probably relate to all – of course, it relates to our being here this afternoon. I want to thank the Premier and the Leader of the Official Opposition, the Leader of our caucus for the comments that they have made, with which I concur.

None of us wants to be going through what we're going through. Yet, we're in a legislative bind that we got put in. Nobody intended it to happen and I just want to put it out to remind us how we got into it. The accountability and integrity act is the act under which the Code of Conduct guides us and guides the Commissioner for Legislative Standards as well with regard to the work of that role.

When that act was put in place by Chief Justice Green, the act said there would be a Code of Conduct and the House of Assembly Management Commission was given the task to create the Code of Conduct that would then come to the House of Assembly to be approved and would become part of legislation.

The act itself came out of the financial scandal that we'd been through. When you read the act, remembering that, it makes so much what's in that act meaningful. Then the Code of Conduct which the House of Assembly Management Commission put together became a much broader Code of than just dealing with financial scandal. It got put into the legislation with sections around how a Commissioner deals with reports on issues that are brought to him, without anybody realizing at the time that we could be in the situation we're in here today, and been in this week and the past months, with everything public, people's lives out in the public, and us having to be here today because that's how the legislation has gotten us here. We're here because of our legislation.

My next comment does not reflect the Privileges and Elections Committee, but I just want to remind everybody our work has been public in the sense that we have had three or four reports that have gone out from the Committee, and anything I'm saying is based on those public reports. You all know that the Privileges and Elections Committee has been working hard for months. We've said it to everybody that we have been working hard for months listening, listening to people with expertise, listening to Members of the House, listening to employees of the legislative sector. Together, hopefully, with the work of the Committee and this House we are going to change. We know we have to change what's happened. We cannot continue, but I want to give us a sense of hope that we can do it. We can do it.

I want to refer to something that I may be the only person in the House who remembers this because it wasn't public. Many years ago – I've been here since 2006 – there was an MHA who had a complaint made against that person; harassment of a sexual nature, not sexual abuse, but a person not really knowing what was appropriate with touching, with the use of hands, et cetera. The complaint came from a young

woman, and the only reason I know about it is that I was the only one in the House from our party at the time. I was the leader of our party. I know that the premier and the two leaders knew it happened. I was contacted by the person from the caucus who was dealing with the issue. It got dealt with privately. Those of us who needed to know knew. The person actually underwent training, harassment training, and nobody ever knew that that happened except those who were involved, and I would hope that that's what we're going to be able to get ourselves back to. That having a process to deal with harassment of any sort, that that process has to be a process that respects everybody's privacy, and I know we can do that.

I didn't think I was going to speak to this report, but as I sat here I realized – I just really felt the need, as an individual, to stand and say that. Because we have to have to hope, and we have to know we can make it better.

We have to promise ourselves that what we're doing here this week will never, ever happen in this kind of a setting again. That we will create a climate – because I do think we have a culture that's not acceptable, and we do have to look at that culture. It would be crazy for us as parliamentarians not to acknowledge that, but we can change, and I absolutely believe that we all want to work together to make that change.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

I'm not going to have a whole lot to say. I hesitate to speaking at all to some degree, Mr. Speaker, because I have to say, in my seven years here in the House of Assembly, this is probably the most – what's the word I'm looking for – uncomfortable discussion, I think, that's we've been part of. I'm not going to get into any of the details of the report because, quite frankly, I wasn't there. I wasn't a witness. I can read the report like anybody else.

I will say that I believe, as others have indicated, that there are definitely flaws in the process – if I can put it that way. I think we definitely need to develop a new process that's going to be confidential, that's going to ensure that everybody is treated fairly, because there have been some indications – again, I guess you could say it's hearsay because it's he said, she said and all this stuff, but some indications that perhaps due process did not necessarily occur. At least that's what I've heard from some people, which concerns me, I have to be honest.

Yesterday, when we had the Commissioner for Legislative Standards here, I do understand his hesitancy to answer certain questions. I understand the rationale behind it, but I have to say, there were questions I had around the process that I didn't get clear answers from the Commissioner because of him deciding that there were certain things he wasn't going to answer for and he had his reasons and, as I said, I understand that.

I can speculate on some things. I can read the report, but I guess all I would say is go back to the fact that I think we really do, and I'm sure everybody here now is committed to putting a proper process, a proper procedure in place to replace the one that we've gone through here. I think this public process is absolutely horrendous, in my view. It's horrendous in terms of the negativity it casts on this House of Assembly. It is for the Members who are the complainants, it is for the respondents, and it is for the family members of the complainants and the respondents.

I know myself, through personal experience, this can be tough on one's family when your face is out there in the media for various reasons. I've gone through that myself for different reasons, but been there, been the centre of attention in the media, not always positive. It depends on who you ask, I suppose. And it is tough on your family. So I can only imagine that it is tough on the family members of everybody involved in all of these reports.

So while I do certainly appreciate what the Member of the Official Opposition is saying about his concern about not concurring with the recommendation, I do get it when he talks about a higher standard and so on. I agree in principle,

but given the fact that we do not have what I would consider a proper process in place, then I think we have to rely on the process that we do have, trust the judgment of the Commissioner.

Even though I have questions, as all Members do, about some of his conclusions, how he got there and so on, we really don't understand exactly everything that he did, why he did it, how he came to the conclusions that he came to, and I as one Member am not prepared to stand here and be judge, jury and executioner and so on for my colleagues in the House of Assembly, whether I agree with their actions or I don't.

So I will just simply be, I guess, going along with the recommendations of the Commissioner, who is an outside person who has looked at this, gone through the process based on the process that he had, the legislation that guided him, and I will have to trust his judgment on the recommendations. While I may have some questions in my mind about some of the conclusions, how he got there, not being there and not being part of that process, not hearing the interviews, not getting all the information, I think it would be unfair for me to, on my own, just render my own judgment. So I will just simply go along with what the Commissioner's recommendations are and concur with those recommendations.

I certainly hope we all learn from this and that we will get a better process put in place that will spare all of us as Members, all future Members, and our families, and our families – I cannot stress enough – our families. And everyone in this House understands the impact on your families, to spare them all from this public process that has to be very, very difficult on them.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Any further speakers to the motion?

Seeing none.

Is the House ready for the question?

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.'

SOME HON. MEMBERS: Nay.

MR. SPEAKER: I believe the ayes have it.

This motion is carried.

The hon. the Government House Leader.

MR. A. PARSONS: Mr. Speaker, I call from the Order Paper, Motion 3.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, 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.

Mr. Speaker, I'm just going to speak to the resolution itself in terms of how it enters this House of Assembly and how it's different than a regular government resolution.

There are certain resolutions that are put forward in the House that are the policy of governments, a government initiative, something that government of the day wants to see happen. There are other resolutions that go into this House through other entities. One of those entities being the Management Commission, which is a Commission that is made up of Members from all sides of the House, from three parties, and which essentially guide the House of Assembly in matters affecting MHAs.

As the Government House Leader, I am the vessel through which these resolutions travel into the House. I have had opportunities in the past where there's been debate in the House whereby Members have said I can't believe government is doing this, knowing full well the difference there. So I'm just trying to ensure that the public that watch this understands that this is a motion that comes from the Management Commission.

Now, in this case, basically what we're dealing with is a recommendation that has been made by a statutory Officer of the House of Assembly, that being the Commissioner for Legislative Standards. So people understand how that works, we have a number of Officers who are independent of government but who answer to the House of Assembly. That is the Commissioner for Legislative Standards, there's the Privacy Commissioner, there's the Child and Youth Advocate and there's the Citizens' Representative.

Regardless of whether one agrees or disagrees with the reports, regardless if one agrees or disagrees with the process, and there has been a lot said to that, one thing that cannot be said is that this was a government employee. That is simply not factual. This is an Officer of the House that was put in place by the MHAs sitting in this House. So, it's one thing to talk about process, it's another thing to say that we don't like the process because it wasn't independent of government. To say that is simply not true.

Moving forward, we have seen cases in the past where these types of matters have ended up in the House where there are complaints made of a breach of the Code of Conduct by a Member. There's an investigation, a report and the report contains findings. I've seen it on two occasions myself in this House.

The Commissioner will usually do an investigation and lay out the facts as they find them, whether there has been a breach of the Code of Conduct. If there is no breach of the Code of Conduct, the recommendation in the past has been, again, the report is tabled in the House and, as Members, we must dispose of that report. Generally the way that has been done is if there has been no recommendation by the Commissioner, i.e., no breach, therefore the

House concurs in the findings of the Commissioner.

If there is a breach of a particular Code, the Commissioner makes a recommendation of what the penalty should be – I believe it's under section 39 of the particular act – and makes a recommendation based on their findings. In the past we have seen that Government House Leaders, including myself as well as previous Government House Leaders from previous administrations have moved resolutions in this House based strictly on the recommendation made by the Commissioner and then they are voted on.

I'm not here right now to talk about whether the resolution should be voted 'aye' or 'nay', agree or disagree, that's up to each Member of the House to do so. What I'm explaining, Mr. Speaker, to those that may be listening, is the method that led to not just this resolution, but every resolution that's been entered last night and starting debate today in this House. So I just want to lay that out there for why we are here.

In this particular case, the Commissioner found that there was no recommendation; such the resolution reads that the House of Assembly concur in the report of said date. That's where we are.

I will take my seat now. I wanted people to understand the process that's been employed here. I will say during all of this process that I want to thank my colleagues on the other side, as Government House Leaders, that we've had – there's an air of politics that hangs through all of what we do. That's inherent in the nature of what we do. But what I will say is that we've worked together, and I've worked with the independent Members as well, that we've worked to do our best to ensure that this process gets in the House and gets handled.

So, I thank them for their co-operation and that is trying because that's the nature of the beast, but I appreciate their co-operation in dealing with this as we move forward. The fact remains that once this is done, we continue to move on, we continue to be colleagues, we continue to work in the Management Commission and make decisions that are in the best interests of our constituents and guiding this House, because the

day will come when its not us sitting here, there will be new people sitting here and we have to leave something that's better for them.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you very much.

The hon. the Opposition House Leader.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I just wanted to stand for a few moments and reference the motion. My hon. colleague, the Government House Leader, referenced as well, in regard to the process. It certainly outlines the legislation and the role of the Commissioner in terms of doing – I should say not his or her, but the office doing the review and making a recommendation at the conclusion of a report, or not, and then it being referred to the Management Commission.

I think the term in the legislation, the minister referenced, all of them being disposed of here in this Chamber. In and of itself that means that it is this Chamber and the Members sitting here that determine if indeed the recommendation of the Commissioner is accepted, as well whether it is altered. That's the full authority of this Chamber to do that, either to accept that recommendation or to alter it.

Actually, it's not an option to do it; it's our responsibility to do it. To render the findings, to concur with those findings and if there is a recommendation, or even if there's not in regard to breach of the Code of Conduct, the authority is on the Members here to deal with that, either through the original motion or either through an amendment.

I do concur and, certainly, echo some of the thoughts of the Government House Leader in regard to the difficult nature of this dealing, collectively, with us as a body and individuals that you work for, work with. We have tried to work as House Leaders to see this this process through, and do it to the extent to fill our obligations and, as well, to be sensitive to the various things that have evolved in this report and is discussed here on the floor of the House.

So I just want to make those comments, Mr. Speaker, with regard to the process that we're going through with the motion, and the other ones that are left on the Order Paper.

Thank you.

MR. SPEAKER: Thank you.

Any further speakers?

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

MR. JOYCE: Mr. Speaker.

I'm not going to speak on the report itself, but a letter I wrote you today, I'm going to read that into the record, Mr. Speaker, and I will not speak on the report.

This is something for when the Members in this House make a decision if I should apologize. I never had the justice that I deserve, and I wrote the Speaker today. I wrote him before. He responded that it was an in camera meeting, but I wrote him again today, and I just want to read this letter into the record for when this comes up for decision – how strong I feel about this.

“Dear Mr. Speaker:

“Yesterday at the Hearing during questioning of Mr. Bruce Chaulk, who's an Officer of House of Assembly, he made a comment that there was no need to meet or interview –”

MR. SPEAKER: (Inaudible) a point of order.

Given that what you're referencing – I do have a copy of it in my hand – does not relate directly to the motion before us, I would suggest that it's not appropriate, at this time, to discuss the contents of this.

MR. JOYCE: (Inaudible) but to me, it is. Because in the report itself, Mr. Speaker, it goes to show that, again, I was not interviewed for any of those reports. Again, it's showing that I was never interviewed, and this here is something that I'm pushing to get an answer for.

It do, Sir, because it is part of my defence.

MR. SPEAKER: I am going to rule that it isn't relevant, given that we are debating *The Kirby Report*. So I would ask if you would continue with your time to speak to other matters of *The Kirby Report*. That would be welcome in this House.

Thank you.

MR. JOYCE: Well, Mr. Speaker –

MR. SPEAKER: You have to get unanimous consent of the House to table a document.

MR. JOYCE: If I get unanimous consent, can I table this document?

MR. SPEAKER: Does the Member have consent to table this document?

MR. JOYCE: Okay.

Thank you.

MR. SPEAKER: Okay, thank you.

Any further speakers to this motion, Motion 3?

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

MR. BRAZIL: Thank you, Mr. Speaker.

It's indeed a unique situation that we're faced here in this House of Assembly today, and, no doubt, it's trying times on everybody involved. People in the House of Assembly, the complainants and the respondents, their families, even people in the community, people who deal with everybody on a given day, and as was said by some of my colleagues here, it does have an impact, even on how we perform our duties.

We've been spending time on this, and it's important that we do this, because at the end of the day, for transparency, for credibility and for people to have trust in the system that we have here, we have to have a Code of Conduct that works, that everybody in this House understands the parameters, and that people can feel protected by having that in play.

Mr. Speaker, we've come a long way. There's no doubt, this is a living entity. There's going to

have to be movement towards adopting any new changes that are necessary as we adopt and identify challenges we have in this House of Assembly by Members, or by people outside this House of Assembly with accusations that may be made or conduct that may be unbecoming of a Member of the House of Assembly.

I found myself a number of years, was perhaps the test case on how this would work and the impact it would have. But what I gained from that was an understanding and a responsibility that we have as elected officials to follow the conduct that's put forward. That we all have to set the bar at an extremely high level for us as the elected officials that people put trust in, in not only engaging society in ensuring policies and procedures and actions are at the highest level, but that we all also have to be accountable for.

I violated the Code of Conduct and, rightfully so, admitted to that, and was reprimanded by this House, and rightfully so. We need to have that accountability here. When there's a reprimand needed, that reprimand needs to be put in play and has to be dealt with accordingly. When it's not necessary, when the evidence doesn't note there's any reprimand needed, then, again, accordingly we need to be able to do that, too, so that people can move on beyond that.

So I just wanted to point out that we have a responsibility here, and I know we all accept that now and I know the discussion over the last number of months, because this just shouldn't happen, with the Commissioner coming in yesterday or the debate we're going to have over the next number of days. This happened over the last number of months, particularly, when a new, I guess, responsibility of what the Code of Conduct should deal with and should be responsible for.

We've all had challenges around the process, and was it the most efficient one and are there ways of improving it? Of course there are. Have we put into play some mechanisms to start to improve that? Sure we have, but we need to immediately deal with what we have at play right now and we need to, again, entrust that this House of Assembly has an ability to protect its Members; it has a responsibility to ensure the general public can trust and have confidence in

how we operate within the House of Assembly. More particularly, it has to have that it sets the template and the bar to ensure any work environment, the general public and any other institution we have in this province, must adhere to what is important in ensuring we have a safe, engaging work environment.

So I just wanted to note that particularly, but I wanted to talk to, you know, this particular motion that's put forward in that, while the process sometimes might be considered flawed, the evidence at the end of the day and the discussion, while it may perceive that things weren't as fluent as they could have been, at the end of the day, if there's no intent or there's no deliberate violation, then we have to find what we find. And we find, in this particular case, that's as the motion being put forward there, that there was no Code of Conduct that was violated here. As such, we need to adopt that, have that and move on so that all involved can move on and that we would deal with other things as part of this process.

So I just wanted to note my whole concept here is about we have a responsibility. As we move forward, we need to do due diligence here and ensure that the process here is engaging and is conducive to ensuring people have the environment that they want to have here and that the right message is sent to our society.

So, Mr. Speaker, I thank you for the opportunity to speak to this and we look forward to the vote in the very near future.

Thank you.

MR. KIRBY: (Inaudible.) I just have a brief comment in response to the Member (inaudible). I'm glad to see he's had a change of heart (inaudible). He did omit the fact that, while he did apologize to the House of Assembly, he immediately left the House of Assembly, went outside of the door here and told reporters: "I find it hard to apologize for being active, doing nothing wrong – doing nothing, and the reports have shown that"

So I'm glad the Member has seen through to actually realize that he did make a genuine apology here in the House of Assembly, as anyone should if they are reprimanded, and not

to immediately go outside the door here and disavow that apology and say they did nothing wrong and that they didn't apologize.

Thank you.

MR. SPEAKER: Thank you.

Any further speakers to the motion?

Is the House ready for the question?

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.

The hon. the Government House Leader.

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

I call from the Order Paper, Motion 4.

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

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

I move, seconded by the Minister of Health and Community Services, the following motion:

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 Honourable 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.

Mr. Speaker, similar to my last comments, I'm not going to belabour it much more. What I would suggest is that anybody who reads this some day or listens to it, they can go back to what I said in the previous motion. I don't need to bore anybody by saying the same thing over.

As Government House Leader, my job is to move recommendations forward in this House. The recommendation that is moved forward is identical to the recommendation provided by the Commissioner for Legislative Standards. In my previous experience seeing these, the recommendations that have been moved in the House concurred with the Commissioner for Legislative Standards. That's the process that's been followed here. It's up to Members to choose how they feel about that, whether they want to concur, to not to concur, to debate. That's the purpose of this.

I'm standing and moving this now, and Members will have an opportunity to speak to this particular resolution.

Thank you.

MR. SPEAKER: Thank you.

I recognize the hon. the Leader of the Official Opposition.

MR. CROSBIE: Mr. Speaker, we in the Official Opposition regretfully cannot concur with the motion. I will explain why.

I'm having regard here, while I'm on my feet, to the report of October 3, 2018, *The Kirby Report* referenced in the motion, and I'm looking at page 23, in which the Commissioner sets out as follows: he cites the section of the act, which "authorizes the Commissioner to recommend a penalty."

He goes on to outline mitigating factors. He says: "In the circumstances of this case, that is, where the majority of the allegations have been dismissed, where the member has admitted to the conduct in question and has been cooperative throughout, and where the member has suffered a significant financial penalty in being removed from Cabinet for a significant period of time, it is my recommendation to the House of Assembly that MHA Kirby be reprimanded."

Mr. Speaker, it is the position of this side of the House, with the greatest of respect to the Commissioner, and it's based on events which have transpired after the tabling of the report, that the mitigating factors identified by the Commissioner have now been negated by aggravating conduct, which shows intransigence, defiance and absence of remorse on the part of the Member who is proposed to be reprimanded.

The aspect of the Code, which he has been found by the Commissioner – and which it is proposed by the government side be confirmed – to have violated, is that "Members will not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices."

Given the apparent unwillingness of the Member concerned to publicly admit the gravity of his conduct, or in fact that he misconducted himself in relation to the Code of Conduct at all, we do believe on this side of the House that a different penalty is warranted in the circumstances.

I would therefore move an amendment. The amendment would be as follows: That the resolution respecting the report of the Commissioner for Legislative Standards of October 3, 2018 be amended by adding before the period the following: "and further orders that the Member be suspended from the House of Assembly without pay for a period of 21 days." Seconded by the Member for Ferryland.

In other words, Mr. Speaker, the reprimand would stand as recommended by the hon. the House Leader and his side of the House, but a further penalty of suspension from the House of Assembly without pay for a period of 21 days would be added.

Thank you.

MR. SPEAKER: At this time, I would call to recess the House of Assembly while I review the amendment to ensure that it's in order.

Thank you.

Recess

MR. SPEAKER: Order, please!

Regarding the amendment proposed by the Leader of the Official Opposition, I find that the amendment is in order and I would instruct the Member to now speak to the amendment.

Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you, Mr. Speaker.

I could really only repeat my remarks I made prior to proposing the amendment, and those have to do with a manifestation since the date of the report and the tabling of the report of a level of intransigence and lack of acceptance of the findings of misconduct on the part of the Member. And on that basis, it's our submission to the House that a somewhat more severe penalty is in order.

Thank you.

MR. SPEAKER: Thank you.

Further speakers?

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

MR. JOYCE: Mr. Speaker, I'm just going to speak for a few minutes on the amendment. I got a bit of a memory. I remember when the Member for Portugal-St. Philip's?

AN HON. MEMBER: Conception Bay East - Bell Island.

MR. JOYCE: – Conception Bay East - Bell Island found himself in a little pickle and I was a Member of the Opposition. Mr. Speaker, at the time, we all said listen, what happened, happened and it's not a big deal. One of the proudest things I did – and I spoke to our caucus and we all agreed – I went over to the Member and I said: Look, here's what we're going to do; we're going to get you to stand up and apologize, and let's all move on.

I remember him shaking my hand and saying: Eddie, I'll never forget this; thanks. But here we are today, the same Member coming up and

changing the amendment, Mr. Speaker, because then we can move on with government business.

At the time, we said, like, no one is going to win out of this here; no one is going to win out of this. Mr. Speaker, that's something I was proud of. I didn't want to go beat on somebody; I didn't want to go and make political hay out of it, Mr. Speaker, because he does he have family. He was out in the public.

I just have to say, when we were in Opposition, I remember coming in and saying let's do this; let's be hon. Members here. And we did it. I just got to put that on the record. I was proud that I was the one that walked over. I remember him shaking my hand. I'll never forget it, Eddie, he said, I'll never forget it; thank you very much. But I guess time changed and opportunity changes.

So I remember another time another Member, Kevin O'Brien, was into a bit of a stew. I remember I was on *Open Line* and that came up about Kevin O'Brien. I stood up and I said, no, he treated me fairly. He was always good to me. You know, I wouldn't take the political stand just for the sake of politics because you have to speak the way it is.

So, Mr. Speaker, sometimes politics does steep in. It creeps in, and when it does creep in, Mr. Speaker, here's an example today. I can tell you, when the Member for Conception Bay East - Bell Island was in that, he was more than appreciative that when I walked over – and I remember it was just down in that corner, I remember walking over and speaking to him and saying: We can't play politics with this; we're just going to take it and move on.

So I say to the Leader of the Opposition, we offered that courtesy to ensure that politics wouldn't steep in, but I guess time changed and there's a little political game here to be played. It's kind of sad that when you offer this as a gentlemen, we were in the Opposition at the time, but now all of a sudden the shoe is on the other foot and they say: Ah, let's play politics; let's keep it going.

So a sad day, but the Member from Conception Bay, I'm glad I did it. I'm glad I rose above all of that and I'm glad I went over and did it. I

thank you for thanking me and saying you never forgot it, but I can tell you one thing: You got a short memory.

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

MS. MICHAEL: Thank you very much, Mr. Speaker. Speaking to the amendment.

MR. SPEAKER: Correct.

MS. MICHAEL: I shall be supporting the amendment, and we shall be supporting the amendment, as the Third Party caucus.

When I read the report and saw what the Commissioner was recommending – reprimand – it seemed pretty slight to me in terms of the report itself and what the Member had been found guilty of, in terms of what had been broken in the Code of Conduct: “Members will not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.”

I think we're here today making decisions on this resolution, and in some way setting precedent. We haven't dealt with this kind of an issue here in the House of Assembly before, and so what we decide is something that will become part of precedence.

In the light of something that's been pointed out by the Leader of the Official Opposition, in the light of public comments that have been made by the Member since the report was released by him, there seems to be a sense of not understanding even why he has been found guilty of going against section 5 of the Code of Conduct. In that sense, there's intransigence that I think needs to be recognized.

For that reason, we will be supporting this amendment to the resolution.

MR. SPEAKER: Any further speakers to the amendment?

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

Again, I have to say I wasn't intending on speaking, but now that we have an amendment, I feel I have a responsibility to at least put my view on the record as I'm not represented by either of the parties.

Mr. Speaker, once again, as I said the last time, and I will repeat, I do understand – I really do understand – where the Official Opposition is coming from; I understand where the Third Party is coming from, as well, and their concerns. I think we all have questions and concerns about this report, about all the reports.

I certainly don't want it perceived as somehow I am dismissing the seriousness of it or dismissing the concerns of the complainants, but I have to say once again, in all fairness to the process, I cannot in good conscience – we have a process that took place. We all have acknowledged we have concerns with the process. I have concerns with the process. There were questions that I had that I was hoping were going to be answered by the Commissioner yesterday that weren't answered, so I have to go on what the Commissioner is saying based on the fact that he did the investigation, he interviewed witnesses, he engaged an outside consultant.

I wasn't part of any of it. I didn't witness any of it. I was not privy to the investigation. I was not privy to the interviews. I had no conversations with witnesses or anything else. While I may feel, personally, in reading it, while I may have my reservations about some of the things that are alleged and some of the things that were acknowledged, I really don't feel that it is my place – albeit, I understand under this process we have the right, as has been done, to make an amendment in terms of the findings, whether we agree with, I guess, the punitive measures that will be taken, the punishment, whatever you want to call it, but, again, I have to go with the Commissioner based on the process that we have.

I'm not really sure where 21 days came from. You know, I don't know where that even came from. I don't know if it was an arbitrary number that somebody picked out of the sky or if it's based on some kind of precedent or something. I have no idea, and I'm not challenging that per se, but I really don't feel that it's my place. Based on the process that we have, I really don't

feel it's my place to be overruling the Commissioner, who had all the facts, in theory, had all the information, had access to consultants, interviews and so on, and I didn't, and for me to be overruling his findings, even if I do have personal concerns, but I don't have all the facts, only what I'm reading here. And there's a lot of stuff that was said that I would be privy to that wouldn't be in the report and so on.

So, based on that, I will be concurring with the Commissioner's report and I won't be supporting the amendment, again, out of fairness to everybody and the process. It could be anybody. Anybody tomorrow could be under the microscope for something. It may not be something like this; it could be something else. And I would want to ensure that there was a process in place that was agreed to by everybody that made sure that everything was done properly and everybody was treated fairly. Right now, we don't have that process, to my mind, and I'm not prepared to go beyond what has been recommended by the Commissioner, who had certainly more information than I did in making this decision.

Thank you, Mr. Speaker.

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

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

I'll speak very quickly to the amendment that's been proposed. I get asked a lot of questions about, you know, how this procedure is going to go, how the House is going to work, and I always say that the only thing that's certain here is uncertainty – expect the unexpected – but the amendment proposed by the Opposition was certainly not unexpected. I expected them to move a motion. I guess I'm speaking certainly for myself, but perhaps for this side, when I say we will not be supporting that amendment for a number of reasons.

One of them, I'll just put this out as a general thought, that I've spoken to this process and it's been difficult, and the inherent political nature that's here. The amendment that's been moved by the Official Opposition, supported by the NDP, is inherently political – inherently political.

We have a Member come in, and whether you agree or disagree with the process, and I think there's a lot of talk about that, we've just had two votes on reports by the Commissioner where there's been no indication that there was an issue with the Commissioner's findings there, but now there's an issue with the Commissioner's findings and recommendation.

Now, I did take the opportunity – I supported the Official Opposition PMR where we had the Commissioner show up in the House. I made a point of asking questions about the penalties, and specifically there are four. I don't think we've ever seen in the history of this House – we've never seen the vacating of a seat. I'm not aware – perhaps there have been cases of the suspension of a Member. The other penalty is obviously a fine or a restitution. And there's also the reprimand, which in and of itself is generally an apology.

I listened to the Member for Humber - Bay of Islands when he talked about a Code of Conduct breach by a Member across the way, Conception Bay East - Bell Island, and it was noted in the report all these things. It said, actually, there shouldn't be a fine because in that case there was no evidence of financial gain in that. I don't believe there's been any evidence of financial gain in what's being suggested here.

What's being suggested is quite punitive and there's been no background put forward to support that. I think we're following the recommendations of the Commissioner for Legislative Standards in suggesting a reprimand and we will not be supporting the amendment that's been put forward for political reasons and, again, we will continue on with the debate.

Thank you.

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I just wanted to speak to the amendment and the motion and some of the comments made by my hon. friend, the Government House Leader.

We are dealing with five motions here; three of them did not indicate a violation or a

recommendation from the Commissioner related to the provisions of the violations of the Code of Conduct and what they may be: there may be a reprimand; they may “make restitution or pay compensation; The Member may be suspended from the House, with or without pay, for a specified period; or The Member’s seat be declared vacant.”

We have two others that a penalty is recommended, the word reprimand is used, but as I said before, it’s within the authority of this Legislature to – and we are the ones that need to confirm or not concur with that, or to make changes. That’s well within the parameters of this.

These are issues that are new, or certainly what we’re dealing with here, the Premier has indicated there’s a threshold here and we need to do things better. I think this is all about looking at what the Commissioner has said in the report, the recommendations, what has occurred and how do we feel going forward. As my colleague for the Third Party indicated, this is about precedent setting for future journeys. Hopefully we don’t have any, but if in case there is.

So I do take a bit of an exception to what the Member had said. This is specific to two particular cases where the Commissioner did feel it was necessary for a penalty for violations of the Code, and what we’re deciding on here is based on those activities and what was found, what that penalty should be. Members are free to vote to that, vote to the concurrence motion or vote to the amendment, and everybody is free to do as what their conscience feels free they should do.

Thank you.

MR. SPEAKER: Any further speakers to the amendment?

If not, is the House ready for the question?

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, ‘nay.’

SOME HON. MEMBERS: Nay.

MR. SPEAKER: In my opinion, the amendment is not approved.

The hon. the Member for Harbour Grace - Port de Grave.

MS. P. PARSONS: Thank you, Mr. Speaker. That’s right, it’s Harbour Grace - Port de Grave.

What I will say, I mean, to stand in my place here and talk, I’m not talking about something positive in nature per se or lighthearted as we do when we deliver Members’ statements, but, Mr. Speaker, it certainly is a very serious topic indeed.

When I ran for the position of Speaker, I was trying to set an example for young girls and women, and that going for something and putting myself forward, you know, can often be as important as actually winning. I felt there was a value in having a woman step forward for the position for the very first time in our history as a province, regardless of the outcome. And the Premier told me he felt the same way, and encouraged me to put my name forward.

The fallout from my decision is all too well known. By itself, however, it was not the reason for filing a complaint. It was a culmination of a pattern of behaviour over an extended period of time since becoming an MHA. I will remember back when first becoming elected. I’m a very vocal MHA, as everyone in this House knows, and while advocating on behalf of my constituents about certain topics, in particular the 1.6-kilometre busing policy. I’m very vocal about that, so it all kind of stems back from that. So I indeed filed a complaint.

I was uncertain about the process and remained uncertain throughout the entire time. I think, Mr. Speaker, it’s safe to say the entire province, anybody watching, was uncertain about this process.

When the report became public without my knowledge and without my permission, it became a very stressful and painful experience. And, yes, I started to wonder if I should have

ever filed a complaint in the first place. I asked myself: Was it worth it? I asked my family: Was it worth it? Not because I was any less certain of my complaint, but I started to question whether this pain – and I will say pain because it certainly was painful and embarrassing and stressful – was it worth it? Was it worth the whole price to pay? I also asked: Were our efforts worth it to make this place a better place?

Then the people in here in the House of Assembly from my own caucus and the people, of course, colleagues across the aisle, reached out to me to support me. I want to thank you all for that support that I have received throughout this entire process. I want to thank my family, my poor mother and father. They've taken on a lot of stress through this as well. My sister. But the people of my district, the strong District of Harbour Grace - Port de Grave, Mr. Speaker, stand behind me and they show me that respect and that support daily.

The calls I have received, the messages I have received on social media and in email – I've even gotten calls from across our province from female officers in the RCMP. So from the bottom of my heart, thank you so much, and that resounding message was: You're not alone; keep doing what you're doing.

At this time, I also want to recognize a public servant here in government. Just when the House resumed, we came back in early in the House to discuss these matters, and an employee who I don't know, a young man, approached me as I was walking to my car one evening and said: Thank you, Pam Parsons, for what you're doing; a couple of years ago, this sort of thing never would have been heard of and people are afraid to come forward, so thank you.

So I must say, just hearing those small gestures, they mean the world and it confirmed to me that, yes, we certainly are doing the right thing. But I was not looking for nor do I need anyone to feel sorry for me. I consider myself to be a strong, independent woman and I can take care of myself. But knowing I had that support and I still have that support certainly helps get us through those tough days.

This was never about gender; it's about behaviour. There are a lot of good people in

here, Mr. Speaker, people on all sides of our House, wonderful people who put themselves forward on behalf of their constituents, and the fact that we're all here in this House proves that. People have confidence in us. People are expecting us and watching us and wanting us to do the right thing. I am completely confident in our ability to work together with the utmost respect.

The Premier has acknowledged that the process we have in place now is flawed. The Premier has vowed to have it changed, and I have no doubt that he will. I also have no doubt that this will be an all-party effort. I am very grateful to the Premier for acknowledging the roles of MHA Sherry Gambin-Walsh, Colin Holloway, Tracey Perry and myself –

MR. SPEAKER: Order, please!

I would remind the Member, please do not reference other colleagues by name.

MS. P. PARSONS: Sorry, Mr. Speaker.

(Inaudible) of course for the Placentia - St. Mary's, and of course the MHA for Terra Nova and the MHA for Fortune Bay - Cape La Hune, along with myself, in playing this part in revealing the need for change – the very, very urgent need for change.

It's comforting to know that our efforts were not in vain, that we have played a role and a part in helping bring about the best bullying and harassment policies in the country. Also, to echo what my colleague across the way had said earlier about the work of the Privileges and Elections Committee, I, too, am a Member of that Committee and we have worked very hard, actually, consistently throughout the summer, hearing from experts on this very topic. I look forward to having those debates and that discussion in this House. I'm a proud Member of that Committee, and, again, I look forward to contributing to that discussion as well. To say that there will be good come from this whole unfortunate affair makes it worth it.

In the meantime, the Premier's leadership and message of no tolerance has well been received. There are still some moments, obviously, of discomfort in this House of Assembly as a result

of certain continuing behaviours, but I truly believe our caucus is already a safer and more respectful environment. Certainly, there is less tension and our camaraderie is on the rise.

That will be all for me, Mr. Speaker.

Thank you.

MR. SPEAKER: 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.

Speaking now to the resolution and I'd like to read the resolution once more.

"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 Honourable House that MHA KIRBY be reprimanded for a violation of Principle 5 of the Code of Conduct for Members."

That is the recommendation of the Commissioner, that there be a reprimand. I started asking around: Are there any definitions anywhere of a reprimand? What would be the nature of a reprimand? There's nothing in our legislation and there's nothing that I could find, seeking it in the places where I thought there'd be answers, as to what a reprimand is. So it's for this House to decide what the reprimand is.

The Government House Leader, as he has made reference to, is the conduit of the resolution that comes to the floor of the House. While we agreed as the three House Leaders to give leave for the resolution to come today, that didn't mean that all three of us agreed on the content of the resolution.

THEREFORE BE IT RESOLVED that this House of Assembly concurs in that recommendation, the recommendation of the Commission – I do concur in the recommendation of the Commission, but this goes on.

"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."

In speaking to the amendment made by the Official Opposition, I made reference to the report and why I think something more than an apology is needed. That is the nature of a reprimand to say what we think a reprimand would be.

Now, I shared earlier the story, that is not a public story, so you all have to take my word for it that it happened when we did have, to my knowledge, a case of – it was actually sexual harassment, not sexual assault, sexual harassment and it was dealt with privately and everything that happened for that individual MHA was done privately.

Part of what that MHA had to go through was sexual harassment training to help that person understand why what he was being accused of was, in actual fact, was sexual harassment. Even though in his experience he would not have identified it that way. So he had to go through a training process. And I actually watched that person for at least a year after, and I could see a difference in that person's behaviour because of his having gone through the training. I actually saw the difference in his behaviour, physical difference in how he interchanged, especially with women.

So when I look at reprimand, it's a broad term and we can define that here. I don't think defining that, in other words, saying what we think it means, is going against the Commissioner. The Commissioner said there would be a reprimand; I concur with that. But in the light of what I just said, I'm also going to move an amendment. I move, seconded by the Member for St. John's Centre:

That the resolution respecting the report of the Commissioner for Legislative Standards of October 3, 2018 be amended immediately after the words "MOUNT SCIO" by inserting the phrase "receive individualized respectful

workplace training and". And then it continues on.

So that insertion in the resolution is the amendment that I'm moving. I have copies for the Law Clerk.

MR. SPEAKER: Thank you.

Again, the House will recess to determine whether or not the amendment is in order.

Thank you.

Recess

MR. SPEAKER (Trimper): Order, please.

Regarding the amendment proposed by the Member for St. John's East - Quidi Vidi, I have found that the amendment is in order.

I would now instruct the Member for St. John's East - Quidi Vidi to deliver remarks.

We will be now debating the amendment.

Thank you.

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

I'm happy to speak to the amendment, and the reason why I'm recommending it.

One of the things that the Privileges and Elections Committee has been doing since June is studying all the issues around a respectful workplace, around harassment-free workplace, what's happening in jurisdictions in our country, what's happening in jurisdictions outside of our country, especially in the UK where they are coming up with some tremendous policy around the issue of a respectful and harassment-free workplace. All of this work that we've been doing is public. It's there on our website. It can be found, people can see what we've been studying.

One of the most important things – prevention is very important when it comes to this issue, and one of the most important things that can help with prevention is training. I've mentioned one case here in our own jurisdiction that I'm aware

of, but you will find throughout the various jurisdictions, when you look at their policies – it's mainly policies, in some cases legislation – the importance put on training, and the importance put on training especially if somebody has been found in violation in different ways when it comes to behaviour in the workplace. So having training as part of the work, or part of – or reprimand, whatever word you want to use, is something that is done.

We had some wonderful presentations on training, actually, in the Privileges and Elections Committee. One of them was about the different levels of which training happens. I think nearly everybody in the House of Assembly, nobody had to say whether they did or not, but I think the majority of us have taken the training that we have, that's in place right now.

I've asked some MHAs about their experience with that training. I know what ours was. Two of us did it together, and it was very general. It wasn't really in-depth. We will need much more than that to come to a full understanding of what a harassment-free workplace is.

One of the things that was pointed out is that very often we don't recognize our own behaviour. Sometimes when you actually have a process of – a mediated process, one of the things that very often comes out of a mediated process, when there's been a complainant and a respondent, is what's called coaching. Individual coaching is the word they used, but that's individualized training. It's helping an individual recognize one's behaviour and recognize maybe something that the person doesn't see themselves.

I mean, I'm continually, in my lifetime, being told things that I don't see myself. It's part of who we are as human beings. So I think adding this to the apology strengthens the reprimand, not as strong as I want it, because I did vote for the amendment by the Official Opposition, but I think it's an important piece to add to the reprimand, the recognition that we do need to face.

I would suggest that with the Commissioner saying a reprimand is needed, then the person who's having that said to him needs to face: Well, what does that mean? Why has this

happened? Why has the Commissioner actually said this? Why did the Commissioner find that there was a violation of the Code of Conduct and that there should be a reprimand? So this kind of individualized training helps with dealing with that kind of thing.

So, I really would encourage the Members of the House to understand that I very sincerely and seriously am putting this amendment forward thinking that it really is something that we should have in our process as we move forward here in this Assembly in dealing with the issues of harassment, or breaches of our Code. Sometimes that's harassment, sometimes it's not but there is a breach of Code that we're talking about here.

I really would encourage the people in the House to see this, not as a political thing to do simply because we are a party in Opposition, it's because I absolutely believe that it should happen.

While it wasn't public, we actually had that happen here in our jurisdiction. I was so pleased at the time – because we're talking now about eight, nine years ago when this kind of thing wasn't being talked about very much in legislatures. It was happening, but facing it and dealing with it wasn't happening.

So, I'm very pleased when I think back on it that that many years ago we actually did see the need to deal with the issue, number one – and I applaud the caucus that did it; none of you know which caucus it was – and number two, that the caucus recognized that training was important.

It's in that spirit that I do ask you to support this amendment.

MR. SPEAKER: Thank you.

Further speakers to the amendment?

Seeing none, is the House ready for the question?

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: Nay.

MR. SPEAKER: In my opinion, the 'ayes' have it and the amendment is adopted.

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

I need three Members, I'm sorry.

The Member for Conception Bay East - Bell Island, do I have three Members standing calling for a division?

Okay, thank you.

Division has been called.

I would ask the Whips and the House Leaders to please call in their Members.

Division

MR. SPEAKER: Whips and House Leaders, are you ready?

AN HON. MEMBER: Yes.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion of the amendment?

All those in favour of the motion, please rise.

CLERK: Mr. Ball, Ms. Coady, Mr. Haggie, Ms. Dempster, Mr. Hawkins, Mr. Osborne, Mr. Mitchelmore, Ms. Gambin-Walsh, Mr. Warr, Mr. Davis, Ms. Haley, Mr. Letto, Mr. Browne, Mr. Bragg, Mr. Bennett, Mr. Finn, Mr. Reid, Ms. Parsley, Mr. King, Mr. Dean, Ms. Pam Parsons, Mr. Holloway, Ms. Rogers, Ms. Michael, Mr. Lane.

MR. SPEAKER: All those against the motion of the amendment, please rise.

CLERK: Mr. Crosbie, Mr. Brazil, Ms. Perry, Mr. Kevin Parsons, Mr. Petten, Mr. Lester, Mr. Joyce.

MR. SPEAKER: Order, please!

I do require that the Member for Mount Scio vote one way or the other; there is no provision in our Standing Orders to abstain.

I will take that as a not present.

Please record as same, thank you.

CLERK: Mr. Speaker, the ayes 25 and the nays 7.

MR. SPEAKER: I declare that the amendment is carried and now we will continue debate on the amended motion.

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

MR. JOYCE: Thank you, Mr. Speaker.

I'll just spend a few minutes to speak about it. I heard the Member for Harbour Grace - Port de Grave speak and I heard her say about when the report was released, how she felt, and she thanked the Member for Fortune Bay - Cape La Hune that she came forward.

I just want to remind you, and I'm sure it was tough when the report was released, no doubt, but just put yourself in my shoes.

MR. SPEAKER: Again, I remind the Member to please address your remarks to the Speaker.

MR. JOYCE: Yes, Sir. Sorry, Mr. Speaker.

MR. SPEAKER: Thank you.

MR. JOYCE: Put yourself in my shoes. Just think about this. The Member for Fortune Bay - Cape La Hune was standing up April 26, I'm ready to go, I'm ready to go, here's my report, I'm ready to go. Guess what? It was never put in until July - July.

I stand up in this House with my name out across Canada, another MHA, July. And do you know something? When the report came back there wasn't one allegation that was even proven; not even one remote - not even remote. Do you know what it's all about? She couldn't get what she needed, \$60,000 down in her

district, and that was in the report. She couldn't get what she needed, and now my name put across Canada, but oh no, we got to have confidentiality.

Then you talk about the Member for Placentia - St. Mary's, when she walked down out there on April 26 and Anthony Germain said to me: Well, you just ratted her out in Cabinet. I wasn't even in Cabinet. The Member who was in Cabinet could stand up and speak about it. Here's what the Leader of the Third Party said - you want to talk about out in the public, here's what the Leader of the Third Party said. That afternoon, when the Member for Placentia - St. Mary's stood up out there and said Eddie Joyce, well, somebody leaked my name, was absolutely false.

Mr. Speaker, this bothers me so much. When we had the caucus meeting April 25 - and I could start naming, I had 10 Members to give to the Commissioner if I ever got an interview, 10. When she walked in the caucus on April 25, she said: I just filed a complaint with the Premier. Ten names that I had that heard it, and I know there are a lot more. And go out there on April 26 and say Eddie Joyce, well, somebody leaked my name, and it was all out in the media how I put the - here's what the Leader of the Third Party said when I walked in - you want to know how you feel? Ask me. I'm sure you felt bad. I'm sure you did. I'm not taking away one bit how you felt, not taking away one bit. Put yourself in my shoes.

Here's what the Member, the Leader of the Third Party, said: "Mr. Speaker, as a woman and as elected Member of the House, I'm appalled at the behaviour of the Member for Humber - Bay of Islands to publicly name those who have complained of harassment by him, further victimizing them. This vengeful tactic is not at all acceptable, and I am furious at the Member for Humber Bay of Islands for his total disrespect of this House, for our MHAs and the people of the province.

"I ask the Premier what is he going to do about it immediately while this Member is sitting in the House."

I ask the Leader of the Third Party: Would you like to stand and apologize for that?

MR. SPEAKER: Again I remind the Member, please address your remarks to the Speaker.

MR. JOYCE: I'm sorry.

I ask the Speaker: Do you think someone should apologize for making those false claims? And people want to hear about me, what I went through for seven months? And knowing then that when you got the information and you put it together that I knew for months about code names going back and forth, and knowing then that the information, that every meeting that you had, three people, the only consistent one was the Member for Placentia - St. Mary's. And I knew that my name was being passed to the Opposition to ask questions in the House of Assembly. Do you want to know how it feels to have your name out there? Do you want to know how it feels? Ask me.

When it comes back, there was no bullying or harassment – absolutely none. Once I get into the complaints, when I starts talking about the complaints – and the Member for Fortune Bay - Cape La Hune stands up, I'm ready. I'm ready. I got my report. I got my report, I'm going to file it three months later. And I had to go all across Canada how I was a bully and harassing and another person came forward.

Every one of those Members, myself and the Member for Mount Scio – everyone of those Members put our names out in the public. Now all of a sudden everybody: oh, it got to confidential. Oh, you got to make sure; you can't release a report. You got to – I mean, just think what we went through. Just think.

Premier, on April 25 when we had that meeting and we were going to have mediation, I am confident that you never ever thought that my name was going to be in the media the next day. I am confident; I am 100 per cent confident that that wasn't going to be raised in this House of Assembly. It was not going to be raised by the Leader of the Opposition in the House of Assembly. I am confident that you didn't expect that, and I didn't expect that.

Then, the next thing you know, I was the one who leaked all the names out there, which is not true. What's the consequences for all this? What are the consequences?

So it's all up here now and we got to debate it. Let's take a Member; let's suspend him for 21 days. Probably you're going to do the same thing to me. What's the consequences for all these allegations? What's the consequences when you put in the Code of Conduct saying – giving that your personal finances got to be in order. That was the old thing if you were bankrupt. What's the consequences for that?

Everybody in this House said: oh, you got to be reprimanded even worse. You got to go further. What's the consequences? What's the consequences saying I'm in a conflict of interest, Mr. Speaker? What's the consequences?

So I'd say to the Member, when the people who made these allegations, when you talk about poor me, poor me – there's no doubt you felt bullied and harassed. I agree, come forward, but when you intentionally leak names, being brought up on the House of Assembly and you get the person embarrassed, kicked out of Cabinet, removed, asked to be removed from caucus – I wouldn't want to put anyone in that position. They would have to remove me, I would never do it. I would never ever do that.

Mr. Speaker, you know (inaudible) about code names. You know the stuff was being passed back and forth. Do you want to know how I feel? What's the consequences of that? What's the consequences in the reports when there's false information about a person? What's the consequences? None. But here we are now debating what should happen to us, which found no bullying and harassment – no bullying and harassment, Mr. Speaker.

The expert that came in found no bullying and harassment. Bruce Chaulk on his own, he admitted he hasn't got the expertise. He admitted he doesn't have the background to do it, but he decided to go ahead and find something. Yet, the complainants, nothing – nothing. Isn't that a shame? Isn't that shocking?

So when you vote, just remember who has been through this for the last seven months, myself and the Member for Mount Scio. Just remember that. And I can say one thing here, the way this process, it could be any one of you next. The way this happened, anyone there. Because all you have to do is leak it to the media, give a

thing, say I just filed a complaint. It's all done with no foundation, no background and intentionally – and I'm going to say this, Mr. Speaker, intentionally standing here publicly on the 25 and 26 putting your names out there to be scurried all across Canada. Then no one who says: oh, well, no big deal, there's nothing to that.

How about consequences? Are there any consequences ever going to be put into this act? Are there any consequences, or do I have to go and file or take civil action, or do I have to go file a complaint against Bruce Chaulk? When I get into some of the allegations that were made against me, you'll see what I'm talking about.

Mr. Speaker, I have five witnesses saying that never happened, yet everybody thought: oh, I did, I slammed down a computer. Five witnesses, it never happened. It never did happen; yet, my name put across Canada. The complaint was never made until three months later. The initial complaint of April 25 was put in June 27 when I got my hands on it – two months later. Yet, out of Cabinet, out of caucus, put across Canada you're a bully. That's how serious they were. And I have to add, Mr. Speaker, the complaints that were made to the Premier of the province were not the complaints that were in the initial report – were not.

So, Mr. Speaker, I'll just take my –

MR. SPEAKER: I'd like to remind the Member, I'm going to give you as much leeway as I can, but, again, we are focused on an amended motion dealing with *The Kirby Report*, so I need you to keep your comments there.

Please proceed.

MR. JOYCE: I'll just take my seat, Mr. Speaker, because there is seven months of pent up frustration. For almost seven months I never said a word. I never said a word. I went to the media a couple of times and said I can't speak about the reports. I can't speak – but I had all this information. I got more. I got more. I haven't got all this information. I got other stuff that's leaked. I got more.

So, Mr. Speaker, when you want to talk about thanking people, just remember, the person you

thanked is someone that stood up here, put me across Canada as a bully and when it came back there was absolutely no foundation to it. There was over \$60,000 down in her district that she couldn't get the answer she needed. Not what was right; what was needed.

So I just want everybody to know that, that there are victims here. I know myself and the Member for Mount Scio, when you get villainized all across Canada before you even get a chance to see what your complaints are, I don't think that's very fair.

MR. SPEAKER: The hon. the Member for Mount Scio.

MR. KIRBY: Thank you, Mr. Speaker.

I'll just have a few brief comments. I could say a lot, but I'll just say a small amount.

I was thinking about this a couple of weeks ago. I was reading *The Globe and Mail*. There was a column in there by the president of Trent University, he said: "We live in divisive times, full of insult and innuendo." And that's certainly been my experience with this deeply flawed process that we've been through.

I just wish everyone in this House of Assembly, and I wish everyone in the province, really, could read the two reports that were submitted by my accusers back to back. Read them back to back, because I have, my wife has, my friends have, my family has, my three lawyers I had look at it, and it's just – you'd be shocked by just the nastiness of it.

The name-calling. I'm accused of being a bully and a harasser, but these documents are – one of them in particular – just full of name-calling and just toxicity – just absolute toxicity. The animosity comes through, and the hatred is all I could say it is. And that shocked me and that shocked my wife. In particular, because these accusers were, just a few weeks before, at my house sitting at the kitchen table playing guitar, singing songs. Where was the concern about safety then? I say the Member talked about safety, and I'm a bit taken aback.

I'll just read an email that I received on the 29th of October, shortly after these reports became

public. I won't identify anyone, but I'm sure people understand where I'm coming from and understand the context of this. This person is a journalist of some renown, I have a lot of respect for; somebody that has a lot of integrity. It was only one sentence the person sent to me, and it said: I'm told that – and they named a Member of the government caucus – has been accused of abusing their constituency assistant, and this has been brought to the Premier's attention. This abusive relationship that included physical violence, okay?

I've never been violent with any staff person. I work with thousands of public servants in my career, I've never been violent with a single one of them. I've never been violent with my family. I've never been violent with my friends, and I've never been violent with another human being in my life. But this message I received about a Member of the government caucus – so if people want to talk about safety, there are more bigger concerns about safety than me, I assure you that much.

I just want to say to the former leader of the Third Party, I just want to remind everybody here in the House of Assembly, we were exonerated by Rubin Thomlinson. There were no proven allegations of bullying and harassment; please remember that.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Any further speakers to the motion as amended?

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

I just wanted for clarification because I did indicate when I spoke before that I really wasn't prepared to go beyond what the Commissioner had recommended, because he was the one who had hired the expertise, did the interviews and so on, and he came to his decision, I didn't think it would be my place to overstep what he has recommended.

I know we have the right to do it, but I just don't feel that it's the right thing for me to do. That's

just my personal decision. I did support the amendment, the latest amendment on the training. I just want to expand on it, very briefly, to say that while I supported that amendment in that particular case, I support that amendment in general for all cases.

It was a case of having to vote for it, if I believed it was appropriate, but I would say to all Members of the House I believe on a go-forward basis, whether it be any report for discussion today, or God help us if there's any more in the future, that it should just be an automatic go to that anyone who is ever found guilty of a breach that has anything to do with bullying, harassment, that would be an automatic that you would have to do training. I think that would be pretty standard for any workplace that has policies around that. So I just wanted to make that point.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Any further speakers to the motion?

Is the House ready for the question?

The question is that the motion, as amended – is there support for the motion, as amended?

All those in favour of the motion, as amended, please say 'aye.'

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: Nay.

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

House Leaders and Whips, please call in your Members.

Division

MR. SPEAKER: Are House Leaders ready?

Is it the pleasure of the House to adopt the motion, as amended?

All those in favour, please rise.

CLERK: Mr. Ball, Ms. Coady, Mr. Haggie, Ms. Dempster, Mr. Hawkins, Mr. Osborne, Mr. Mitchelmore, Ms. Gambin-Walsh, Mr. Warr, Mr. Davis, Mr. Edmunds, Ms. Haley, Mr. Letto, Mr. Browne, Mr. Bragg, Mr. Bennett, Mr. Reid, Ms. Parsley, Mr. King, Mr. Dean, Ms. Pam Parsons, Mr. Holloway, Ms. Rogers, Ms. Michael, Mr. Lane.

MR. SPEAKER: All those against the motion, as amended, please rise.

CLERK: Mr. Crosbie, Mr. Brazil, Ms. Perry, Mr. Kevin Parsons, Mr. Petten, Mr. Lester.

Mr. Speaker, the ayes 25 and the nays 6.

MR. SPEAKER: Thank you.

The motion, as amended, is carried.

The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

I move that we take a half hour recess to have some supper and return within a half hour at 6 o'clock.

Thank you.

MR. SPEAKER: This House stands in recess until 30 minutes from now; let's make it 1800 hours, 6 o'clock.

Thank you.

Recess

The House resumed at 6 p.m.

MR. SPEAKER (Trimper): Order, please.

I now call on the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

I call from the Order Paper, Motion 5.

MR. SPEAKER: Motion 5.

The hon. the Deputy Government House Leader.

MS. COADY: Mr. Speaker, I move, seconded by the Minister of Health and Community Services, the following resolution:

WHEREAS in accordance with subsection 39 of *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 ask 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 for October 18, 2018.

MR. SPEAKER: Thank you.

The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

We've had a challenging day here in the House of Assembly, and I say challenging because change is always challenging, and these are difficult subjects that we're dealing with and difficult processes. Many, many people in this House have spoken to the process and spoken to the challenges.

I thought the Premier's remarks earlier this evening, earlier today, were very eloquent in talking about how we must have improved processes. I thank my colleagues from all sides of the House that are on the Privileges and Elections Committee in doing the hard work of making sure that change does occur.

Mr. Speaker, I think we all accept in this House, and the Premier has said in the past, that there is zero tolerance of harassment and abuse and anything of its nature. I think that while the reports have been clear that the Commissioner didn't feel that that was the case, I just want to make sure that the people in the Province of Newfoundland and Labrador know that all of us, in this House, really do want to show the

leadership that is required on this very important issue. It's an important one. We've seen over the last number of years, in particular women, but I think the entire community – and I'm just not talking about in St. John's; I'm talking about the community of humanity has been standing up and saying time's up, to coin a phrase that has been used.

I think we all accept that we have to do better in our society. As I heard earlier from a number of Members, the Code of Conduct is an important document by which we all swear in this House of Assembly to uphold the principles of the Code of Conduct. The Code of Conduct does speak to the way we present ourselves, Mr. Speaker. I think that all of us have learned a lot in the last six months. As I've said to my family, my friends, my colleagues, we all have to check our behaviour from time to time and we all have to be cognizant of the way we impact others.

There's nobody in this House that is angelic. There is nobody that I've ever met, save my mother probably – I have to say that – and my grandmother that is –

AN HON. MEMBER: Good choice.

MS. COADY: Thank you.

That is as close to God as we all need to be I guess in some ways. Mr. Speaker, we all have to recognize the impacts of our behaviour and take responsibility for that. I think that as we move forward in society we are seeing in the last couple of years, and I think we'll see in the next few years, societal change and a reflection on being better.

Everyone in this House – everyone in this House – everyone in our communities, everyone in this province wants to be better. So I think we can challenge ourselves to reflect on our own behaviours. We challenge ourselves to reflect on how we can be better, better people. I think that if there's one thing we've all learned in this very, very difficult lesson is that we can do that. I think it's very important that we all do that and reflect upon that.

We've spoken in this House about how important understanding and training and being aware and getting that knowledge of how our

behaviour impacts one another, Mr. Speaker. I say that not just for this House. The Premier spoke very passionately and eloquently earlier when he talked about that. This is a greater societal requirement as well because social media really does impact us more. It impacts the people in this House especially as politicians, but even the civility that is required in daily converse is kind of lost when you're in social media because you don't have that connection.

I appeal to everybody, I appeal to everyone for us to take that time to reflect. I know I'm reflecting on that. I've been reflecting on that for the last six months, trying to improve the way I interact with people, trying to make sure that I'm a better person because of this. I think all of us in this House want to be better people because of it.

This is difficult. We will fix the process. The Premier said that earlier. We've got great people in this House that are working on that and everyone across the country, everyone around the world is really going to reflect upon some of the advancements that this House is going to make because this process has been difficult for everyone – for everyone – in particular, those directly involved, but I would say for all of us because we're reflecting upon some of the things as well.

I'm going to take my seat, Mr. Speaker. I do implore that all of us take that understanding, as you said earlier today, that we are respectful to one another, we are respectful of the process, we are respectful of the fact that we may have differing views, and it's okay to have differing views. We may be passionate in those differing views but, at the end of the day, we work together for the betterment of the people of this province and that's who put us here, that's who we're responsible to, and I think we'll all be better coming out of this process.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you, Mr. Speaker.

I thank the hon. minister for those opening remarks. The resolution, again, raises the issue in our minds here in the Official Opposition as to the adequacy of reprimand as a sanction for the conduct which has been pronounced by the Commissioner as unacceptable and contrary to Code.

Mr. Speaker, I'll just read from the final page, which is 36 of the report that's in question here, that we're now considering. I'll pick this out of my binder so I'm not bending down to see it.

So the final two paragraphs go like this: "I think" – and this is the Commissioner speaking – "MHA Joyce's actions relating to the hiring process are better captured by language contained in the Code of Conduct." In other words, the Member is quite right in pointing out that there is no finding entered against him, or recommended against him, by the Commissioner based on the concept of harassment or bullying.

"In the manner in which he dealt with the Complainant, and particularly during the call on April 8th, I do not think that MHA Joyce met the expectations of the Code of Conduct, that he perform his duties with '...accountability, courtesy, honesty and integrity.' I think his attempts to influence the Complainant's actions, as well as his response when she failed to affect his desired outcome, were outside the 'norm' of political interactions and were below the standards expected of persons in their role within government."

Again, in the following paragraph: "I find that the conduct of MHA Joyce is a violation of principle 10 of the Code of Conduct." And just so we're all able to follow that, I will read Principle 10: "Relationships between Members 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."

Back to the Commissioner: "His behaviour during the hiring process fell below the standard expected of a member of the House of Assembly. I find that the manner in which he addressed this issue was unprofessional and showed a lack of mutual respect towards members of the public service by placing those

individuals in the middle of a process that is supposed to be politically impartial. This type of conduct is not acceptable and must be discouraged."

Mr. Speaker, it could be added that it might well be thought by many Members that not just Principle 10, but other principles of the Code of Conduct were violated by the findings of fact that the Commissioner entered in this report.

For example, Principle 6: "Members will carry out their official duties and arrange their private financial affairs 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" The reference back being to carry out their official duties, and the requirement is high standards and ethical conduct which enhances public confidence and trust.

So, again, in relation to the Member whose conduct this report comes to us in regard of, we on this side of the House feel that this Member has demonstrated in his public comments here in this House and outside in the media, intransigence, defiance and absence of remorse, and in the face of that a mere reprimand is not sufficient sanction. We do not concur in that sanction, and I would now move an amendment as follows:

That the Resolution respecting the report of the Commissioner for Legislative Standards of October 18, 2018 be amended by adding before the period, the following: "and further orders that the Member be suspended from the House of Assembly without pay for a period of 21 days."

This is seconded by the Member for Conception Bay East - Bell Island.

Thank you.

MR. SPEAKER: Thank you.

The House will now recess, I'm going to say for approximately five minutes, to consider the amendment.

Thank you.

Recess

MR. SPEAKER: Order, please!

Regarding the amendment from the Member for Windsor Lake, the hon. the Leader of the Official Opposition, we've reviewed the proposed amendment and we find that it is in order.

I would ask you, Sir, now to start the debate on the amendment that you have proposed.

Thank you.

MR. CROSBIE: Mr. Speaker, I'm indebted. Whoever accused lawyers of being paid by the word didn't spend a lot of time in a legislative Chamber.

Taking that advice to heart, I'm going to say very little extra than what I've already stated. I stated our rationale, our reasoning for seeking a sanction, which is stronger than merely a reprimand. With that, I'll rest on my previous remarks and incorporate them in these remarks that I now make in support of the amendment that we moved.

Thank you.

MR. SPEAKER: Thank you.

Are there further speakers to the amendment as proposed?

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

MR. JOYCE: Thank you, Mr. Speaker.

I'll get the opportunity to read the letter in that I was hoping you would have an answer today for, before we spoke today because I said it was of an urgent nature. I say to the Leader of the Opposition, I'm not defiant, I'm confident that I did nothing wrong. There's a big difference from being defiant and knowing in your heart of hearts and I think if you listened to the report ...

I ask the Leader of the Opposition: When was the last time you were ever in court and your defendant never got a chance in a discovery to give a statement? How long would it take you to

take it to a higher court to appeal it? Before you make those statements, Sir, you should look at your past profession.

Mr. Speaker, I'm going to read this in too and I was hoping you'd get an answer today because it's of an urgent nature. I put it in there. And I want all Members to know this, not only was I not given the opportunity, not given the opportunity to appear, I want you to listen to this letter and if you vote for this after this, well, I guess that's all you can do, it's all I can do.

I sent it to the Speaker today and I guess the Speaker never got an answer for me. I'm assuming you never, Mr. Speaker, because the judgment is going to be made or the decision is going to be made soon. Am I correct on that, Sir? I'm assuming you never got an answer on this letter.

MR. SPEAKER: I would ask you to continue your remarks. Well, let's bring it out in the open. Yes, your request on the letter arrived at approximately 1300 hours today. I haven't had a chance. I did discuss with you last week about responding to your question. I will apologize on that point, but we have been a little distracted. I will let you please proceed and read the letter. I don't have an answer for you yet, but I will undertake to do so.

MR. JOYCE: Mr. Speaker, I'll just say the answer you could've got was if you had a get-together with one or two management, and you were there. You can answer it yourself. You were at the meeting because when I showed you the letter from the lawyer, you said: Oh, that's not what was said. That was your comment to me. Just read there to the right, Sir. So you can answer this yourself.

I'll just read the letter: "Yesterday at the Hearing during questioning of Mr. Bruce Chaulk who is an Officer of the House of Assembly, he made a comment that there was no need to meet or interview all witnesses.

"On October 24th, 2018 in the in-camera session with Mr. Chaulk, he stated" – and the in-camera session was with the Management Commission – "that one person refused to be interviewed and that person was identified as myself

“I understand that this was an in-camera session but he made false, misleading and damaging statements for me to mount a defense as respondent in the bullying and harassment allegations. However, when false statements are made in-camera or in public by an Officer of the House towards a Member of the House of Assembly, this has to be addressed and rectified.

“On October 26th, 2018, I wrote you requesting information, but, unfortunately, I never received the information I needed.

“You, as Speaker and Chair of the Management Commission, has the responsibility to uphold the rights of all Members of the House of Assembly. My rights have been violated and I am requesting you, as Speaker, to ask Mr. Chaulk for written and public apology. He is an Officer of the House of Assembly and answers to the Management Commission and I expect you will fulfil your sworn duties to protect the rights of all Members of the House of Assembly.

“As debate will begin today, I am requesting your immediate attention and if necessary, an emergency meeting of the Management Commission to ensure my rights as a Member of the House of Assembly are not violated.”

So just to let you know, not only did I not get it, you went to the Management Commission and made a statement which was absolutely false that one Member refused to participate. So here I am, once again, standing in the House, no interview. The witness that I asked to be called, weren't called – and one of them was the Premier of the province, by the way, that I put down that should be called, to back up what was told to me on the October 25, wasn't called.

Now the Officer of the House goes into the Management Commission and makes a statement which is false, and I got to stand here and take it? Is there any such thing as natural justice, your right to be heard? Or is this just the lynching? Okay, let's get it over with, and who cares about his rights. Come on; let's get it done.

Is this what this is all about? This is almost getting to the point where you're almost like somewhere over in Syria where, if a neighbour leaks it to somebody else, and say oh, this guy is saying this about you. They'd take you out and

flog you before they even get a chance to speak to you.

When your name gets put out in the public domain and you find out then that it's passed around and it's been leaked out and you're publicly being flogged in the media across Canada everywhere, and you don't even get a chance to respond. And when you do get a chance to respond, he don't even call you as a witness.

The information that I would've gave was unbelievable. The amount of documentation that I had that I could've gave, and the witnesses that I could've gave, and now I found not only did I not get a chance to interview, he tells the Management Commission – Mr. Speaker, you said to me, that's not what he said in there. Because when I showed you the letter from the lawyer, your words, and I know you'll stand up to it – now I found out because I didn't get an interview he's making false statements that I refused, which is not true.

Yet, I got to stand and take it because I guess I'm the punching bag here. I'm the punching bag here and got to take it and we got to move on from it, let's get this over with, but my rights have been violated from day one. From April 25 to today, my rights are still being violated.

When we stand up and say we got to bring in a system and we got to have justice, think about it when you make your vote tonight. You just think about it, that I was violated from April 25 on when it was brought up in the House of Assembly when only three people knew about the meeting – the Premier of the province, one of his senior staff and the Member for Placentia - St. Mary's – and I was in the House of Assembly here at 1:35 that afternoon. And CBC announced it later that afternoon, about 1:31, and you think now that someone's rights has been violated – put yourself in my position.

And then you get an amendment here from a lawyer, with his past, a professional lawyer, Leader of the Opposition, who knows that full well with discovery that the person goes in – imagine going into a discovery and not being able to speak and not being asked to give your testimony. Just think about that. Just really think about that. So you're going into a discovery and

whoever's doing the discovery saying we don't want to talk to you. Okay, whatever you says we believe you, but we're not going to talk to you. Can you imagine that?

It's just like Syria; someone don't like you, let's leak it to somebody, get your name out there. Once your name is out there, they'll drag you out and flog you. Who cares then it's all done. Who cares? That's what's happened here. I just want to let you all know that I'm a big boy, I can handle it, trust me. I can handle it but my family – I'm a big boy.

I can tell you all, this is not finished because, Premier, I've been protecting you for 5½ months, and I'll make a statement later, Premier, that you probably don't know about leaked Cabinet, the text, Mr. Premier –

MR. SPEAKER: Again, I would remind the Member to please ensure you're addressing your remarks to the Speaker.

Thank you.

MR. JOYCE: Sorry.

I've been protecting you, Premier. I knew this for five-and-a-half months, that the Member – and I got a call at 11:30 one night, and it's the Member for – one second now, Premier – Placentia West - Bellevue. I've been protecting you, Premier, for five months. I know the Member for Placentia West - St. Mary's, and he called me on a Friday night, 11:30 at night, to talk about the hundreds of texts he had about Cabinet stuff he's been leaking.

Do you know why I wouldn't tell anybody? Do you know why I wouldn't tell anybody that? Because the minute I told the Premier of the Province this here, and if you check with the Member – and there was a witness there when he was speaking, and I had a witness there also when I was on – do you know what would've happened? He would've had to release her from Cabinet and then the whole world would have said, he's only doing it because it's Eddie Joyce's buddy. That's why I kept it in for five-and-a-half months. I was trying to protect you, Premier.

Now, if you want it on the table, I'll put on the table. Not only did I know about the leaks, I also knew about – and that's not the first time. I can tell you of a situation with a mayor down in Placentia, what happened there with a contract. I can tell you, this is not the first time.

I'm not the first person that's been getting leaked stuff. When I got stuff from people before, and I mentioned about leaked documents that were going out. I mean, this is bigger. So I'm not the only one here.

Premier, when you understand sometimes why I'm getting frustrated, I did it four months ago to protect – I'm sorry, Mr. Speaker, I did it four months ago.

MR. CROSBIE: A point of order.

MR. SPEAKER: The hon. the Leader of the Official Opposition on a point of order.

MR. CROSBIE: The hon. Member has been warned and cautioned several times by you, Mr. Speaker, not to be addressing other Members of the House – in this particular occasion, the Premier. While government Members may feel some sense of embarrassment to object, I do not. I think this is out of order, and Mr. Joyce – I'm sorry, the Member should be – and a ruling should be made.

Thank you.

MR. SPEAKER: Given the context of what we're dealing with, I have been reluctant to do much more than warn the Member that he needs to address his remarks to me, because the alternative would be to silence him, and I don't want to do that. But I would ask you, Sir, if you would please co-operate with me, and I would ask everybody to please co-operate with myself. I only want to hear from the Member who has been addressed.

The Member for Humber - Bay of Islands to please continue his remarks to the Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. JOYCE: Mr. Speaker, it's just that it's seven months pent up and being embarrassed for seven months for no reason. So I apologize for that.

Mr. Speaker, that's the information I had for the last six months. That's why I didn't put it out there because the first thing it involved Eddie Joyce, everybody is taking care of friends.

To the caucus, Mr. Speaker, my caucus Members, when I knew about the leaked stuff, when I got the other documentation, when I finally got it – I think it was June 27, or July 13 with the code name into it – that's why I didn't bring it up, Mr. Speaker, because I didn't want to ruin the relationship, and because then it would cost. So a lot of you over there, the information I had for the last six-and-a-half months, I was protecting you.

MR. SPEAKER: Are there any further speakers to the proposed amendment?

The hon. the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

I'm not going to take long, but as an independent Member, obviously, I have to speak for myself and the people who I represent. That's why whenever there's a bill or a motion on the floor, even if I don't have a lot to say – sometimes I do have a lot to say but even if I don't, I always want to at least stand and give my position on how I'm going to vote because I feel that the people I represent would expect that, and that's my responsibility.

So without being repetitive, I will simply say that based on the same principle as the last report where we tried to increase the penalty from a reprimand to 21 days, I cannot support that amendment for the same reason. We have a process, albeit there are a lot of problems with the process. We're certainly hearing that – it's been thrown out there that perhaps all due diligence wasn't done. I don't know if that's the case or not, because we're only hearing from one side.

There was an independent firm that was hired, Rubin Thomlinson, to do a report. We had an

independent body in terms of the Commissioner for Legislative Standards who worked with them to do the report. He came to a conclusion and he came to what he deemed to be the appropriate penalty based on that report. That's what he was tasked to do, that's what he did.

I realize, as I said before, that we have the ability and the right, if we wish, to accept those recommendations or not to accept them. And we have the right to impose a stiffer penalty if we wanted to do that. Again, given the fact that I don't have all the facts, I wasn't involved – I never talked to witnesses, I wasn't in any of the interviews to know what was right or what was wrong, what was said and what wasn't said – I have to rely on the Commissioner for Legislative Standards and the recommendations that he made.

That does not mean – and I want to say for the record as well, Mr. Speaker. That does not mean that I am not taking these matters seriously because I absolutely am, and everybody in this House, I'm sure, are taking these matters seriously. It's having an impact on everyone in the House, particularly the respondents and the complainants and their families. It is very serious.

I don't say this lightly, but I do feel, for the reasons I just gave, that I am not prepared to go beyond the recommendations made by an independent body when I was not involved in the process or have all the information. I think it wouldn't be the responsible thing for me to do.

That's my opinion. There are other Members, obviously, who disagree because they've made that motion. I respect their opinion as well, but I cannot support it for that reason.

Thank you, Mr. Speaker.

MR. SPEAKER: Are there any further speakers to the proposed amendment?

Seeing none. Is the House ready for the question?

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: Nay.

MR. SPEAKER: In my opinion, the –

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

I'd ask the House Leaders and Whips to please call in their Members.

Division

MR. SPEAKER: I'm looking at everyone, sensing that we're ready. Correct?

On the question: Is it the pleasure of the House to adopt the amendment?

All those in favour, please rise.

CLERK: Mr. Crosbie, Mr. Brazil, Ms. Perry, Mr. Petten, Mr. Lester, Ms. Rogers, Ms. Michael.

MR. SPEAKER: All those against the amendment, please rise.

CLERK: Mr. Ball, Ms. Coady, Mr. Haggie, Ms. Dempster, Mr. Hawkins, Mr. Osborne, Mr. Mitchelmore, Ms. Gambin-Walsh, Mr. Warr, Mr. Davis, Mr. Edmunds, Ms. Haley, Mr. Letto, Mr. Browne, Mr. Bragg, Mr. Bennett, Mr. Finn, Mr. Reid, Ms. Parsley, Mr. King, Mr. Dean, Ms. Pam Parsons, Mr. Holloway, Mr. Lane and Mr. Joyce.

Mr. Speaker, the ayes 7, the nays 25.

MR. SPEAKER: The proposed amendment has been defeated.

We are now back to debating the main motion, number 5.

The hon. the Leader of the Third Party.

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

Going forward now, I would like to point out, particularly in response to the comments made by the Minister of Natural Resources, MHA for St. John's West, that oftentimes, for sure, bullying and harassment is deliberate, and people who do bully or harass know exactly what they're doing and why they're doing it. That it's not simply a situation of people aren't aware of their behaviour. It's very deliberate. It's about a power dynamic, often, or the desire to minimize, discredit, exclude a person that they may have targeted or have an issue with.

I support again that the Commissioner for Legislative Standards did not find specific in each separate account anything that he would find that would justify finding that any of the respondents have been found guilty of workplace bullying and harassment.

Again, as I spoke earlier in our proceedings, I was very concerned in reading all of the reports, when one looks at all of the reports together that there seems to be a pattern, a pattern of behaviour that certainly is in violation of the Code of Conduct, but certainly points to when you look at the accumulation of the accusations that you would see that they're problematic. They certainly are problematic.

That's not how we are handling these five separate motions; that we are looking at them separately. We're all adults here in this House. We're all very much aware of what we are doing, what we are saying, when and how we say it, when and how we do what it is we do. And that we have to be accountable for that. It's not an issue of not being aware of the impact of our actions. Therefore, we do have to take responsibility for them.

So, Mr. Speaker, I'm going to put forth an amendment and it's also about receiving individualized respectful workplace training. But again, not because somebody doesn't know the impact of their actions or their words, but that there has to be a greater understanding of the responsibility and accountability for all that we say or do, all of us, all of us who are adults here, and very much aware of the role that we play and the expectations that are placed on us.

I would like to put forth this amendment to the motion, and the resolution regarding the

Member for Humber - Bay of Islands, the report concerning him.

I move, seconded by the Member for St. John's East - Quidi Vidi, that the resolution respecting the report of the Commissioner for Legislative Standards of October 18, 2018 be amended immediately after the words "Humber - Bay of Islands" by inserting the phrase "receive individualized respectful workplace training and".

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

This House stands in recess while we determine the amendment.

Thank you.

Recess

MR. SPEAKER: Order, please!

Regarding the amendment proposed by the Member for St. John's Centre, I do find that the amendment is in order and we will now continue with debate on the amendment. I'd ask the Member to please start the debate with her remarks.

Thank you.

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

Once again, we are debating the motion and the recommendation of the Commissioner for Legislative Standards where he found that the Member for Humber Valley, in fact, was found in violation of Principle 10.

MR. JOYCE: Humber - Bay of Islands.

MS. ROGERS: Bay of Islands. I'm very sorry, Mr. Speaker, I'd like to retract that. That was very careless on my part.

That the Member for Humber - Bay of Islands was found in violation of Principle 10 of the Code of Conduct, which we all must adhere to. It's the Code of Conduct for Members of the House of Assembly.

Principle 10 reads: "Relationships between Members 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."

I would like to suggest, Mr. Speaker, once again that the amendment, which calls for individualized respectful workplace training for the Member, is also about helping the Member to move forward, and, hopefully, helping all of us in this House to move forward. Again, we are all responsible for our actions and for our behaviour, for our words and must take responsibility and accountability for those.

I would think, Mr. Speaker, that executing this particular, should it pass, amendment would be in your hands as Speaker of the House. I would imagine there would be some work on looking at best practices and what would be most effective and helpful in this process for all of us to be able to move on, and that would include who, what, where, when, how much. I would hope that it would be something that would be taken seriously, and that it would be, again, something that would be helpful in the process of moving forward.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Are there further speakers to the amendment?

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

MR. JOYCE: Thank you, Mr. Speaker.

Just on a side note, did you have a chance to respond to that letter that you can respond to – that I need response that you were at the meeting? Will you be responding to that before – and I'll speak to the amendment (inaudible).

MR. SPEAKER: Earlier? No, I have not responded yet, but I will undertake to do so. I don't anticipate a response today.

MR. JOYCE: (Inaudible) anticipate a response the day before the vote is taken? You don't?

I have rights, Mr. Speaker, in this House of Assembly. One of the rights – and you know what was said in that meeting, Sir. You know what was said, and you can stand up right now and verify what was said, Sir.

I do have rights as a Member, and I expect those rights. You swore, Mr. Speaker, that you would uphold the rights of this House of Assembly. My rights are being violated again. I just got to put that on the record, Mr. Speaker.

Now, I'll go back to the amendment that the Member just made, and I find it – I can understand what she's doing, but I just got to read something in *Hansard* what she said that Thursday, April 26.

You want to talk about bullying and harassment? This is what the Member said. She didn't apologize earlier.

So, Mr. Speaker, here is what she said: "Mr. Speaker, as a woman and as an elected Member of the House, I am appalled at the behaviour of the Member for Humber - Bay of Islands to publicly name those who have complained of harassment by him, further victimizing them. This vengeful tactic is not at all acceptable, and I am furious at this Member for Humber - Bay of Islands and his total disrespect for this House, for our MHAs and for the people of the province.

"I ask the Premier what is he going to do" Are you going to join me in that bullying and harassment workshop? Because that went all across the province. Just imagine, you saying that –

MR. SPEAKER: Again, I remind the Member to please address your comments to the Speaker.

MR. JOYCE: I'm sorry, Mr. Speaker.

Just imagine, Mr. Speaker, that went all across the province. A false statement went all across the province. It victimized me because it said that I put the names out there, which I didn't do, and this is the Member who just made about bullying and harassment. She bullied and harassed me that day putting a false statement all across Canada, but now she's standing up: oh, we got to get bullying and harassment training.

Are you going to join me? I ask, do you think she should join me, Mr. Speaker?

This is the kind of hypocrisy that's here. I have to make it quite clear, Mr. Speaker, once again. They're professionals, Rubin Thomlinson found no allegations. There was no foundation to the allegations of bullying and harassment. Absolutely none. Absolutely none.

When Bruce Chaulk hired that group, he hired that group because they were the professionals, and when those professionals came out and said there was no bullying and harassment, he veered off. He veered off, and when he veered off he said, oh, I got to find something.

Do you know something, Mr. Speaker? Do you know something? When you talk about this here and you said, oh, he should do this training, how about if you – I'm going to speak later, Mr. Speaker, where texts, where I'm going to get a smack up the side of the head; yet, I got to take the bullying training. How about where FFS about me, but I got to take the bullying and harassment training.

Mr. Speaker, you can see why I get frustrated with it. I'm still waiting for the Member, the Leader of the Third Party to stand and apologize, because she always asks other people to apologize when they make a false and erroneous statement. I know the Member is not going to apologize, but she'll stand up and say, oh, everybody else should do this, but it's all right for me, I don't need to do any of this; I don't need to do it. But, Mr. Speaker, *Hansard* is there and that's what the Member said.

So when people vote, just remember that the Member for St. John's Centre put this in and here's what she said April 26, all across Canada, as if I did something wrong. She bullied me, she harassed me. She made false statements, Mr. Speaker, yet she won't stand in her chair to apologize.

MR. SPEAKER: Are there further speakers to the amendment?

Is the House ready for the question?

Is it the pleasure of the House to adopt the motion of the amendment? I am sorry; let me

rephrase: Is it the pleasure of the House to adopt the amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

We are now back to the main debate of a motion, Motion 5, as amended.

I now recognize the Minister for Service NL.

MS. GAMBIN-WALSH: Mr. Speaker, the Public Service Commission is committed to and responsible for oversight of and policy for merit-based appointments and promotions within the public service of Newfoundland and Labrador.

I was elected on November 30, 2015 to represent the people of the District of Placentia - St. Mary's, to advocate for and on behalf of them in a respectful manner. I was elected to be their voice and I will continue to do my job.

Mr. Speaker, I love my job, but I am now going to take the people of Newfoundland and Labrador on a journey. I met the MHA for Humber - Bay of Islands in 2015. I was sitting in the House of Assembly gallery, just up there in the last row watching the proceedings. He came up after Question Period and he introduced himself. I researched him and I realized that he was one of the most experienced politicians in the Liberal caucus.

Once I was elected, I got to know him better, as we were both Cabinet Ministers. Initially, we got along really well. We had a good working relationship. I had a lot of respect for him, as he was a senior politician and I was a junior. I had been in politics for two weeks when I was appointed a Cabinet minister. I looked up to him and I often asked him for advice. He had a compassionate side, and I admired that. We were a team and you trust your team.

He often would encourage, coach me and others through Question Period. I'm not a heckler, Mr. Speaker, and you know that. I clap, I hit the desk, and I occasionally say something if I feel

what the Opposition or the Third Party is saying is wrong or not necessary. I prepare my notes in advance and I try not to repeat myself, as everything is recorded in *Hansard*.

To say that I am disappointed and disheartened by what has happened is an understatement. The MHA for Humber - Bay of Islands was the minister of Municipal and Environment and Fire and Emergency Services. As the minister for Municipal Affairs many would argue that he was one of the most powerful ministers in the Cabinet, for a rural Member of this House of Assembly.

Significant dollars flow from the Department of Municipal Affairs into rural Newfoundland and Labrador for capital works projects, federal-provincial cost-shared projects, special assistance grant projects, and fire and emergency services. He was the minister who had the final sign-off on the funding.

I am the Minister of Service NL, minister of workplace health and safety, the Minister Responsible for the Government Purchasing Agency, and I thank the Premier for entrusting me with this portfolio.

As Members of the House of Assembly, we take an oath to follow the Code of Conduct. We are responsible to the people of Newfoundland and Labrador. We are expected to respect the law and acknowledge our need to maintain the public trust placed in us by performing our duties with accessibility, accountability, courtesy, honesty and integrity.

The behaviour of the MHA for Humber - Bay of Islands toward me that the public hadn't seen was making it very difficult for me to fulfill my commitment and responsibilities to my constituents, but I was working through it. I was tolerating it and, regardless of the atmosphere, I was getting the work done.

Mr. Speaker, I don't dislike the MHA for Humber - Bay of Islands. However, the MHA has exhibited patterns of behaviour toward me that I felt were of manipulation and he refused to acknowledge that his behaviour was inappropriate when confronted and given the opportunity to address it. Thus, I believed that

he undermined the integrity of this House of Assembly.

It is our duty as elected officials to endeavour to prevent conflicts of interest and to take reasonable steps to resolve conflict quickly. An attempt was made to resolve a conflict between myself and the MHA by meeting with the chief of staff and the MHA on the 8th floor of the East Block. The chief of staff enabled us to put a process in place that had the potential to work, but within days this attempt was dismissed by the MHA.

Mr. Speaker, Commissioner Bruce Chaulk has found that the conduct of the MHA for Humber - Bay of Islands is in fact a violation of Principle 10 of the Code of Conduct. That violation is that the MHA had requested that I step in as a minister and interfere with the hiring process of the Public Service Commission, that I influence a process that is legislated.

Principle 10 reads: "Relationships between Members 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."

This is the incident that's seemed to bring our working relationship to a breaking point, and which resulted in the Member becoming even more difficult to work with.

On Saturday, April 8 at 4:05 p.m., when I was at home, I received an email from the MHA requesting that I call him. I waited approximately 20 minutes after receiving the email before I phoned him. I didn't want to phone him. My husband was in the kitchen with me, I told him who had emailed me, and I said, he is mad with me, I know he is, but I got to phone him, he is a minister.

I remember this and how I felt with clarity. I was anxious about having this conversation with the MHA, for fear it was going to be about what I thought it was going to be about, and it was. My husband went to the living room and I phoned the MHA on my personal phone from the kitchen.

The MHA had a friend that had applied for an Occupational Health and Safety management position, and he wanted me, as the minister responsible for Occupational Health and Safety, to make sure that his friend got that job. Deputy ministers are responsible for hiring as per the Public Service Commission policies, not ministers. It was useless to remind the MHA this. He didn't want to hear it.

I did check on this position a number of times, asking about the status of this job, as the MHA continued to ask me about it. He said, the crew over there will get their buddy in, who they wanted, and that his friend was qualified for the position and he should get it.

At one point when checking on the position, I was told that the job was posted, interviews would be completed and the board would advise him on their recommendation. Eventually, after repeatedly asking about the posting and in response to repeated requests from the MHA, I was told that the recommendation had come forward. It was being accepted, and the individual will be contacted, and it was not the applicant I was inquiring about. The applicant that I was inquiring about was not qualified.

I told the MHA that the applicant was not qualified for the position. The MHA was not happy about this and he was very persistent by saying go back and tell them that's who you want. Yes, you can do it, you're the minister. Mr. Speaker, I would like to table the public employment opportunity for this managerial position.

Mr. Speaker, I am the minister responsible for workplace health safety, and on April the 26 Workplace Newfoundland and Labrador reported on the workplace injury rate. The good news that day was for the third consecutive year the lost-time incident rate due to workplace injury or illness in Newfoundland and Labrador had remained at an all-time low of 1.5 per 100 workers, which is among the lowest in Canada. But the sad news was we had experienced five fatalities in the province.

The job of an Occupational Health and Safety manager is a very important job. It is imperative that the individual hired in such a position be

qualified with an Occupational Health and Safety background.

When the MHA was back in his district, he found out that another person had been given the position, and this is when he emailed me to phone him. On April 8, I phoned the MHA and he was made with me on the phone. I was on my phone in the kitchen of our house in North Harbour. My husband was close by in the living room.

The MHA was upset with me for not getting the DM to hire the applicant that he wanted hired. I felt intimidated by him when he said: that's fine, I'll be following the rules, too, from now on. He said that a couple of times, and he also said, don't you worry – not in a confronting way, but in an intimidating tone.

I continued to try and explain to him that the applicant was not qualified and the proper protocol for hiring was followed. The conversation got heated, and he continued to argue that I should have hired the applicant. I couldn't take it anymore, so as my husband was entering the kitchen, I hung up the phone on the MHA.

My husband was a little taken aback by what he had heard and witnessed as he came into the kitchen. He asked me what had happened. I said he wanted me to hire someone who was not qualified. I was upset. I didn't want my husband, my daughter or my son to see me, so I went into the bedroom. My son is an individual with autism. When I get upset, he gets upset, and I could not let him see me.

I was genuinely worried about the files in Municipal Affairs for my district that the MHA had control over as the minister. My concern was that he would retaliate against me through the prejudice of the people of my district. I composed myself and returned to the kitchen. I picked up my phone and I told my husband that I was messaging the Premier's chief of staff about what had just happened. I said if I don't message him right now I won't, and who knows what could happen to my district.

As the chief of staff, I figured he could help with the issue between colleagues. I seldom messaged for help, but when I did in the past he had

addressed my concern swiftly and successfully. I wanted this resolved. I wanted the MHA to stop behaving in this manner. I felt like he was bullying me and intimidating me. I messaged the chief of staff, I didn't want to bother the Premier at that time.

On April 11, at 12:48 a.m. through text, I told another MHA that I had contacted the chief of staff about this MHA and that I was meeting with the chief of staff and the MHA that following morning. We met as scheduled. It was not an official meeting, but a meeting between colleagues. I made it clear in that meeting that it was evident that the MHA did not understand that his behaviour was inappropriate as he continued to be manipulative in his behaviour in the meeting.

He spoke about messages between him and myself where I was nice to him. He said he had every message between us and would show them all to the chief of staff. He talked low and kept asking me to tell him of one incident where he had kept monies from my district. He would put his finger up as one and say tell me one, tell me one.

He said I had embarrassed him by him finding out that someone else had gotten the job, while he was home in his district. He did not appear to remember that I had repeatedly told him the process that had to be followed and that I could not cause his friend to be hired. The chief of staff put a plan in place to enable us to work together, but within days it fell apart.

I left the eighth floor and went back to work in the department. I told two people about the attempt to address my concerns regarding the MHA's behaviour and that I had been up to the eighth floor. I was still hoping that the MHA would just stop behaving this way. I wanted this resolved, and I wanted it resolved internally.

Trying to influence the hiring of a friend into an executive government position is wrong and illegal. That afternoon the Official Opposition brought up bullying in the House of Assembly.

I knew another MHA had experienced a similar situation with the MHA from Humber - Bay of Islands. I knew, because I witnessed a scene right here in this House of Assembly where the

MHA had belittled another MHA and then that MHA had passed me outside the House with their coat on, going outside for a break. The MHA was visibly upset and said they had had enough as they passed by me. I stopped but the MHA proceeded down the hall that day and I went into the caucus room.

The night of April 24, I messaged the chief of staff and asked for a meeting with the Premier. The chief of staff responded and the meeting was scheduled between myself and the Premier. A staff member from the eighth floor attended the meeting. I lodged a verbal complaint with the Premier against the MHA for Humber - Bay of Islands on April 25 and the staff member present recorded it.

I asked the Premier, for the first time, to please deal with the MHA's behaviour. I told him about some other incidents that I had seen and was aware of. I wanted the Premier to stop what was happening, and he did.

The role of the Public Service Commission is based on the Merit Principles. "Merit is a rule of conduct that provides for the recommendation of candidates for a position on the basis of ... qualifications, knowledge, abilities and personal suitability.

"Merit in staffing is achieved through practices that are seen to be fair, equitable and transparent.

"Fairness means decisions are made objectively, free from bias, patronage or nepotism. Practices reflect the just treatment of all employees and applicants. Equity means equal access to employment opportunities."

Bullying is a significant workplace problem; 40 per cent of Canadian workers experience bullying on a weekly basis. In all cases, it is a form of power struggle. Its causes, however, have received little systemic attention beyond analysis of the personality attributes of bullies.

The inter-player relational powerlessness and organizational chaos gives rise to bullying. There is a need for organizations to eliminate chaos; chaos that creates openings for abuse of power.

Mr. Speaker, this investigation was not completed under oath and I believe it should have been. The process that I have had to endure over the past seven months has been excruciating. It has caused me a financial burden and my family has been exposed to the darker side of politics. I want to see this process changed. I know that together the Members of this House of Assembly can work collaboratively to change this process.

Mr. Speaker, at this time I would like to thank the Members of this House of Assembly for your support. I want to thank my family and my friends for their unlimited support, and I would also like to highlight how Equal Voice National has been valuable to myself, two present colleagues and one former colleague.

As politicians, we work long hours away from our families. My family often asks me why I would want this job. I want this job because it allows me to effect change, policies and procedures that can truly make a positive difference for the people of this province. I believe that I'm a strong female politician, and I generally enjoy helping and serving others.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I recognize the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Speaker.

I stand here in defence, the first time I had the opportunity in almost six-and-a-half months. I always said one thing, Mr. Speaker, sometimes when you say it, it don't mean it's true. I will go through this process.

I'll just give you an indication, Mr. Speaker. I can go through this report. I could say at least 20 to 25 people who would deny what's in this report. So it's not just me. It's not just me.

I heard the Member, and I did just so – I stepped out so you wouldn't feel that I was going to be looking or anything, so I gave you that courtesy to do that. But there's one thing, when I heard

she met with myself and the chief of staff on April 11, I think it was. Do you know one thing she forgot though? Someone contacted media that night. There are only three people knew. When I got the report from the Member for Fortune Bay - Cape La Hune, she said I knew about it because April 11 the media – CBC contacted me April 11.

So that's the kind of stuff that's not in that, but when you get the other report – so when it was leaked out that night, what was that for? To try and embarrass me, and that was right in her own response from the Member for Fortune Bay - Cape La Hune. The meeting that you had on April 25 with the Premier, three people knew – yourself, the Premier and the senior staff member – yet the Opposition knew.

Did anybody think how did they find out? And then even in the report, you mentioned that Joy Buckle took notes, and then when you went to the Commission you said the notes that Joy Buckle took were wrong. You disputed Joy Buckle's notes. I can go through it on a regular basis, just some of the allegations: I took \$30 million, the Vale money, and the rumour is we spent it on the West Coast.

That was brought up in Cabinet. The Premier brought that up in Cabinet when we talked once about Vale, how there was some group that said they should've been part of the decision making. The Minister of Natural Resources put an email in there saying that we didn't even receive the money; we were waiting to start the process to get the money. That's the facts. But when you put in there saying I took this money, and I leveraged federal money, spent it on the West Coast, that means the Minister of Transportation and Works, who's chair of infrastructure, was in on it. That means the Minister of Transportation was in on it. I mean, that's the kind of stuff that's in this report that's just totally false.

When the Member stated in her thing with the Cabinet, that she never told caucus that she filed a complaint, like I could start – there's no need to do it, but I could name the people that gave me their names that I was going to give as witnesses that it wasn't true, she actually said it. But in this report, it gives the impression that someone in Cabinet, Mr. Speaker, leaked her name, and it wasn't even me. I won't say who

the person was who spoke it in Cabinet, but it wasn't me. So when I come down here – and I can go through this report.

The job, I have to speak about that job, Mr. Speaker. I have to speak about the job. I know the parliamentary assistant, the Member, I gave the resume probably September. That's the evidence. This job never even came up until November. This person, if I was called as a witness, this person applied through the portal. He applied through the portal. He found out the first week in January he never even got an interview. Yet, I was harassing.

Mr. Speaker, do you notice on everything that's said, there are no witnesses. Anything that there are witnesses or documentation, it's proven false – it's proven false. Everything that's said in here except just me and the Member, that's the only thing that Bruce Chaulk – everything else, every other allegation in this here that was made against me, the composting facility, apparently I was intentionally not doing that – why don't you talk about the meeting that you had with –?

MR. SPEAKER: Again, I remind the Member to address their remarks to the Speaker.

MR. JOYCE: Sorry, Mr. Speaker.

So when you talk about the job – the person in the Human Resources Secretariat, never contacted. Deputy minister, never contacted. Bruce Hollett, I asked him – I asked the chair of the Public Service Commission to do an investigation. He didn't have time to do a proper investigation. He came back in the report, he said there has been no concerns or any concerns raised about the job. That's the chair. I asked for an investigation. So does anybody here think that if I thought that I interfered either with the screening or with the deputy minister that I would even ask to do an investigation?

Sean Dutton, who I have a lot of respect for, too bad he's dragged in to this – I never spoke to Sean Dutton. So from January – and this is what I would have asked Bruce Chaulk – from the first week in January to April 8 – you know something? That job was gone February 13. Gone, February 13, awarded. But all this happened in April that I tried to go back and tell buddy he's not getting hired now, and tell him to

cancel. That's just wrong; it's just wrong. It just never happened.

Mr. Speaker, the other thing about it I'll mention, and I have to put this out there, I'm supposed to be harassing and bullying. Guess what? March 6, two of us went on an eight-hour trip together down in Placentia. Eight hours together. Dropped me off 1:30 at my apartment, thank you very much, had a great day, and there were even Members over there next day where she was teasing me about a card, gave me a gift because everybody down there loved me. And I know there are Members over there that teased me and carrying on, joking what a great trip we had. That was March 6. How many times was the job brought up during that eight-hour trip? You know how many? Zero. You know why? It was done; it was never discussed.

Do you know how many times I mentioned that job, Mr. Speaker, when I dropped off the resume to the Member, he handed it in? The person applied, I said, look, there is someone applying for a job, anything you can do; if not, keep his resume on file. That was it. When he never got the job, I said, b'y, anything pops up, let me know. That was it. At no time did I ever speak to Sean Dutton, at no time did I ever speak.

Mr. Speaker, do you notice in the report I spoke to the minister three times? But Sean Dutton said she spoke to him six or seven times. It wasn't me. It was made up. I did not ask her to go see a report, and the only time I ever seen this report that she's talking about was April 11. The job is gone in February, two months' prior. I didn't even know what she was talking about.

The other thing of interest, it was the compost. That's what caused this. It was the compost facility; that I wouldn't cancel the environment assessment. I said that, and I made that known to people on the other side. And when she went to meet with the staff, when the minister met with the staff, the comments were made, oh, the Tories will be in in a year's time, makes no difference anyway, or the Premier's going to wear this. And then it was brought back to her and said these comments are inappropriate. That wasn't me. I wasn't even at the meeting. She said that to the staff, yet I'm the bully. I'm the bully on all this.

Mr. Speaker, the other thing, when you go through each one, even the PSC, there was four witnesses said that, and made up this drama, how she was scared. She might've been scared but not of me. I had to ask staff, don't go out because Eddie's mad. There are four witnesses. She even asked for additional witness that came in and said there was nothing to this. That wasn't done or said. But everything is, the drama part, just to build up, but it never happened. It just never happened. And even with the job, Mr. Speaker, and I'll say again, anybody opposite ever handed in their resume, say b'ys, anything you can do, anything pops up, summer student or something, it's normal. It's normal.

But if I start calling Sean Dutton, then I would say there's a problem. I'll even read what Rubin Thomlinson said. I'll even read what Rubin Thomlinson said about that. And Mr. Speaker, this is telling. Here's what Rubin Thomlinson said: "However, I was struck by language used by the Complainant herself to describe many of their interactions on this matter, that such behaviour is what they do, trying to get their points across whenever they have a moment in front of someone. 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" because she did it herself.

And that's what Rubin Thomlinson – experts, and then the next paragraph Bruce Chaulk jumps in and goes on. And you know who else wasn't called for a witness, Mr. Speaker? You know who else wasn't called? The person who applied for the job. He would've said he applied through the portal; he never got an interview. First week in January he said it: I never got an interview. I said: B'y, anything pops up, I'll see what I can do. That was it. That was it.

Yet, this big drama about me phoning April 8. Do you know why I phoned April 8? I did call her April 8, no doubt. Three issues, Sir: That she never gave me a heads-up on the job, which was done because the person never started. I did say you should have gave me a heads-up. Even the deputy minister said that I asked for a heads-up when the person was starting so I could call them and welcome them aboard and all that. That's common. We do it all the time.

How many Members across do I give a heads-up to when there's an announcement made in their district? Even the Opposition, an announcement is going to be made and it's going to be capital works or if there's some funding for the fire department, give you a heads-up so you can make the call so you'll know. How many? Every one of you. We did it. It's courtesy.

The second thing I called for was we had to go down and meet with the town council for the swimming pool. We had to meet with the town. We had something in place – the funding, to see if they were going to borrow the funding and the minister was going to go down in the district for funding.

The third reason was the compost. I did say you got to play by the rules, and I'll tell you why, Mr. Speaker. I had a text, and it's in the report: you better cancel that GD compost. That's a Minister of the Crown that said that to me.

The second thing, I had it under good information, which was confirmed in evidence later from a mayor, that the minister was encouraging towns to put letters in against the environment. An independent process, encouraging towns to put letters in against the process, against me, against the process in government.

So, Mr. Speaker, that's what I said. When I said that – I did say it: you got to start playing by the rules. Let the process go.

The other thing that's interesting, Mr. Speaker, the text that was sent from the minister to Greg Mercer, she would never give it to me. Rubin Thomlinson never got it. No one ever got it. You don't know what was said. This is the other telling thing that's in the report – that if I had the chance.

Do you know who asked for that meeting, Mr. Speaker? Do you know who asked for that meeting with Greg Mercer? It was me. Do you know why? Because what I was told is that I made threats about cancelling the swimming pool and other things and I wanted to get it on the record that that never happened. I wanted to sit down face to face and say tell me what you said. How can you say that when it never happened? I was the one. So this idea that the

Member stands up and says: Well, it was Greg Mercer. I asked for that meeting. I officially asked for the meeting.

One of the things that was brought up is that I was going to cancel the swimming pool. That was one of the things that was brought up, I was going to cancel the funding for the swimming pool. I laughed, I said is this serious? Do you know why I laughed? Because a week later we approved the extra million dollars in Cabinet that she sat around. Then she said: oh, that's right, I remember that now.

That was one of the things that I was supposed to have done. Then she remembered she was in Cabinet, the minister, when we approved the final money for it. That's the allegation that I made. The other thing is the capital works. And I said what? What are you talking about?

Now, you got to realize this was April. Do you know when the capital works were sent up? When I mentioned this, do you know when it was sent up? March 31. All the recommendations that were made were sent up, were already sent up, yet – which I never saw the text that I made a threat that I was going to cancel all that. Even if I wanted to, I couldn't do it. I couldn't do it.

Mr. Speaker, just take another one. Do you know one of the other allegations they made? I didn't explain capital works good enough. Two years prior, a Minister of the Crown who goes through an \$8 billion budget, I didn't explain the \$1.8 million – \$800,000 was already spent, because we had a meeting with the Town of Placentia and they were going to use that money and leverage this here for the swimming pool – \$1 million. The minister already did it two years prior, Mr. Speaker, but I didn't explain capital works good enough; therefore, it looked like I was intentionally withholding information. That's one of the allegations against me.

When you go through it all, when you go through the four or five witnesses that SPC said: that never happened. When you go through – when it was said that she never told caucus, and I had 10 Members who said, yeah, we heard it. That's 15 who said things were wrong. And I wouldn't cancel the compost going through an environmental assessment process, I was doing

it just to get back at her for the job. That's what was said in the report. I intentionally would not cancel the compost because I was getting mad at the job.

SPC – I know a few people here who spoke up, some never but a few. SPC said the only reason why I made a statement to SPC is because someone never got the job three months earlier. How foolish is that, three months earlier. The minister even asked for another witness, a staff member. The staff member came in and said, no, there was nothing happened there; nothing to it. So that's another one.

How many more do you need to go through, Mr. Speaker, that you realize that a lot of the statements were made and the only thing he went on where there was no documentation. I can assure you, Mr. Speaker, at no time did I interfere with that job. At no time did I ever phone Sean Dutton, and it's in the report. I never ever contacted Sean Dutton. I never ever contacted the person who did the screening out. Just to let everybody know, this person got screened out, but apparently four months later I was still trying to pressure her to get the job. This guy got screened out. He never even got an interview; yet, I pressured back in April for not getting a job. That's the kind of stuff, Mr. Speaker.

There are other things here that I can keep going through, Mr. Speaker, on a regular basis. Once I pick it up to show – even when Greg Mercer put information in, Greg Mercer put in information that contradicted the minister. Joy Buckle put information in that contradicted the minister. So every bit of information that was put in there and documentation, and witnesses, contradicted the minister.

The only thing that I apparently – I have to get this straight. In her statement April 8: oh, I knew what it was about; I knew it was the job and I was scared. Guess what? We were on an eight-hour trip down in Placentia, it was never brought up. That was three months prior. The job was gone, over with. But to make this seem: oh, I was nervous; I knew that's what he was calling for. She didn't have a clue about that job because that job was gone. That job was gone. I got to get the facts out there because that just

shows to me, Mr. Speaker, the information that she was putting out there.

Mr. Speaker, how about the response? I ask anybody in this hon. House – the Mayor of Placentia, for eff sake, I can't believe a word Eddie Joyce says. Now that's my colleague behind my back, March 20. That's my colleague saying that.

Then later on in the text you say, working well. Oh, I feels like giving Eddie a smack up the side of the head. As soon as I get the millions he's going to get some smack. Guess what? The pool was announced. I got the smack didn't I? I'm going to say, I'm the bully here? I'm the one that's going to be here for a job with a Member putting that down, making a threat. If it's not a physical threat, it's a threat that you're going to get me. And, sure enough, the pool was announced when it was in the budget.

You ask anybody on the infrastructure committee, who pushed for the money with the pool? It was me, because it was a worthwhile project for down in the town – and put allegations in there that I was against the pool, I didn't work with the pool. We had numerous meetings. Staff and the infrastructure committee will confirm that I walked in and said, boys, we got to try to get this pool done.

The same one up in Happy Valley-Goose Bay at same time, get extra money from the infrastructure committee; yet, in there I tried to stop it. I hindered it, all because someone never got a job. That's the kind of stuff that's in here, Mr. Speaker. So when you vote here tonight, just remember who got bullied here.

Mr. Speaker, because if I ever sent out a text, and I pick anybody here. If I ever sent out a text saying you're going to get some smack up the side of the head, and then all of a sudden I made a threat against you and I followed through. What do you think? Seriously, and that's right in to the major. That's what she said. She's going to give me some smack up the side of the head, and she did.

I'll just go through it, Mr. Speaker. I'll just pick a few things – my few minutes left, Mr. Speaker. I'll just pick a few more things. I'll just pick any one of it, Mr. Speaker.

Just to talk about another thing, is that the whole job situation, Mr. Speaker, and when there was a job. Do you know what I'd suggest? Ask the Public Service Commission to do an investigation to see if I contacted anybody. I think they already did. I'm confident, 100 per cent, there was never a call made. There was never, ever a call made, Mr. Speaker.

I can go through the number of inaccuracies here. I say to the Premier, you know and I know that we agreed to mediation that Wednesday. The minister asked for mediation. Does anybody know that, asked for mediation that Wednesday? I reluctantly (inaudible) and he said: Well, okay, let's do it. There's an issue; let's do it. We agreed to mediation until it was brought up on the House of Assembly floor that afternoon. That's when that was off. The Premier knows. His hands were tied then because then he had to move it on. That's what it was.

The complaints that were made when we agreed to mediation, not one of those complaints are in this report. Every one of these complaints – and Joy Buckle's testimony, and the Premier's was at the meeting, the compost was never brought up as an issue at the meeting, the swimming pool was never brought up at the meeting and neither was the job because the job was a dead issue, it was done, over with, it was never, ever brought up, and that was confirmed by the minutes that Joy Buckle presented as evidence, and her own testimony that it was never brought up.

MR. SPEAKER: Order, please!

The Member's time has expired.

MR. JOYCE: Thank you.

MR. SPEAKER: Thank you.

Are there any further speakers to the motion, as amended, Motion 5?

Seeing none, is the House ready for the question?

Is it the pleasure of the House to adopt the amended Motion 5?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: Nay.

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

The House Leaders, Whips, please signify your Members. I think everybody is here.

Division

MR. SPEAKER: House Leaders ready? I'm looking for a signal, yes.

On the question, is it the pleasure of the House to adopt the amended Motion 5?

All those in favour of the motion, please rise.

CLERK: Mr. Ball, Ms. Coady, Mr. Haggie, Ms. Dempster, Mr. Hawkins, Mr. Osborne, Mr. Mitchelmore, Ms. Gambin-Walsh, Mr. Warr, Mr. Davis, Mr. Edmunds, Ms. Haley, Mr. Letto, Mr. Browne, Mr. Bragg, Mr. Bennett, Mr. Finn, Mr. Reid, Ms. Parsley, Mr. King, Mr. Dean, Ms. Pam Parsons, Mr. Holloway, Ms. Rogers, Ms. Michael, Mr. Lane.

MR. SPEAKER: All those against the amended Motion 5, please rise.

CLERK: Mr. Crosbie, Mr. Brazil, Ms. Perry, Mr. Petten, Mr. Lester, Mr. Joyce.

Mr. Speaker, the ayes: 26; the nays: 6.

MR. SPEAKER: The motion, as amended, is passed.

The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

I call from the Order Paper, Motion –

MR. SPEAKER: Excuse me.

As just directed by the House, I would now ask 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, as of October 18, 2018.

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

MR. JOYCE: I apologize.

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

MS. COADY: Mr. Speaker.

I call from the Order Paper, Motion 6.

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

MS. COADY: Thank you, Mr. Speaker.

I move, seconded by the Minister of Health and Community Services, 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: The hon. the Deputy Government House Leader to start the debate.

MS. COADY: Thank you, Mr. Speaker.

I think it has been a challenging day for everyone in this House. As a matter of fact, Mr. Speaker, I would go as far as to say it's been a challenging time for quite the last six months of this discourse and debate that we've been having concerning the issues around the Code of Conduct, harassment, bullying and intimidation.

I say to the House and I say to the people of Newfoundland and Labrador that it has been trying and we have, as a House, admitted that we must make some changes to the process, Mr.

Speaker. We've been talking quite a bit about how the process has been challenging and difficult for those involved in these interactions, and indeed for all of us in this House.

So, I'm glad to see the work that's been done and quite a bit of work that's been done by many of this hon. House, all parties have been involved in the discussions around how we can change the process in the Privileges and Elections Committee. I thank them for their ongoing work. I'm sure, in the very near future, we'll be able to have a better and more improved process.

For the sake of the people who may be listening, or may be watching, there has been an interim process. Back in, I believe it was June, the House management committee did put in place an interim process while we await the outcomes of the Privileges and Elections Committee, Mr. Speaker. We, as the management committee, put in an interim process that follows along with what the government has put in place for civil servants, the public service, which was a pretty leading edge. It was developed in consultation with Ruben Thomlinson who is one of the foremost leaders in the country on this very issue. I know that that has been a robust system that was put in place.

But, Mr. Speaker, we find ourselves here today and this evening, it's getting late, but we have been dealing with the reports that the Commissioner has brought before the House as part of the process that we had to follow under the *House of Assembly Accountability, Integrity and Administration Act*. We followed that process because, as the Commissioner advised us yesterday. There's one of four ways the Commissioner does get involved, one of which he can initiate his own investigation, and which he had done based on some of the questions that were asked on the floor of this House of Assembly back in early spring of this year.

Mr. Speaker, we're dealing with what the outcome is of his investigations. As he told us yesterday, he did ask Ruben Thomlinson – as whom I said was probably one of the foremost companies involved with dealing with workplace harassment and bullying in the country. He did ask for their involvement and they had been part of the process, the

Commissioner advised this House yesterday. Integral to the process, I believe, were his words, Mr. Speaker, in that they followed their process and their patterns.

We now find ourselves in the House today going through each of these reports, taking our time, ensuring that we have given adequate time for review, adequate time for questions and discussion and investigation so that we do get this using the process that we have before us today. We give it as best process as we can, and looking forward to that improvement.

I say to all of us, I will again say, because I think it bears repeating, because the more we repeat, the more we say this – I think it's very, very important – we should have a zero tolerance always on harassment, bullying, intimidation, abuse of any kind. And I think it's incumbent upon everyone in this House to continue to work toward that end of ensuring zero tolerance.

Mr. Speaker, I would, as I take my seat, and allow the discussion and debate on the resolution to commence fully, allow people the time to have comments regarding the report and regarding the outcomes of what both Rubin Thomlinson and the Commissioner have come forward with.

I would like to say to the people who have been through this process, both the complainants, I guess there are several on this side of the House and others on the other side of the House, that they are effecting societal change, because bringing these things to the fore, bringing these things in the open is important, so we can shine a bright light on what is important deliberations and important behaviours.

I think it is a good thing when we can reflect upon the Code of Conduct for this House that we all swear to and ensure we are held to that standard. So I thank everyone for their part in the process, having gone through that, and I thank the Commissioner for his deliberations. He said yesterday it was not easy on him either. And I heard very difficult words from those that are the respondents to these. They have said that they have found the process difficult. So I think it's incumbent upon all of us to ensure that we do this properly as we move forward and that we do reflect upon our Code of Conduct regularly.

I thank those complainants for ensuring that societal change is taking place, in real time, on this floor today by stepping up and saying that we should be held to a different standard, a better standard and that we should all reflect upon that as we move forward.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

I next recognize the Member for Fortune Bay - Cape La Hune.

MS. PERRY: Merciful Redeemer, pray for us.

Mr. Speaker, that daily prayer, along with the support of good people, province and nationwide, is what helped me survive this horrendous ordeal, which will go down in history as the harassment scandal.

I entered politics in 2007 and I can safely say that I was completely naive to the reality of how politics actually works. To say that you need the skin of a rhinoceros, sometimes seems to be a very mild understatement.

With the advent of social media, the vitriol from the anonymous trolls can be very disturbing, and the one place we should feel safe and comfortable is right here in the hon. House of Assembly. In my own experience, however, the House of Assembly can be a very intimidating place and the culture by historical tradition is conducive to bullying, intimidation and pressure tactics to conform. Over the years, I have felt these pressures, as I am sure almost every politician has. However, the time has come to evolve legislatures to be more accountable and more respectful. To this end, I feel it is very important that we all strive to ensure the highest standards are upheld.

None of us are perfect, Mr. Speaker, but I truly believe we should all be capable of learning from our mistakes and mending the error of our ways.

Thursday, April 26, 2018 was perhaps the most atrocious day I have ever endured in the House of Assembly. There was no time to think and it

was quite chaotic. Ever since I have thought long and hard about how to proceed from here, given that the culture of politics does need to change, the rules do need to be obeyed and they must be enforced, as well. It's pointless to have rules written on paper, Mr. Speaker, if we don't practise them in action.

So to that end, on May 28 of this year, I attended a meeting with the Commissioner for Legislative Standards, along with a colleague, to submit a complaint about some of my own experiences. My sole motivation was to acknowledge that a systemic culture of bullying, intimidation and harassment permeates politics in general. Regrettably, it is a culture that continues to be tolerated to this very day, despite the Green report, Code of Conduct, respectful workplace policy and movements such as MeToo, Press for Progress, respect her and Time's Up.

Mr. Speaker, it's not fair to say that every person in politics is capable of this type of behaviour, but there are some, and if I was to use an analogy it's like one rotten apple ruins the barrel. I have to say that my time here in Opposition has been phenomenal and my colleagues have been outstanding and certainly some colleagues from across the way, outstanding. So, it's unfair that this situation has tarred us all with the same brush, because that's really not the case, and it is crucial that good people not be deterred by what is happening here in the House of Assembly, because now more than ever we need good, strong people to come forward.

If there's one thing that the MeToo movement has taught me, it's that to deny to acknowledge that a problem exists, is to be complicit in allowing it to continue. I did not have any malicious intent or animus toward anyone, Mr. Speaker. But I felt that I had a duty to do the right thing, and attest to my own experience as an example of what that culture is like.

I unequivocally did not come forward for political gain. In fact, I said to you yourself when I was trying to decide how to handle my own specific situation, that perhaps the Member really didn't know how he was treating me, like the commercial on VOCM: He didn't know he was my bully. I was prepared at that time for the

benefit of the doubt, and I'm sure you recall that as well.

But I would hope that this is not about politics for any of us here, Mr. Speaker. We have a major responsibility, and the eyes of the nation are upon us to show true leadership and accountability for our actions. But coming forward is not easy.

In fact, if the Member for the Bay of Islands did not go on public TV at noon on Thursday, April 26, and tell the media to ask me if I thought he was a bully, I probably would not even be involved in this nightmare – which is what I've come to refer to it as. But once he publicly stated my name and posed the question, I was compelled to tell the truth about my own experiences. I had a duty.

If I had lied that day and said: Oh, no, everything is just wonderful, Sir, with the way you're treating me. Where would that have left my own honour and integrity? Where would it have left my hon. colleagues who had taken, for the first time in history, as far as I know, the courageous and brave step to come forward?

How would I sleep in my own skin if I sacrificed my own values, knowing full well that I had stated on record, in print via email, that I would come forward for any Member of House? And, Mr. Speaker, this is the email that landed me in the middle of all of this, and this is the email that the media wanted a copy of that I referenced in my report.

It reads, I quote – and I can table it as well. In the meantime – it's an email I sent to someone, a minister of this House asking for assistance: In the meantime, I am trusting that you will ensure that all Members of the Crown treat all MHAs with decency and respect as per our Code of Conduct. You said you have never seen me so upset, and you are correct. I'm so tired of women being treated the way they are by a select few – and, again, I say that not all Members, Mr. Speaker, should be tarred with the same brush because there are some very good people here.

I am ready to stand up. This is what I said, Mr. Speaker, and this is where I had to be true to my own honour. I said: I am ready to stand up for us

in the House of Assembly if it becomes necessary – I had no idea, Mr. Speaker, how quickly that time would come.

I closed out my email by saying: I thank you for your time and attention, and trust you will expect nothing less than fair and equitable treatment of all districts by ministers of the Crown.

I wrote that letter, Mr. Speaker, in October of 2017. It's no secret amongst us here, as MHAs, that I had raised concerns about bullying and intimidation in the fall of October 2017; quietly and privately, via emails to people who I felt could help me at the time, and they did.

In the wake of events unfolding, though, in the Liberal's own caucus the following April, had I been cowardly and hid under a rock, I can guarantee you that somewhere along the way the same email would've surfaced and been used against me in an effort to try and attack my credibility. Because bare in mind, Mr. Speaker, once something is in electronic form – and there were numerous paper copies of it on the go at the time as well. I was very upset and consulted with a large number of people about how to handle the situation at the time. And as far as I knew, this email could turn up anywhere, anytime, with any kind of spin.

So in the spirit of full disclosure, I will tell you that I heavily considered submitting a complaint last year. I spent three full days and nights writing up every bullying experience that has ever happened to me. I then consulted with a former MHA and mentor. I gave this person at that time, in October of 2017, a copy of my draft complaint; but, ultimately, decided not to proceed – for numerous reasons, Mr. Speaker.

And chief among them, my husband is very, very worried about me. He feared that I was heading for a mental breakdown. So after three days, he came in and he looked at me – I hadn't moved from my computer except for three or four hours of sleep per night. And he said: Are you going to do anything about it or are you going to let it go? So I packed it up, Mr. Speaker, put it into a box and I hid it away in my closet, and I didn't think about it anymore until the following spring.

I will quote the words of my mentor at the time. He said, and I quote: In my day, any minister behaving like that would be fired without question, end quote. We're not talking about yesterday, Mr. Speaker. This MHA served decades ago. When the details of more bullying came to light, my mentor was the first one to call and say: Tracey, you have to come forward.

So let me assure you all that I had no malicious intent, but when the Member told the media to go ask Tracey Perry, he immediately placed me in a position to rise to my duty and obligations as a Member of the House of Assembly, namely, to be truthful and honest. I could not be complicit and turn a blind eye to the fact that we have a major problem with bullying. It would be against the Code of Conduct for me to do anything but to tell the truth as I knew and felt it. I did send letters of concern about the Member's behaviour toward me months earlier. I did ask that such behaviour not be tolerated, and not just for me but for every single one of my colleagues here in this hon. House.

I was in shock from the minister having said to the media: Go ask Tracey Perry if I'm a bully. In fact, everyone was shocked, so much so that the Legislature even shut down for the rest of the day. I can tell you that on that day, in that moment, here in this hon. House as I sat waiting Question Period and watching his interview stream in on social media, I immediately felt like I was being further intimidated to keep my mouth shut or else. The minister himself had effectively backed me into a corner.

Mr. Speaker, the video of that interview still exists on YouTube today. Mine was there, too, for a while but it has miraculously disappeared. At around the 56-second mark, the Member clearly states: Go ask Tracey Perry. Then proceeded to provide his version of events, including the statement: She chased me, and I'm the bully?

The Member continued to discuss me publicly in what I perceived as an attack on my credibility. Later that same day, the evening news included a clip in which the Member, in responding to a question about whether I had ever raised previous concerns, replies: not a complaint, she wrote me to say she didn't like my behaviour. And I note, Mr. Speaker, this is an admission

that he was well aware that I had concerns, despite claims to the contrary.

I also bring to your attention, from that same news coverage, a quote from the MHA for St. John's Centre, who I thank profusely for her support and who has certainly helped me be strong throughout all of this, who stated that it is a tactic of extreme intimidation by publicly naming the women who have complaints against him. And I concur with that statement, Mr. Speaker, because I felt it.

While the Member likes to accuse me of playing politics, the fact of the matter is that in exact contrast to the Member's false accusation, I refused to come forward – not until the Member himself went before the TV cameras at noon and publicly stated, am I a bully, go ask Tracey Perry.

Then and there, I had a predicament and a decision to make fast. Would I stand up and be counted, or would I sit cowardly by while the abuse continued?

It's a strange thing for a politician to say, I know, but I really don't like the spotlight. I might have when I was younger, but not now, not at all, and I think our own legislative reporters can confirm I'm pretty good at running away from them. But I had a clear sense of duty to stand up and do the right thing. To stay silent would be failing all of those who look up to us for leadership in making their own lives better.

When it comes to standing up for what we believe in, just how fortunate are we? In other countries people get killed for that. Let that sink in for a moment. How fortunate are we.

By 3 o'clock that day on April 26, my head was swirling and I was feeling some pressure. The media wanted to interview me, and I was getting lots of advice: file a complaint; don't file a complaint; just tell the truth; be careful, there will be repercussions. I really didn't know how I was going to respond. I was clear that I wanted the culture we were working in and the behaviours I was experiencing to stop. I can safely say that had I known what was to unfold once I publicly stated that I would file a complaint, I don't know if I would have done it, Mr. Speaker. And to this day I really am not sure

if I have confidence that we are free from repercussions, and I hope I'm proven wrong on that.

With regard to the problems I was having, I felt, and still do feel, that others have gone through far worse. I've heard stories that are far worse than mine from all around the world of sexual harassment, financial corruption and physical abuse. In my own opinion, my ordeal is not of this serious scope; however, none of us should diminish the impacts of bullying and intimidation either, and it was never my intent to do so.

I believe, having gone through this experience, now more than ever that we need a proper day-to-day mechanism to deal with workplace harassment issues for the Legislature, and I am pleased that the Privileges and Elections Committee have commenced their work.

That being said, in the spirit of complete honesty, I must confess that with regard to my own submission, on the advice of people I greatly respect, I significantly downplayed the full negativity of my own experience. Admittedly, I did take a softer approach, or more kind and gentle if you will, than perhaps I should've, had I relayed the full truth of my entire hardships and fully elaborated on what I went through.

That happened, Mr. Speaker, because I witnessed what happened to the Member for Terra Nova, in part, as well. We all expressed concerns at the time about confidentiality, and regrettably my fears regarding the lack of confidentiality in the process were validated. But I can assure you that we all share this in common, no doubt, no one wants to open *The Telegram* and read about their own personal turmoil and hardships on the front page.

Mr. Speaker, I, too, like to think of myself as a strong person, as a tough girl, and when you have to tell the story of being bullied, you have to admit to your weaknesses. If someone is bullying you, they can take advantage of that, too. So there was a lot of consideration that went into how much I actually included in my submission. Unfortunately, it would come back to haunt me, but I was, at the time, proceeding in good faith, all alone and without legal counsel,

other than what I received from here in the House.

But these last few months have been incredibly difficult. I personally believe that we were directed to the wrong approach for addressing the issue at hand. It has caused far too much hardship and duress on the complainants, the respondents and all of our constituents, friends and families, our spouses in particular. My poor husband is far more stressed about all of this than I am even.

Mr. Speaker, I get emails, even as recently as within the last two weeks, from professionals who express concern for my safety. These are not easy times, not for any of us. And again, in the spirit of full disclosure, I don't mind saying that I had some tough times. This summer, there were days that I worked hard to get up out of bed, put one foot in front of the other and face the day. But, with all due respect, Mr. Speaker, I think that the respondents have had many hard days as well. None of us should have been put through this in the manner in which it took place. It's been hard on everyone. The process was nothing like anything I had ever anticipated. I was a part of it and I still don't understand it.

So, I truly wish it never unfolded in this manner, but what I am proud of is that we are leading the way and standing up to say that we want, and need, to make things better. The nation is watching and collectively, as an hon. House of the British Commonwealth, we must deliver.

But the duress has been very hard to take. In fact, for a while, Mr. Speaker, I became frightened to death to talk to anyone, wondering what in the heck was really going on, not knowing who to trust, and feeling that all too familiar stab in the back by those seeking political favour so they throw you under the bus. That, Mr. Speaker, is one of the unwritten rules and, if time permits, I'll talk about those a bit later.

All the while, to tell you the truth, I was wishing I was nowhere near this, anywhere near it with a 10-foot pole. In fact, sometimes I wondered if I'll trust anyone for anything anymore. But, we can't be like that, Mr. Speaker. Again, because of the strength of the people of this province and my hon. colleagues, I don't feel like that now

because we cannot live with the feeling of dejection that the system doesn't work. We have to be strong, Mr. Speaker, and we have to show leadership so that others in our province enduring these types of hardships know that they will be supported.

I have grave concerns really about this whole situation. I think the way it was handled, thus far, has brought disrepute to our hon. people's House and to ourselves as MHAs. I do know that all the events included in my submission that occurred outside of the floor of the House, for some reason didn't get included in the investigation. I'm not sure why because my investigation wrapped up abruptly. I thought there was another two weeks left. My lawyer and I were in the process of trying to finalize some information, but I got notice that the House was reopening and my report was done, so we never got to that stage. But in fairness to the Commissioner, I do feel sorry for him as well. He expressed yesterday certainly how hard it has been on him. It's been an incredibly challenging task, I'm sure, for each and every one of us here.

The process we undertook was terrible. To this day, I still don't know the mandate that was being followed by the investigator, despite asking for it many times. I believe the process was unfair to complainants and respondents. A concern at the time and still today is that the Code of Conduct does not really address workplace harassment and bullying. It does not define what is acceptable behaviour and what is not.

In regard to the systemic issues, which in my humble opinion, everyone believes exist in politics, all I ever wanted was a recommendation for better policies, a more clearly defined Code of Conduct when it comes to harassment and stronger legislation.

With respect to my relationship with the minister, all I ever wanted was a resolution to the fact that he was and continues to this day to disrespect me by refusing to speak with me, the people's MHA, which I feel makes it very difficult for me to properly do my job and advocate on their behalf, especially as a rural MHA and the Department of Municipal Affairs is one that we rely on very heavily in rural

Newfoundland and Labrador. It would be very upsetting for my constituents to know that the minister of Municipal Affairs refused to speak to me, and they do know that now, and I have their full support in speaking up and I thank them all immensely for that.

If anyone has ever tried to prove bullying on paper, it's an almost impossible task. One of the challenges is that witnesses who often fear for their own jobs, or repercussions against them, tend to have miraculous memory loss. Another is that politicians cover their tracks, careful not to leave a paper trail. Yet sadly, Mr. Speaker, not everyone tells the truth or relays it in the full context of the whole story.

Furthermore, I was undertaking this all alone with no legal counsel. So, Mr. Speaker, I will say for the record that I stand by my recollection of events and suggest that the witness accounts that did somehow make it to the report do not account for a complete or accurate story when relayed in its proper context. Unfortunately, by the time I retained a lawyer to deal with the accusations made toward me, we were not permitted to cross-examine them or secure their testimony under oath. Some of the other concerns I've had with the process would be impartiality of witnesses and corroboration, Mr. Speaker.

Those of us on the receiving end of bullying and intimidation know the mental anguish that it brings, but I have to say, after having gone through this process, that I haven't fully decided, if someone came to me to say should I go forward with a complaint, if I would encourage them or if I would be reluctant to encourage them because it has been brutal. It brings on even more anxiety. I naively entered this process believing that we could be confident there would be no repercussions, and I remain ever hopeful that that's the case, Mr. Speaker, but, again, I don't know if I'm fully confident yet.

I will say it again: None of us should have been put through this. Mr. Speaker, this process was not the right one for rectifying the problem we have at hand. I truly believe, despite the findings, that the very fact we are here in this situation with numerous similar issues says something is very, very wrong and we need to fix it. We have come this far; to stop now would

be to fail those who rely on us to make life better for them.

So, Mr. Speaker, it looks like I have some time left on the clock. So I'm going to talk a bit about the unwritten rules. One of the things happening as a result of the harassment debate is that the public is getting a real close look at the inner workings of politics, up close and personal. Mr. Speaker, we all see what goes on here from day to day, but as politicians we don't often acknowledge ourselves how bad it can really be. It's one of the unwritten rules that we must abide by if we want to get funding for our districts or have ministers agree to have meetings with constituents.

Of all the workplaces I've ever had, politics is by far the worst for enabling bullies to proliferate, and abusive power is rarely reported. There are a lot of complicated reasons for that: fear of reprisal; party above the people; the gut feeling that nothing is going to be done about it anyway are among these reasons. It's a culture, politics, unlike anything you would possibly ever expect it to be, unless you actually live it.

The 2007 Green report was developed in response to the financial spending scandal. The Code of Conduct was passed, and a new Accountability, Integrity and Administration Act was proclaimed; yet, the unwritten rules remain the same.

What we are doing here today is not about how things have been done in the past, but about what is acceptable today and in the future. I came forward out of a sense of duty to improve this workplace, and I won't be bullied or intimidated into silence, now, having come this far.

Mr. Speaker, I would venture to say that our longest serving Members know the game of the unwritten rules better than most of us, and it hurts me that the rookies are being trained in this old style of politics, in spite of the 2007 Green report.

During the time that I was preparing my submission, I happened to be reading a political memoir written by Beaton Tulk, a man I greatly respect, entitled *A Man of My Word*. It is, indeed, fascinating to read political memoirs

and, oftentimes, there are hints to the unwritten rules. An example of this is found in paragraph 6, page 76 of his book, which states – and I quote – another thing you have to remember in Opposition is that you are not going to get as much as you should for your constituents. That is not the way it should be. That’s just the way it is – end quote.

I do not accept that, Mr. Speaker, and the Green report actually outlawed it. My constituents and those in each and every single district across this fine province are equally deserving of public investment and funding. Vendettas and vindictiveness have no place in the people’s House and the people’s business; nor does propping up a district that might be at risk in the next election with taxpayers’ money. These are some of the reasons our province is in such a mess. You couple of it decades of cronyism and you have the state of affairs we have today.

The 2007 Green report may be somewhat silent on bullying and harassment, but it does speak clearly to this type of abuse. Such pressure tactics are not only used against Opposition Members, they’re often used as a weapon within one’s own caucus as punishment if you refuse to toe the line on something. That’s politics as it always was, folks, and that continues to be how politics is done today. But how we act now, in light of this harassment scandal, will decide the politics of tomorrow.

Mr. Speaker, I would like to take this opportunity to thank the Member for Placentia - St. Mary’s for her exemplary leadership and inspiration throughout this ordeal. The courage she has shown in defying political pressure from a fellow minister to do something that she felt was wrong is an example for us all. She may sit in another party, but there are times in this hon. House when we must rise above party lines in the best interests of our people. In my humble opinion, she is deserving of accolades and a place in history for reshaping how politics is done in this province, and I have the greatest of respect and admiration for this hero who is charting new territory.

I also want to thank Equal Voice for meeting with us and providing much needed guidance and support; as well as the former minister Responsible for the Status of Women, Ms.

Cathy Bennett, for taking her responsibility seriously, and for her courage in speaking out about problems such as gaslighting. I was very shocked and saddened that she left, but I do understand it.

Indeed, I thank all of my colleagues, including the Members for Harbour Grace - Port de Grave and Terra Nova, and everyone who stood up and spoke in support of us, Mr. Speaker, everyone who stood up to be counted, to be truthful and acknowledge that a real problem exists here; including our current Minister of Natural Resources and Minister Responsible for the Status of Women. Your support is invaluable and it really means a lot.

The fact that it has gone on for all time, Mr. Speaker, doesn’t make it right. You often hear, well, it was done before, it was done before. It doesn’t make it right. At some point we stand up and say we’re going to do it differently and we’re going to be accountable. We need to attract skilled and knowledgeable people to the House of Assembly if we are going to provide a future for our children and grandchildren, and we won’t do it if they do not have confidence that this is a professional environment.

Mr. Speaker, I also want to thank the hundreds of people from all across this province and nation who took the time to call or send personal emails of encouragement and to share their own stories. There are some harrowing stories out there of people’s experiences. Some who have come forward, and some who hold it in because of their fears of repercussions in coming forward.

This is an issue that affects people in every workplace everywhere, and we, as leaders of the province and of the people, are being looked to now to provide guidance and leadership and stronger legislation so that each and every person in every profession and occupation can rest assured they do not have to live and work in an environment of bullying and intimidation.

So, respectfully, I stand here in my place and speak truth to power in an effort to help find a way to improve the rules of politics, including the unwritten rules, which to me are the real root of the problem. I strongly believe, as do many

others, there is no place for old style politics in the twenty-first century.

Mr. Speaker, I would say that if the truth be told, perhaps every single parliamentarian could relay a story or two about their own negative experiences. So it is important, very important that we continue to raise it until the behaviours have actually stopped. The lip service must end and action must start, because here in the House of Assembly where laws are made and governance is executed, we must set the highest example. I hope this marks a turning point.

I look forward to hearing and working with my colleagues as we begin to restore honour to our people's House. And, Mr. Speaker, I rest assured that together we can create a better day.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I next recognize the Member for Humber - Bay of Islands.

MR. JOYCE: Thank you, Mr. Speaker.

I heard the Member, and I'm sure she got anxiety. I apologize, if anybody out there listening never heard my side of the story, thinking that I caused all that anxiety. Mr. Speaker, this is the issue.

Even you, Mr. Speaker, my rights – when I said: Will you confirm what was said in that meeting? You had five, six, seven hours to confirm what was said in the meeting before the vote and I never got it. So it's easy for me to be the punching bag here tonight, and the last seven months. Just think about what I went through.

I'll just tell the Member for Fortune Bay - Cape La Hune, I heard your speech and I'll go through your complaints. I am going to defend myself. Do you know how your name came up that day, April 26?

MR. SPEAKER: Again, I remind the Member to address the remarks to the Speaker.

MR. JOYCE: Thank you, Mr. Speaker.

Well, the Member for Fortune Bay - Cape La Hune's name got up, it was after the meeting April 11 that myself and the Minister of Service NL, Mr. Speaker, after she leaked it to the media, the media contacted her April 11. She confirmed, yes, I had a concern with Eddie Joyce. That's how it got out. It wasn't me. It was leaked again by the minister to the media who contacted her. That's in her report. That's right here in her report, and I'm getting blamed for leaking her name.

What I said to the media, Mr. Speaker, is that, yeah, we had a disagreement over CEEP. She never filed any harassment complaint. That's what I said, and we did have a disagreement over CEEP. That's exactly what I said, but this idea that I put her name out there after she confirmed to the media – and I asked, you're worry about your name getting out, how did Paul Davis find out about the meeting with the Premier on Wednesday? How did he find out? Only three people knew. Did anybody ever ask that question?

Now when you get the code names in the phones, they're hiding something. Did anybody find out about when it was leaked that – when Dale Kirby put out that email whoever is leaking stuff to Paul Davis, why don't you leave. Did it ever get out that – do you know who reported that? Fred Hutton. There's a code name in someone's phone for Fred Hutton. Do you ever think about us as respondents, what we went through because everything was out in the media?

Somewhere along the line, because you can stand up and say – and I'll go through that incident on October 19. I remember it well, Mr. Speaker, I remember it well. The Member walked over and asked for CEEP funding. And I said, and we all – ask any Member in this House if I said anything different. Put it in writing what you need, how many people you need, and the hours. I said it. I said it about five or six times.

Mr. Speaker, I got up out of my chair, I walked – I was sitting where the Minister of Health is at. I walked, she followed me. The Member for Lab West was there. He came as a witness and said, yes, she did.

Now, according to her statement, I slammed down my computer. I walked to the back, sat next to him and made statements, and I tried to belittle her. Which never happened, it just never happened. Then the Member for Torn gat Mountains was another witness. He heard me say four, five, six times, put it in writing – as I was walking away. I was the one walking away. That’s about eight, 10 times.

I made a right-hand turn. The Member for Harbour Main actually grabbed my jacket. The Member for Fortune Bay - Cape La Hune actually grabbed my jacket – but I’m the bully. The Member for Harbour Main said leave the man alone, go back to the other side. That was the Member; yet, because it’s said that don’t mean it’s true, and all this bullying and harassment – but I kept going out through the door.

The Member for Stephenville - Port au Port counted 11 times when I was at the door. His statement, 11 times at that door I turned to the Member and I said: Please put it in writing, please put it in writing; 11 times that he counted. That’s five witnesses saying I did not slam my computer down, that I did not belittle her.

Mr. Speaker, just for the record, last year the Member for Fortune Bay - Cape La Hune, she put it in writing two days later, sent me smiley faces and all that after. Mr. Speaker, just to let you know that the Member for Fortune Bay - Cape La Hune last year got more money than she ever got ever since the years before. She got that \$100,000 once she put it in writing and explained it. She got more money last year than in her own documentation that she put in, yet I’m a bully.

Then in April – April 4, I think it was – she sent another note. Can I get some more? I said, oh, not a problem. She said I’m ever go grateful, smiley faces. But I’m a bully. It just never happened. That just never ...

I ask the Member for Cape St. Francis – if he gives me permission – the time I showed you that email when you were up to my office.

MR. SPEAKER: Again, I remind the Member to address your remarks to the Speaker.

MR. JOYCE: Well, Mr. Speaker, I’m just saying the Member for Cape St. Francis was up in my office and I showed him that email. Why don’t he stand up and say what he said that day? It’s pretty derogatory. Stand up and say it.

MR. SPEAKER: Again, Sir, I remind you –

MR. JOYCE: But he won’t do it, and I won’t –

MR. SPEAKER: – use the third person when you’re referring to other Members of the House.

MR. JOYCE: I’m sorry, Mr. Speaker. Okay.

I’ll just say, Mr. Speaker, I won’t divulge because it’s confidence in a private conversation. When I have a private conversation I won’t do it, but I can tell you, when he seen that email the comments weren’t very nice, and it wasn’t about me.

Do you know the other complaint about me? Do you know the other complaint about bullying and harassing? Do you know what it is? When she sent me that email, October 19 of last year, I said you got to apologize. I’m not letting that – and Christmas, I wouldn’t shake her hand. That’s one of the complaints, I wouldn’t shake her hand? That’s one of the complaints against me. It went across Canada that I’m a bully because I wouldn’t shake someone’s hand.

I mean, the Member for Mount Pearl - Southlands would be putting a complaint in every day for me. But that is one of the complaints. Can you imagine? Do you know the other complaint – and I ask anybody to look at your computers if you want to. Do you know the other complaint is that I was glaring that night; I was glaring at her. When my seat with the Minister of Health, her seat was back there where the Member for Cape St. Francis is sitting. I was glaring, for 10 minutes I was glaring at her. Do you know what evidence I produced but it was never, ever put in the report? Do you know the evidence I produced against that?

The last speaker of the House that night, on October 19 – well, the second last at the time. The second last speaker was Paul Davis. He spoke for nine minutes. Do you know who sat behind Paul Davis? The Member for Fortune

Bay - Cape La Hune. And I actually got the screen shot, when he started, when he finished and her seat over to the side.

But that was one of the complaints; that I glared because I was looking at Paul Davis speaking. And that went across Canada. So I'm supposed to stand here and say there's bullying and harassment happening in this House and I'm a big part of it.

I ask either one of the Members, the Opposition Members I dealt with: How many times did I give you a heads-up? Talking about you weren't treated fair, how many times did I give you a heads-up on capital works? Actually give you the list and say, what's your priorities?

I ask the Member for Cape St. Francis, the Member for Fortune Bay - Cape La Hune also, I did that. I did it. At our office over in Municipal Affairs and Environment, one rule: treat everybody the same; everybody got treated the same. So to stand up here and say that for some reason: oh, you're in Opposition you don't get it. It's just not true.

And not only that, the person then over at (inaudible) at the time had a personal relationship with her. They were in contact Fridays, Saturdays, texting each other. And to say you're not treating me right, and you had direct access to the office and all of the other things?

How about the comments she made to a staff member two weeks ago, is that all right? Is that all right, and the comment she made, if I don't get what I want. The same thing she did to me, by the way. The same thing she did to me. If I don't get what I want, I guess I have to go to the Premier's office – the same thing.

It was over \$60,000 that a town – and then I wrote six or seven times, and I know the Member for Lab West is aware of it. It was over funding down there that we couldn't break because they went out of the scope of the work. Right in her own statements: I never got the answer I needed, so I had to go to the Premier's office. Then she started on me. That's where it all came from.

So this idea that I intentionally was shouting at her, or doing something to her, is just not true. I can't let it stand. I just can't let it stand.

When you hear all the bullying and harassment, just remember, there wasn't one complaint of bullying and harassment that had any foundation. So if I'm bullying and harassing someone – about five witnesses said it's not true, it never happened; yet, when you stand up here you pretend as if it did happen.

The same thing with the Member for Cape St. Francis saying I wouldn't shake her hand. That's true. I never, because I asked her to apologize because I did nothing wrong and I had witnesses to show. Now, am I going to file a complaint tomorrow saying, okay, you grabbed my jacket and that's being physically accosted? I'm not going to do that. I wasn't threatened by that. I was annoyed by it.

Do you know one thing about all this here? Not one person said I raised my voice or nothing – said I slammed down the computer, which just never happened.

Mr. Speaker, when you go through a few of the other things that's here, it said I butted in a conversation. The Member for Corner Brook said, I don't know what you're talking about, that never happened. In this here, how I was rude, walked in and butted in this conversation. In fact, the Member for Corner Brook said it just never happened, because it never happened.

That April 26, April 25 – it started on April 11 when it got leaked to the media and the Member for Fortune Bay - Cape La Hune was contacted, okay, let's start a frenzy now. It went out April 25, and for some reason it got from the Premier's office to the floor of the House of Assembly. Someone had to leak it. It got on the floor of the House of Assembly and then the frenzy started. Our names were out there, dismissed from Cabinet because of these allegations that came from the eighth floor to the floor of the House of Assembly – no foundation.

Like I said before, do you know when these complaints were put in? April 26 standing up. April 26, I'm ready with the complaint. Do you know when they put it in? Three months later. Can you imagine living three months and you're

supposed to have complaints against you and not one against you? Can you imagine what it's like for your family? Just think about it.

All on a frenzy. It all started on April 25 in a meeting in the morning, and then it got on the House of Assembly floor. And when Dale Kirby, the Member for Mount Scio –

MR. SPEAKER: I remind the Member to not use the names of (inaudible) by district.

MR. JOYCE: Sorry, yes.

And when he sent the text: Whoever is leaking stuff to Paul Davis, why don't you leave? So then I find out, through information, that I had to sign a confidentiality agreement that if I don't sign it – that I never get it, and when I wouldn't sign it because I refused to sign it, going to be take it to court, we found out there were codenames for the Member of Fortune Bay - Cape La Hune hiding stuff.

So how would you believe – how would you think? I ask anybody out there in the general public who's listening: Seven months of my life, and when you finally get the information that you got, one was: We knew Paul Davis was getting the information. And because I couldn't get it and I almost had to go to court to get it, you find out a codename was for the Member for Fortune Bay - Cape La Hune from the Member for Placentia - St. Mary's.

Now, what would you think? And then the other one that I know happened. She had a codename for Fred Hutton, and who leaked my name that day? Fred Hutton. Who leaked the thing about Dale Kirby, the Member for Mount Scio, at 8:20 with that email? Fred Hutton.

I'm just saying, when you put it all together, and then you look at all the reports, if you ever put them together, well, I was a junior minister and he was a senior minister. That's in two of the reports – two of the Members. If you coordinate what's in it, yes, that's in one. Yes, that's in this one. So, the question for me: Was there any coordination? Was this planned? Because when you read the – I'm serious. I am dead serious.

What I went through the last seven months, and when you get all the reports and you read it, and

the same material is in it, and I remember the Member for Terra Nova saying: I should've listened to my colleagues. I should've have put much in it. I mean, just think about it. I had to stand here tonight to apologize for something I never did. I only did it because I respect the House, by the way.

I always said I respect the House of Assembly, but at no time did I really feel that the incidents that I did caused the seven months of stress and strain for everybody. People out around still think that we should be doing the government business. I have no problem with that, and we probably should be. But, Mr. Speaker, just get this in closing, because I was telling the Member for Fortune Bay - Cape La Hune: At no time did I ever, ever, ever intentionally bully or intimidate you. It just never happened, Mr. Speaker.

Witnesses proved it never happened. Staff over in our office proved it never happened. The Member for Cape St. Francis knew it never happened, and if he wants to pass on the comments that he made to me that day, he can. But he knows it never happened. Mr. Speaker, just think – and I'm convinced that the stuff was leaked to the Opposition; stuff was leaked to the media. There's stuff coordinated in the reports, and all I had to do was say I apologize.

Seven months of your life for that? Seven months? And for the Member for Placentia - St. Mary's put out that my personal finances, they got to be in order. In that Code – and we know, the people that have been around, know that years ago if you were bankrupt, you couldn't sit in the House of Assembly. That's what that means, that your personal finances aren't in order. I had to go prove that. I had to go prove that. And I'm supposed to say, oh, let's hug and make up? Dragging your family through that. Seriously?

So when I said I would never sit with the Member again in caucus or Cabinet, that's why. It's not me. I fight with everybody in politics. We fight all the time. We fight; that's part of it. We sit down and we have a laugh. We fight, but at the end of the day we shake hands. We might say, let's go get a meal. You got to fight for your district. You got to. If you don't fight for your district, you shouldn't be in here. If you don't

fight for your constituents, you shouldn't be in here – you shouldn't be in here.

If you don't know how to sit down there and sometimes work with stuff and then some other times sit down and have a serious discussions and sometimes – but the whole thing, I can honestly say there's not a Member here that I ever intentionally did anything to. Never, except help – except help.

I remember the Minister of Service NL driving a Sunday and they had a water supply – I spent all day Sunday getting that straightened up – all day. I'd do it for anybody, and I did. And I know the Members opposite, I know the Member for Cape St. Francis, he would stand up. The Member for Fortune Bay - Cape La Hune, if she wanted to, she could stand up and say I used to give her the sheets to do stuff. So this idea that Eddie Joyce was some bully to everybody, it's just not true.

So when I say to the Member – and I honestly believe this – when you drag your family and then you have to prove that you're not financially bankrupt, it's personal. It's not politics; it's personal. And when I had to do that, I cannot put me or my family, with those statements, through this again. I'd rather stay as an independent just for the sake of my family (inaudible).

So, Mr. Speaker, I'll close on that, but I can tell you, and I'll say it quite honestly, I am of the firm belief, Sir, the firm belief this was coordinated, this was planned, the information was leaked to the Opposition, and all the reports were coordinated because it was a frenzy to get Eddie Joyce. With the Member who said it to the mayor on March 20, I'm giving Eddie Joyce some smack upside the head. You got me. You gave me some smack upside the head, and you got a few people to jump in with you.

I tell the Member for Fortune Bay - Cape La Hune, at no time – at no time, I say to the Member – did I ever raise my voice to her, did I ever do anything. Even with the floods, even with the fire down there, we went down together. She was treated with respect down there. She was praised up down there. I praised her up down there about the hard work that she's doing and all that. In the media reports, I even

put in the media reports where I actually praised her up down there in her hometown – actually praised her up – which she did do a lot of work down there at that time. She was down there and she was really concerned, and should have been praised up for it.

At no time can anybody show me a comment where I made a derogatory statement towards the Member for Fortune Bay - Cape La Hune or the Member for Placentia - St. Mary's. It just never happened.

So when you see me going through seven months of what we went through with the family and you wonder why it's hard for me to sit with the Member for Placentia - St. Mary's – I mean, I'll use again some of the Members here. Yeah, we had some frank discussions, I agree, but name one thing that any of us – any of us – ever did personally to each other, if we ever seen anybody at a function that we treated with disrespect. It just doesn't happen.

You might have your discussions in here, but if you see someone on their home turf – like, I'm a firm believer in sports. It's that you don't embarrass someone on their home field. It just never happened.

So I just want to close on that and I have a stand on principle on that. I do wish the government well and I'm a big part of it and I always said I was. But, Mr. Speaker, on principle, I cannot put my family through it anymore.

Mr. Speaker, I say to everybody, if there's more, if there are policies being put in place, I'm all for it. If there are ways to improve it, all for it. But please, please don't let things be leaked out from one of your side to the Opposition to have you six months out in the public all across Canada, to be put down as a big bully, the big harassment and everybody in a frenzy when there was absolutely no foundation. Nothing was ever found with bullying and harassment after six months, Mr. Speaker, but it was leaked out, it was coordinated to be leaked out and I wasn't – and I'll say to the Member for –

MR. SPEAKER: Order, please!

The Member's time has expired.

Thank you.

MR. JOYCE: I'll just clue up, Mr. Speaker. I'll just say to the Member for Cape St. Francis –

MR. SPEAKER: No, your time has expired.

MR. JOYCE: – it was a good smack you gave me.

MR. SPEAKER: I ask you to take your seat.

Thank you.

Are there any more speakers to the motion?

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Yes, Mr. Speaker, briefly, I suspect the government is going to have to offer premium pay for whoever it is takes on training in respect to the Member for Humber - Bay of Islands. I want to briefly –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

You guys, we're not going to start. Civility – let's finish this up.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: The best way to get at the truth is not to ask questions but to just listen to somebody speak.

So, Mr. Speaker, we find ourselves in the position of not being able to support the resolution due to defects in the process. These are outlined in a letter that my colleague, the Member for Fortune Bay - Cape La Hune, delivered to your office today. I'll just briefly highlight some of the aspects of the process with which give rise to – well frankly, give rise to a perception amongst many of us, including the hon. Premier, that the process before us was flawed.

So, in respect to my colleague, among her complaints about the process are the fact that she was unable to ascertain from the Commissioner what the process was to be that he would follow in order to deliver a report, and also how confidentiality was to be maintained.

She wrote the Commissioner on May 29 requesting information about the process and the maintenance of confidentiality and did not receive a response from the Commissioner. She eventually retained counsel who made a written inquiry as to whether the process to be followed was adversarial in nature or inquisitorial. So, the difference there is – and I'm quoting from a letter of her lawyer – whether it is incumbent upon her – that's the complainant – to obtain statements from witnesses to the harassment and/or bullying of which she complains, or whether your office will be seeking out this information. That process never was clarified.

Finally, and outstandingly, my colleague went along, and her counsel, in the belief, which was encouraged by the Commissioner, that she would have an opportunity to be present at an interview with her legal counsel at which the case being provided by the respondent would be made fully known to her, and she would be given an opportunity to respond before the report was finalized. This opportunity was offered one day and basically withdrawn the next by the making available of the finalized report. In other words, short notice to my colleague of any opportunity to make reply to what the Commissioner was considering as being his finding.

So, these matters are outlined at greater length in the letter which your office now has, and this letter summarizes many of the concerns that lead many of us, including the Premier, to feel that the process was flawed. And those are some of the reasons why we find ourselves unable to support the motion.

MR. SPEAKER: Thank you.

Any further speakers to the motion, Motion 6?

Seeing no further speakers, is the House read for the question?

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.'

SOME HON. MEMBERS: Nay.

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

I am confirming with the House Leaders everyone's here.

Division

MR. SPEAKER: Is the House ready for the question?

On Motion 6, all those in favour of the motion, please rise.

CLERK: Mr. Ball, Ms. Coady, Mr. Haggie, Ms. Dempster, Mr. Hawkins, Mr. Osborne, Mr. Mitchelmore, Ms. Gambin-Walsh, Mr. Warr, Mr. Davis, Ms. Haley, Mr. Letto, Mr. Browne, Mr. Bragg, Mr. Finn, Mr. Reid, Ms. Parsley, Mr. King, Mr. Dean, Ms. Pam Parsons, Mr. Holloway, Ms. Rogers, Ms. Michael, Mr. Lane.

MR. SPEAKER: All those against the motion, please rise.

CLERK: Mr. Crosbie, Mr. Brazil, Ms. Perry, Mr. Kevin Parsons, Mr. Petten, Mr. Lester.

Mr. Speaker, the ayes, 24, the nays, six.

MR. SPEAKER: Motion 6 is carried.

The hon. the Deputy Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

I move, seconded by the Minister of Health and Community Services, that the House do now adjourn for the day.

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.'

The motion is carried.

This House stands adjourned until tomorrow at 10 o'clock.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.