



Province of Newfoundland and Labrador

FORTY-NINTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLIX

FIRST SESSION

Number 23

HANSARD

Speaker: Honourable Scott Reid, MHA

Monday

December 2, 2019

The House met at 1:45 p.m.

MR. SPEAKER (Reid): Admit strangers.

Order, please!

First of all, I'd like to welcome guests.

As we begin our broadcast today, I just want to remind Members of the comments which I made to them in private session.

In the Speaker's gallery today, I would like to welcome Mr. Robert Lambe, visiting us this afternoon for a Member's statement. He is joined by Judy Lambe and Sheila Strong.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today, we have Members' statements from the hon. Members for the Districts of Conception Bay South, Mount Scio, Mount Pearl North, Lake Melville and Ferryland.

The hon. the Member for Conception Bay South.

MR. PETTEN: Mr. Speaker, I rise today to acknowledge a very passionate volunteer from Conception Bay South.

Ms. Coralie Dodge of CBS earlier this year visited Gambia, in West Africa, where she participated in her third Shoebox distribution associated with Samaritan's Purse.

She began her volunteer work with this organization in 2009 and since then it has been her passion to place as many shoeboxes as she can in the hands of needy children. Thus far, she has provided about 2,000 boxes herself and had the privilege of distributing boxes in Costa Rica and Uruguay.

Coralie is very passionate about this ministry, and shops all year long for sale items and bargains. To offset some of the expense, she worked a second job, but having to deal with a bout of cancer, she had to restrict some of her activities. Today, she is doing well physically and always maintains a happy, positive attitude. Seeing the joy and appreciation on the faces of

these children, inspires her all the more to keep on doing what she enjoys doing, which is putting a smile on the face of a child.

Mr. Speaker, I ask all hon. Members to join me in congratulating Ms. Coralie Dodge for her continued dedication to making our world a better place.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. STOODLEY: Mr. Speaker, I rise in this hon. House today to recognize Mr. Robert Lambe, a dedicated volunteer from my District of Mount Scio. I'd like to thank Mr. Lambe for joining us today in the Speaker's gallery.

Mr. Lambe has been volunteering with numerous community organizations since 1974. He was inspired to get involved at the age of 19 when he saw a Community Services Council ad on a local TV station.

Over the past 45 years, Mr. Lambe has been an active volunteer in goodwill centres, nursing homes, hospitals, radio stations and with the Red Cross. Mr. Lambe is continuing his efforts in the new year, getting involved with the Habitat for Humanity ReStore and undertaking a 15-week training program through the Alzheimer Society of Newfoundland and Labrador.

Most notably, Mr. Lambe has been nationally recognized for his commitment to volunteering. In 1996, he was awarded the Governor General's Caring Canadian Award and, in 2016, he was presented with the Sovereign's Medal for Volunteers.

Selfless leaders like Mr. Robert Lambe are critically important to our towns, cities and communities. Their dedication and enthusiasm enables our community sector to thrive.

I ask all Members to join me in acknowledging Mr. Robert Lambe's volunteer commitment and contribution to our province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LESTER: Mr. Speaker, the Duke of Edinburgh's Award program is an international personal development program for young people ages 14 to 25, regardless of gender, background or ability. Introduced in Canada in 1963, the program currently attracts over 30,000 participants annually, and is operational in all 10 provinces and three territories.

To qualify for an award, participants must undertake a balanced program of leisure-time activities and meet the prescribed standards in four different areas of self-development, including community service, adventurous journeys, physical fitness and skill development.

Mr. Speaker, on November 26, I had the opportunity to attend a Bronze medal Duke of Edinburgh Awards ceremony honouring some very deserving young men and women.

Over the past year or so, these young individuals have been involved in many challenging and worthwhile activities under the direction of committed volunteer leaders. In speaking with participants individually, they told stories of personal growth and commitment as they embarked on the various challenges and opportunities.

Mr. Speaker, I ask all hon. Members to congratulate Curtis Edwards and Desiree Dolimont from Mount Pearl North, as well as all other candidates who were presented with the Duke of Edinburgh's Bronze medals. I wish them well in their Silver and Gold medal pursuit.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Lake Melville.

MR. TRIMPER: Thank you, Mr. Speaker.

As I stand here today, Lake Melville is engaged in a huge effort that, two weeks from now, will deliver some 300 Christmas hampers to those less fortunate in our communities. Participating in this tradition over the last 45 years is more

than an appropriate way to put all of us in a spirit of goodwill, and it started with one man.

Roland Shears was a popular high school teacher who taught mathematics in Happy Valley-Goose Bay for many years. He believed in volunteering to support his community. In the 1970s, he brought together several church projects to create one extensive Christmas hamper program.

Named in his honour, the program continues under the organization of his wife, Jean Shears, Max Butler, Paula Dawe and Sterling Curl, who worked with the Ministerial Association and the current chair, Kimberly Beers. Toys are collected by local schools, churches and the bargain store; clothing and food fill an ambulance at Labrador-Grenfell Health; and the CBC and Labrador Friendship Centre organize a turkey drive – just a few examples of how dozens of organizations are involved.

I ask my colleagues to express their appreciation to all involved in the Roland Shears Memorial Christmas Hamper Project that ensures no one goes without on the 25th day of December.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. O'DRISCOLL: Thank you, Mr. Speaker.

I rise today to congratulate a constituent from my district, 17-year-old Kathleen Murphy of Tors Cove, on being crowned Miss Achievement Newfoundland and Labrador 2019-2020.

The Miss Achievement Newfoundland and Labrador Leadership Program is the province's largest program for young women, which awards individuals for academics, promotion of healthy living, public speaking, community service, volunteer work, environmental awareness and performance-related talents. Kathleen is very involved in her school and her community. She is the co-founder of the environmental club in Mobile Central High School. As well, she is the co-president of the student council. She takes part in many other

extracurricular activities such as soccer, hockey, Girl Guides and tutors at school.

Kathleen was privileged to get the chance to compete at the school cheerleading worlds in Orlando, Florida, and recently given the opportunity to emcee at the 2019 Junior Achievement Business Hall of Fame. I would like to recognize two other participants from our district: Kaitlyn Boyle and Brooklyn Kenny on their accomplishments in this program as well.

Mr. Speaker, I ask all Members to join me in congratulating Kathleen Murphy on being crowned Miss Achievement Newfoundland and Labrador 2019-2020.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

MS. DEMPSTER: Thank you, Mr. Speaker.

I rise in this hon. House today to congratulate a remarkable team that has received national recognition.

The Exploits Hurricanes of Grand Falls-Windsor – who I understand are watching, so we all say hello to those folks in Grand Falls today – recently returned from Toronto, where they were honoured by Special Olympics Canada as the Team of the Year for 2019.

Leads Gary Wicks and Kim O’Neill, Second Tony Kryitsis, Third Margaret McNeil and Skip Joshua Gardner have been curling together for about four years, under the guidance of Coach Joe Tremblett and Assistant Coach Sara Pinsent.

Not only are they enthusiastic competitors, but they also have a reputation as loyal teammates and dedicated volunteers who embody the spirit of fair play.

Mr. Speaker, when we highlight Newfoundland and Labrador athletes in the House of Assembly,

it is to acknowledge the hard work, dedication and passion they have demonstrated in their respective sports.

Well, Mr. Speaker, this team certainly exemplifies those qualities. In fact, this honour tops off, what has already been, a very exciting year for them.

In March 2019, the Hurricanes won the gold medal at the Newfoundland and Labrador Special Olympics Winter Games and this past spring, they were named 2018 Team of the Year by their hometown of Grand Falls-Windsor.

Their next big adventure will be representing Team Newfoundland and Labrador at the Special Olympics Canada Winter Games in Thunder Bay, Ontario, in February 2020.

Mr. Speaker, I invite all my colleagues in this hon. House, and all Newfoundlanders and Labradorians, to join me in congratulating the Exploits Hurricanes and wishing them continued success as they represent our province in Thunder Bay.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. DWYER: Thank you, Mr. Speaker.

I want to thank the minister for an advance copy of her statement. It is my honour to stand in this hon. House and join with the minister to congratulate the Exploits Hurricanes of Grand Falls-Windsor on being named the Special Olympics Canada as Team of the Year for 2019.

Team members Gary Wicks, Kim O’Neill, Tony Kryitsis and Margaret McNeil, along with Skip Joshua Gardner and Coaches Joe Tremblett and Sara Pinsent, are a model team. They have proven with team loyalty, dedication and playing fair your accomplishments can be more than just winning. These traits are most important for all athletes in all sports.

On behalf of the Official Opposition, our congratulations go out to the Exploits

Hurricanes as we wish them every success representing Newfoundland and Labrador at the Special Olympics Winter Games in Thunder Bay, Ontario in February 2020.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. DINN: Thank you, Mr. Speaker.

I, too, thank the minister for the advance copy of her statement, and I join the minister in congratulating the Exploits Hurricanes on their many achievements, including being named Team of the Year for 2019 by Special Olympics Canada.

I thank all the coaches, athletes, volunteers and everyone involved for their passion for the sport and for being excellent representatives of our province on the national stage. It's a testament, certainly, to what it means to be a truly inclusive society.

I again congratulate the Exploits Hurricanes and wish them continued success in Thunder Bay and beyond.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister Responsible for the Status of Women.

MS. HALEY: Thank you, Mr. Speaker.

Mr. Speaker, on Monday, November 25, I had the privilege of joining our community partners for the launch of the annual Purple Ribbon campaign, which aims to increase awareness and responsiveness to violence against women.

Over the last four years, our government has implemented significant legislative changes to support women and girls facing violence. Last month, we approved legislation commonly known as Clare's Law, which provides authority

for police to disclose information regarding interpersonal violence to a person at risk.

In *Budget 2019*, we provided new funding to establish a women's centre on the Northern Peninsula, Mr. Speaker. The NorPen Women's Centre opened its doors in Port Saunders earlier this fall and is already offering programs to women in the area. We also provided funding to the Coalition Against the Sexual Exploitation of Youth, a program of Thrive Community Youth Network.

The Office for the Status of Women works every day with representatives from the women's community, Violence Prevention NL organizations, Indigenous groups and organizations, and multicultural women to identify collaborative, culturally appropriate ways to address violence in our province.

We all have a responsibility to end violence, Mr. Speaker. I ask everyone to join me in pledging to work together to end violence in all its forms.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. On behalf of the Official Opposition, I join with the minister to support the annual Purple Ribbon campaign, which aims to increase the awareness and prevention of violence against women and girls.

Mr. Speaker, gender-based violence is unacceptable. The status quo is not good enough. Women and girls and many others in our communities are still not safe enough. Violence is still far too prevalent, and that's not okay. We have to find new and better ways to protect the vulnerable.

With this in mind, I'm pleased to support the introduction of Clare's Law here in this province and I look forward to the specifics of how the legislation will work when it becomes available.

I look forward to continuing to work with community partners and members of our community to end gender-based violence.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker, and I thank the minister for the advance copy of her statement.

It's good to see legislation approved for Clare's Law, the opening of the NorPen Women's Centre and funding for the Coalition Against the Sexual Exploitation of Youth program.

As we strive to end violence in all its forms, I look forward to seeing government implement the calls for justice from Missing and Murdered Indigenous Women and Girls report. I also remind the minister of the need for a strong network of domestic violence courts around the province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

MR. CROSBIE: Mr. Speaker, may I say that I applaud your remarks at the beginning and certainly will endeavour to follow the spirit and the letter of those myself.

My first duty is to direct my questions through the Chair. Sir, according to a CBC story this morning, there was an investigation into the hiring of Carla Foote at The Rooms.

I ask the Minister of AESL: Did the Premier order or encourage you to hire this individual at The Rooms?

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

MS. COADY: Thank you, Mr. Speaker.

We all saw the CBC report this morning. The report has not been tabled in this House of Assembly at this point; I'm sure it will be. We always appreciate the work of the legislative Commissioner and, of course, the Citizens' Representative as well.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, when the report is tabled, I'm sure we'll expect a full answer.

The CBC story cites an investigation by the Office of the Citizens' Representative. Will the Government House Leader support the release of the results and all documents related to the investigation, and when?

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

MS. COADY: Thank you, Mr. Speaker.

Again, I'll remind this hon. House that the report has yet to be tabled. I'm sure it will be tabled imminently, Mr. Speaker, and then we'll deal with the reports in this House for as long as it takes.

I will remind everybody in this House this deals with a human resource issue, and we have to be respectful of the fact that this is difficult on that person's family and themselves.

Thank you, Mr. Speaker.

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

MR. CROSBIE: Excuse me, Mr. Speaker, the answer was encouraging because my next question was to be: Will the Government House Leader commit to keep this sitting of the House open to fully debate any report which may be tabled?

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

MS. COADY: Thank you, Mr. Speaker.

I think it is incumbent upon all of us to make sure that we do the work of the people of this province, and if the House needs to stay open throughout the month of December, Mr. Speaker, I'm sure all Members in this House will be willing to sit.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Given that Mr. Brinton was quietly fired without – or with, I should say, a payout from The Rooms – with significant cost to the taxpayer – and that the position created for the individual in question was for almost \$30,000 a year additional salary, I would ask the minister: What is the total cost of this patronage appointment?

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

MR. DAVIS: Thank you, Mr. Speaker.

Thank you to the hon. Member for the question. This is a HR matter, dealt with through the HR processes. I will not speak to that matter directly because it's a HR matter.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Thank you, Mr. Speaker.

We'll be left, I guess, to do our back-of-the-envelope calculations. It's certainly in the hundreds of thousands of dollars.

Given that this individual was inserted into a position at The Rooms against the wishes of senior management and the board of directors of The Rooms, will the minister finally admit to a gross abuse of his powers?

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

MS. COADY: Mr. Speaker, it's troublesome that we're trying to speak on this floor today of a report that's under parliamentary privilege, and it's the responsibility of those who have seen that report to remain under that parliamentary privilege.

I will say, in a general sense, Mr. Speaker, it's not unusual within governments – over multiple governments, not just the Liberal government, but over multiple governments – that movement within the organization, including its Crown corporations. It's not unusual. I'm going to be cautious in what I'm saying because it is under parliamentary privilege.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I appreciate my colleague's position as she just explained it, but I am following the well-established practice of asking questions based on credible news reports.

Mr. Speaker, does the Government House Leader believe the current Minister of AESL should be removed from both Cabinet and caucus pending further investigation?

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

MS. COADY: I can't deal with any substance of any report until it's tabled, Mr. Speaker.

I will say that it has been very reasonable across multiple governments that movement of personnel from either core government or

Crown corporations is not an unusual circumstance, Mr. Speaker. I can say that.

I will also say that as the report is tabled, we can get into the details of that report, but I will remind everyone in this House, it does deal with a human resources matter and we should be sensitive to that.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Could the House be informed whether the hiring of this individual at The Rooms was a decision of Cabinet or rather was it directed by the Premier unilaterally?

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

MS. COADY: Thank you, Mr. Speaker.

It's very, very, very difficult to speak of the substance of a report that has yet to be tabled. There is an issue of parliamentary privilege in this House. I'm sure you, as Speaker, will table that report in your due course and then we can get into any substance of debate around that report.

I will say that it is not unusual for executives to move across government, Mr. Speaker. That practice has been happening for decades.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Sir, on July 23, the Minister of Finance was questioned about the firing of the former CEO of The Rooms and gave this answer: These are two completely different matters.

Will the minister now admit that Mr. Brinton was forced out for resisting abusive power by the minister's own colleagues after his 15 years of service at The Rooms?

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

MS. COADY: Thank you, Mr. Speaker.

I believe my colleague, the minister responsible for The Rooms, has already spoken and addressed this matter. I will say that it is challenging to deal with human resources matters on the floor. I understand the former CEO of The Rooms sought to retire. He did outstanding service to the province over his 15 years tenure as CEO.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Given that answer from my colleague, would the government waive any confidentiality around the reasons for Mr. Brinton's leaving of his position so that he can explain his own viewpoint and give his own evidence on the matter?

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

MR. OSBORNE: Thank you, Mr. Speaker.

The individual involved, Mr. Speaker, and government have mutually agreed to protect his privacy and to not discuss the reasons involved.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Opposition House Leader.

MR. BRAZIL: Thank you, Mr. Speaker.

The Medical Association says that government does not have a plan that identifies how many family doctors are needed in this province. When the Medical Association talks about a plan, they mean how many extra doctors are needed right now and 10 years from now. They say 60 today and 250 over 10 years.

The minister told the media he does have a plan. Well, where is it? How many doctors do we actually need right now and 10 years from now? The 99,000 people without family doctors deserve to know the answer.

SOME HON. MEMBERS: Hear, hear!

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

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

We do have a plan. I think we have agreed with the Medical Association that we cannot agree on numbers.

This is an issue of access. In the last four years we have put in place 12 primary health care teams; the exact tool recommended by Dr. Peachey, not only in this report for the Medical Association – which we've not yet seen in detail – but also his magnum opus, as it were, in Manitoba where he went through the complete system there.

We have 12 primary health care teams up and running or nearly complete. We have others in the wings. We have spent \$9 million on retention bonuses for physicians in this province in the last five years. We provide \$4.5 million annually to the Medical Association to help with their Family Practice Renewal Program.

I see you're edging to your seat, Mr. Speaker. I will sit down.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Opposition House Leader.

MR. BRAZIL: Thank you, Mr. Speaker.

So the minister cannot tell us how many doctors are needed right now and how many will be needed in 10 years. That, to me, means he does not have a plan.

If he has a plan, he would also know how many patients there are without family doctors. The NLMA says 99,000 people, many of whom phone Members of the House of Assembly every day looking for a family doctor.

How many patients does the minister believe do not have a family doctor? What research has he done to nail down the essential – stating the point for his plan?

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

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

Once again, the numbers are subject to debate. The Harris Centre has yet a different figure.

The facts of the case are if you are a person who has lost a long-standing family physician, you need access. We are working on access. The issue is around getting people in the health care professions to work to their full scope of practice. This was identified clearly in Dr. Peachey's report. In Dr. Peachey's own figures, collaborative care models would increase our capacity in this province by 50 per cent.

We have currently the single, largest number of doctors per capita of any province in this country. We have the largest number per capita of nurse practitioners in this province. We need to get everybody working together, and that's our challenge. That's our plan.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The minister says that Eastern Health has more family doctors than nine years ago. What good is it to tell the 99,000 people without a family doctor that we have more doctors than nine years ago? The facts are that the growth of our seniors' population, the growth of chronic diseases is outpacing the growth of family doctors.

Will the minister commit to sit down with the Medical Association and develop a plan that works for the 99,000 who don't have a doctor?

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

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

I would estimate that we contact or meet with, in one form or another, the Medical Association on

a weekly basis. This is not two of us sitting on opposite sides of MacDonald Drive shouting at each other, contrary to the impression that the Member opposite might like to convey.

We are working with the NLMA as partners in this. They have finally come around to the agreement that fee-for-service models do not work for primary care. Collaborative teams are the way to go, and we are funding them and we are helping them to come up with that.

The challenge is, Mr. Speaker, getting people from an old business model that was entrenched in the last century and bringing them up to a collaborative model where everybody works to their full scope of practice.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The minister talks about a new payment model for doctors. These will help the situation, but he has delayed over two years from sitting down to negotiate these things with the Newfoundland and Labrador Medical Association.

Why won't the minister negotiate? When will he start negotiating with the Newfoundland and Labrador Medical Association?

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

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

We have a thriving relationship with the Medical Association through a group called the Physician Services Liaison Committee. If I remember correctly, it was actually set up in 2002. It meets on a regular basis. It makes significant decisions and could be regarded – and in some ways by the Medical Association, is actually regarded as an ongoing negotiation.

We are simply now in the early stages of positional discussions with the Medical

Association. They need time to get their ducks in a row, we need time to get our ducks in a row for our formal sit down collective bargaining thing. That will happen after Christmas, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

Ninety-nine thousand patients in Newfoundland and Labrador can't wait to be in the early stages of negotiations with doctors in Newfoundland and Labrador. The Health Minister responded to the NLMA's report on family physician forecast by saying: The only thing that we can agree on is that nobody can agree on the numbers.

Instead of wasting time playing a numbers game and denying there is a problem with doctor shortages, will the minister take steps to implement real incentives to attract more doctors to our province in a time of crisis?

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

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

We have taken real and concrete steps through Eastern Health. As of this week, there will be two extra family physicians in a private clinic in St. John's. The NLMA are working with Eastern Health through the Family Practice Network around enhancing the services on Major's Path.

We have actually delivered an extra 225 years of physician services to this province in the last four years with our existing retention bonus system, Mr. Speaker. We will build on that and there will be an ask in this year's budget to enhance our bursary program.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Thank you, Mr. Speaker.

According to the Medical Association, the region of Conception Bay North-Trinity-Placentia, which includes the District of Harbour Main, has the most unattached patients in all the province.

I ask the minister: Why have they failed to implement a physician human resource plan to deal with the shortage of doctors in our region?

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

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

The authority to deal with future needs of a region rests in section 16 of the *Regional Health Authorities Act* and is vested with Eastern Health. They have begun and actually are in the process of dealing with the issues that the Member opposite raises.

One of the challenges has been getting discussion underway with the NLMA about using the electronic medical record so we can actually identify very easily whose patients are rostered with which primary care provider. That is, as I understand it, the flick of a switch. It's already being done in Saskatchewan.

Again, this is not an issue where arguing over numbers is profitable. There are extra clinics on hand in Conception Bay North, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARDY: Thank you, Mr. Speaker.

On December 14, it is likely that the Bonavista hospital will be down to two physicians, from the usual five, serving approximately 8,000 residents in the area.

Can the minister update us on the success of the recruitment initiatives for this area?

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

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

By early January, the net change to Bonavista will be, at most, minus one. One of the individuals concern was an absence at short notice over family health. We have recruited a physician who is currently undergoing some further training through the College of Physicians and Surgeons. There is another position advertised, such that by January, any net change will be down to, at most, one and service will be maintained, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, there are individuals in my district, and also throughout the province, that are waiting for cataract surgery that will have to wait almost two years to get that surgery.

I ask the Minister of Health and Community Services: Can he confirm that there are only three ophthalmologists left in the province that are performing surgeries? If so, what is being done to clean up the wait-list and what is also being done to recruit additional doctors?

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

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

Once again, I think the Member opposite's numbers are inaccurate. I would be happy to get him the latest snapshot, if that would help.

The issue around access to cataract surgeries is being addressed. We have come to the final stages of discussions about accreditation and safety issues for those private clinics who wish to avail of the funding that is already available.

It is a matter of safety, it cannot be rushed and it's very nearly complete, Mr. Speaker. It will be done shortly.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, the potential for our offshore is immense. As the minister repeatedly said, we have 650 leads and prospects offshore; however, this province does not have the infrastructure required to fully construct FPSOs or GBS.

I ask the minister: What steps has she taken to improve our infrastructure and facilities to ensure that our jobs do not leave and go elsewhere, or future projects like we have with Bay du Nord will be constructed completely here?

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

MS. COADY: Thank you, Mr. Speaker.

It is, indeed, wonderful news that we have 650 leads and prospects offshore Newfoundland and Labrador, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MS. COADY: We also have independently verified 52 billion barrels of oil, Mr. Speaker, so there is tremendous opportunity. It always reminds me of the Chinese proverb: The person who says it cannot be done should not interrupt the person who's doing it.

I will say that, Mr. Speaker, we have put in place a tremendous program called *Advance 2030* that outlines how we're going to advance the growth of oil and gas. I applaud the Member opposite that he should probably commit himself to that document, as all other stakeholders in this province have done.

We've tasked the new oil company, oil Co., to actually get in there and do supply and service development.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, we all know about *Advance 2030* and, actually, I'll ask a question: Does the minister believe that economies are better suited by royalties or by jobs?

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

MS. COADY: Mr. Speaker, in this province, over the last three decades of our oil and gas industry, it has been both. We have done oil royalties. We have done investments in our offshore that are yielding money for the coffers of the province; it has been a royalty regime, Mr. Speaker. The Member opposite might remember that it was under the former administration that the royalty regime was actually solidified.

So I say to the Member opposite, and I say to everybody in this province, we are well served by a robust oil and gas industry in the province and we should be all working together to develop it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, I remind the minister that it was never at the expense of one or the other. The previous administration had 10,000 jobs constructing oil rigs.

Mr. Speaker, we've all heard of the \$100-million giveaway of the swing gates in Argentina. Does the minister have a plan to install such infrastructure at the Bull Arm facility or elsewhere so all Newfoundlanders and Labradorians can benefit from construction jobs in the offshore?

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

MS. COADY: I invite the Member opposite for a full briefing with my department at any time so that we can go into depth and detail about all the

things that we are doing to grow the oil and gas industry here in the province. The Member opposite knows full well that in offshore Newfoundland and Labrador, as we get into deeper waters, it will be FPSOs. We have two of them already working in offshore Newfoundland and Labrador.

I can assure the Member opposite, as I can assure the people of this province, we're going to continue to grow the oil and gas industry. I invite him to work along with us and the over 250 stakeholders that helped up develop *Advance 2030*.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, on November 13, the minister voted in favour of a private Member's resolution for Newfoundland first initiative, to ensure that our residents benefit from public projects and offshore oil and gas and other natural resources.

I ask the minister if she actually supports this or if she only voted in favour because the gallery was full of hard-working Newfoundland men and women that would be affected by the resolution?

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

MS. COADY: I believe, Mr. Speaker, that Member opposite just questioned my integrity, and that is not acceptable in this House, I can say that. But we all know what Socrates said: When the debate is lost, slander becomes a tool of the losers. I'll leave it at that, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, I ask the minister: When will the fiscal update for the province be released and will it be released before the House adjourns this year to ensure the minister can answer questions about it in this hon. House?

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

MR. OSBORNE: Thank you, Mr. Speaker.

I just got an update today, actually, on where we stand with that. I know that bureaucrats, the officials in the department, are working hard to complete the fall fiscal update, Mr. Speaker. I know there's another piece of work to be completed on that. Hopefully, within the next couple of days, Mr. Speaker, I'll be able to provide the update.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARDY: Mr. Speaker, 90 per cent of the population of the District of Bonavista does not come under the direct management of a regional waste management board. The district appears to be a forgotten entity. Eight years ago, the Bonavista council was informed that within two years they would fall under a regional services board.

Is there a plan for waste collection for the vast majority of the District of Bonavista?

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

MR. BRAGG: Thank you very much, Mr. Speaker, and great timing for that question.

The process of reviewing the Waste Management Strategy for the province has been ongoing. There's a lady by the name of Ann Marie Hann that has been doing it. I should have the report within the next two to three weeks, certainly before Christmas. At that time, all of the province – when I say all of the province, I mean all of Newfoundland and Labrador – will be included under that strategy.

I look forward to further conversation with the Member opposite because there are some great things happening in the waste industry.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Time for a quick question for the Member for Exploits.

MR. FORSEY: Mr. Speaker, residents of Wooddale area in the Exploits District have no Internet service and poor cellphone service. This is a popular farming area for residents and farmers being denied access to business opportunities because of lack of communication services.

What is the government doing to address this issue?

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

MR. DAVIS: Yes, Mr. Speaker, thank you very much to the hon. Member for the question.

Connectivity is really important to our government. We've done significant work in that area. I just recently announced one in the Corner Brook region there a few weeks ago. The hon. Member opposite would understand that for sure.

The good thing is we're forming relationships with community, industry and governments to ensure that the connectivity is occurring, whether it be broadband or cell service. This is really important and it's a very good question.

I'll be willing to meet with the hon. Member any time to discuss this in more detail because 45 seconds is not long enough, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

With reference to the aforementioned news article, I ask the Minister of Advanced Education, Skills and Labour: What exactly did the Premier tell him that made him sidestep the required hiring process at The Rooms, invent a new position and hire an unqualified person?

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

MS. COADY: Thank you, Mr. Speaker.

I'll again remind this hon. House that they are referring to a report that is not yet tabled in this House, Mr. Speaker. There'll be ample opportunity for a full debate around that report, but we would breach parliamentary privilege – and I can tell you that I would not do that in this House.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

I look forward to the response to this question once the report has been tabled.

I now ask the Minister of Tourism, Culture, Industry and Innovation: If government will now vacate the position of executive director of marketing at The Rooms and start over using the appropriate hiring process?

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

MR. DAVIS: Mr. Speaker, I thank the hon. Member for the question.

I was not in the role at the time when any decisions were made, but I have not had the opportunity of seeing the report. Like anyone else in this House, I haven't had the opportunity to see this report. I'd like to see the report and to at least have the opportunity to look at that before answering any questions in the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

I ask the Minister of Advanced Education, Skills and Labour: Should the accusations prove true once the report is tabled, will he do the honourable thing and resign?

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

MS. COADY: Thank you, Mr. Speaker.

We're making a lot of references today to a report that has yet to be tabled. While we all appreciate the work of the Commissioner for Legislative Standards and the work of the Citizens' Representative, it has yet to be tabled. We can't get into the fulsome debate around the report. We're going on a media article this morning.

I can say again, that it is not unusual procedure within government and within Crown corporations over multitudes of decades – not just in the recent decades, but in many, many decades – to move people around as the need exists.

Mr. Speaker, I do remind again that this is a human resource issue.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. DINN: Thank you, Mr. Speaker.

Mr. Speaker, the cost of power – electricity – food, rent, medication, phones has gone up. By contrast, income support has not increased in five years.

I ask the Minister of Advanced Education, Skills and Labour: Will he immediately raise income support to assist people caught in this squeeze?

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

MR. MITCHELMORE: Thank you, Mr. Speaker, and I thank the Member opposite for the question.

Certainly, something that we do every single year is we do a review of the income support rates. One thing we have done and that we committed to in the election this past year was to ensure that everybody in the St. John's Metro area would have a bus pass which would make access to medical care and other services more

affordable, and that's something we're firmly committed to do.

We'll be looking at the rates that exist when it comes to income support because, certainly, we want to make sure that we're looking after the most vulnerable in society, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. DINN: Mr. Speaker, after paying essential bills, some recipients – and I've met a few of them – on income support are left with \$40 a week, that's \$5.75 a day for food.

I ask the minister: How exactly does his department determine, what is an adequate amount of income support?

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

Certainly, when we review our income support benefits they are all based on various calculations that take place. They are based on cost of living and comparisons across the country.

One thing that we have done as a government is we've put in a low income benefit, a Newfoundland and Labrador Income Supplement and an enhanced Seniors' Benefit. We are taking measures. There are some specific supports that are in place to help people in certain situations such as dietary needs, fuel supplements that are in place to help people who have outside, extraordinary circumstances.

Income support rate benefits are based on individual circumstances. Some with families would avail of the federal child tax benefits that exist as well, and we've just put measures in place to enhance that, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

MS. COADY: Point of order.

MR. SPEAKER: Point of order, the hon. Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

At approximately 2:22 this afternoon the Member for Terra Nova questioned my integrity and that is contrary to Standing Order 49.

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

MR. BRAZIL: Thank you, Mr. Speaker.

My understanding in listening to the questions asked, he never questioned the integrity of the minister. What he had asked, does she agree with the process that was put in play while voting for that? Does she still agree with what she voted for?

MR. SPEAKER: I will take this matter under advisement and report back to the House at a later time.

Presenting reports by standing and select committees?

Tabling of Documents.

Tabling of Documents

MR. SPEAKER: In accordance with section 38(1) of the *House of Assembly Accountability, Integrity and Administration Act*, I hereby table the report of the Commissioner for Legislative Standards entitled, *The Mitchelmore Report*, November 13, 2019.

Notices of Motion.

Notices of Motion

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

MR. OSBORNE: Thank you, Mr. Speaker.

I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Cannabis Control Act, Bill 19.

MR. SPEAKER: Further notices of motion?

The hon. Leader of the Third Party.

MS. COFFIN: Mr. Speaker, I give notice of the following private Member's motion, which will be seconded by the Member for Windsor Lake:

WHEREAS democratic reform is an important issue facing our province; and

WHEREAS many individuals and organizations living in our province believe our democracy can and must be reformed, modernized and strengthened; and

WHEREAS the All-Party Committee on Democratic Reform, struck before the last election, has too narrow a mandate and is not the best mechanism for achieving meaningful, non-partisan democratic reform; and

WHEREAS a better approach to democratic reform would be to establish a non-partisan select committee on democratic reform that works on behalf of and reports directly to the House of Assembly;

THEREFORE BE IT RESOLVED that this House urge government to disband the All-Party Committee on Democratic Reform; and

BE IT FURTHER RESOLVED that this House establish a select committee on democratic reform with a mandate to review and make recommendations on voting systems and methods, voting age, funding of political parties, the role of third party groups in election campaigns, timing and date of elections and other items at the committee's discretion; and

BE IT FURTHER RESOLVED that given this select committee needs to be and must be seen to be non-partisan in nature, that the select committee consist of the following: two Members of government, two Members of the Official Opposition, two Members of the Third Party and an independent Member, and that the chair of the select committee be elected from within; and

BE IT FURTHER RESOLVED that the House consider how to ensure the select committee has the resources it needs to conduct this work.

Thank you, Mr. Speaker.

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

MR. J. DINN: Thank you, Mr. Speaker.

Pursuant to Standing Order 63(3), the private Member's resolution entered by the Member for St. John's East - Quidi Vidi, shall be the one debated this Wednesday.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Answers to Questions for which Notice has been Given

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

MR. DAVIS: Yes, Mr. Speaker, during Question Period, the hon. Leader of the Opposition asked me a question. I didn't quite hear the end of the question. I've since heard it.

The former CEO was compensated 11-months salary based on the termination of that process or the movement of him from the position. I just wanted to make sure that was for the record.

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

MS. COADY: Thank you, Mr. Speaker.

Before we get into petitions, I rise on a point of privilege. O'Brien and Bosc are very clear, which are the legislative authorities and the procedure and practice of the Legislature of the House of Assembly, as well as the House of Commons.

Under the Joint Committee on Parliamentary Privilege, there are some types of contempt. This was written in the O'Brien and Bosc book. I'm going to use this as one of the most serious, egregious issues around protected documents

and privileged documents – I'm quoting from the book itself – “divulging or publishing the content of any report or evidence of a select committee before it has been reported to the House.”

Today, in Question Period and throughout, I guess, this morning, there has been public debate around a report that has just been tabled – literally, just been tabled in this House. There have been a select few in this House of Assembly – a very select few, Mr. Speaker – who would have had access to that report prior to your tabling it today.

I can say that I think that it is a breach of privilege of all Members of this House and a breach of parliamentary practice that is very serious and could even be considered contempt of this House. I ask the Speaker to review the matter and make his considerations.

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

MR. BRAZIL: Thank you, Mr. Speaker.

I'd like to respond to the point of privilege here. As was asked from the House and from the questions that were asked here from our Leader, they were all relevant to a report that broke early this morning – I heard it a little bit later and some other Members didn't hear it until we got in caucus – relevant to certain pieces of information. What was asked in the House here was about clarity. Was there any substance to it? What was the discussion?

We now have the report itself in our hands, so I guess we'll very quickly, and so will the media, get an opportunity to see what pure clarity is and what fact is separated from fiction.

On the note, I take exception because, as the minister noted, there are only a number of people who would have access to this that we know of. Obviously, from the printing process to the editing process, there's no doubt there's probably a number of other people who may have it, but I take exception that there may be an inference here that certain people who are on certain committees might have access to this, Mr. Speaker.

All I know of, and I can vouch for my colleagues on this side, is that the media broke a story that has some information, from looking at the report, that seems to be accurate and there may be some question on some other pieces of that information. We welcome the Speaker to look into this situation and if there's any wrongdoing, to expose that, Mr. Speaker. But I think there's a bigger issue here that we need to get to and it's about the contents of this report.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: A brief point to add to that, Mr. Speaker. It's my understanding that the news article that I read did not reference this report in particular, but instead referenced the Citizens' report which I believe is an appendix to this, which is still privileged, but I want to just make a point that that's a very distinctly different group of individuals that would have received those reports.

Just to point out that it's not necessarily this report, it was the Citizens' report that has been referenced, so I think that that might mean you need to look in a slightly different direction when you're trying to find the space for it.

Thank you.

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

MR. LANE: Thank you, Mr. Speaker.

I guess I just wanted to concur with what has been said. As one Member of this House of Assembly, I think it's very, very disturbing that we're seeing these reports and that the media could get a hold of this. I don't know how they got a hold of it but, as we move forward, we're going to be talking about, at some point in time, a new policy, a harassment-specific policy.

We did a briefing this morning on it and we can come up with all the policies we want, but we need to have trust in whoever has their hands on these policies, and that's not necessarily

Members of this House. It's possible if someone had access to it but, as has been said by my colleague from St. John's East - Quidi Vidi, in the news article it referenced the Citizens' Rep report, not this final report.

So somewhere between there and this document reaching this House of Assembly, that information got out to the media. That should concern every single Member of this House of Assembly. Politics aside, it doesn't matter; every single Member should be concerned about that. I really urge you, Mr. Speaker, and whatever we have to do to try to get to the bottom of that, because I certainly can't have confidence as one Member as we move forward on any reports or any processes – and we're talking about confidentiality – if someone is going to be able to leak information. Information that I don't even get to see.

We were talking about this this morning. There's information I wouldn't even get to see under our new protocol. If a report was made in the future under this new policy, it goes to a Committee of the House. I don't get to see all the details and know even the Members who were involved. The Member who was accused, not whoever might be making accusations, not who the witnesses are.

I don't even get to see it but I'm expected to vote on it and vote on sanctions, which is a concern itself, which I will raise when we get to debate. But to know that the media, or anybody else for that matter, can get their hands on this private, confidential information is very, very disturbing.

So whatever we need to do to address this – whether it be at the Citizens' Rep office, whether it be amongst ourselves – wherever it needs to be, we need to do it because we cannot allow this kind of thing to happen in the future or we will have a process that nobody here can have any confidence in.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Mr. Speaker, I'm going to speak on this, because I'm even mentioned in this report for some reason. I'm going to speak on this here, and I'm actually in the report. Shocked. So I just want to talk about the leaking.

I know there was a meeting April 25 with the Premier, a certain Member and staff, and it was leaked to the media. Mr. Speaker, then it was on the House of Assembly floor that afternoon. The Joyce Report they're talking about. A media person tweeted they had a copy of the report at 1:45 p.m. I received it at 3:40 p.m.

Now, to even make matters worse for me – you talk about confidentiality, and I heard the government talking about confidentiality. I have a letter signed by the Premier that he was speaking to Bruce Chaulk to find out when the reports are going to be released – and I couldn't even find out.

When the government opposite wants to talk about confidentiality of these reports and you have your own Premier of this province contacting Bruce Chaulk and saying, what are the timelines for these reports – when I don't even know. So it's very important as Members of this House of Assembly, that if we're going to have confidentiality of these reports, that it be upheld. I was tarred, feathered, kicked out, booted out, everything before there was an allegation even made – two months later, and you talk about confidentiality.

We have the Government House Leader – and I agree with the Government House Leader. There should be confidentiality. There actually should be confidentiality.

AN HON. MEMBER: One hundred per cent.

MR. JOYCE: What?

AN HON. MEMBER: One hundred per cent.

MR. JOYCE: One hundred per cent.

Mr. Speaker, I have to speak on this here because when the Government House Leader is talking about confidentiality, you should turn to your right and ask your Premier to respect my rights as a person, as a Member of this House of

Assembly with confidentiality and stand up and apologize.

Mr. Speaker, this is very important because I'm in this report, and this is about confidentiality. Apologize for contacting the chair of the legislative commission and asking, when will the reports be released? We're talking about confidentiality, but the Premier wrote himself and said, on occasion we have contact. It's very important on confidentiality, very important.

I heard the Government House Leader in Question Period when you said, well, this family is involved. How come no one opposite thought about that, about me and Dale Kirby? You can see, Mr. Speaker, how this becomes so political with the outstanding reports that we have here, and everybody wants to talk about confidentiality.

MR. SPEAKER: Order, please!

I ask the Member to take a seat.

MR. JOYCE: (Inaudible.)

MR. SPEAKER: I'll let you know if you're finished, but take your seat while the Speaker is standing.

I think the point of privilege that has been raised here is whether the Opposition, in their questioning, leaked the report. I've heard some comments from both sides of the House on this matter and I think we've had enough deliberation for us to make a decision, unless a Member has a serious point they want to make in relation to this that hasn't already been made.

I'm going to give the hon. the Member for Bay of Islands a few minutes to conclude his comments, just a few minutes. I ask him to get directly to his point that relates to this point of privilege.

MR. JOYCE: What I would recommend – and the Government House Leader is concerned, and I agree with you 100 per cent, confidentiality is so important. Why don't we hire someone to do an investigation to try to find out how this report got out and how the Premier of the province interfered with the last report to get dates? Why don't we do that and bring it back to the House

of Assembly? That's a good recommendation. Let everybody in this House go out and hire an independent body to come in – if we have to hire the RNC. This is extremely personal and important.

If your Government House Leader is very serious, why don't you now make a motion in this House to have the RNC or someone come in to find out how this report got out and how the Premier of the province had the right to contact Bruce Chaulk and get permission from the other report on confidentiality, which I couldn't get, which my confidentiality has been broken.

So if you're going to do it, let's do it for everybody, not just pick and choose because you think it's a chance to pick on the Opposition. The Premier of the province did it himself.

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

MS. COADY: Thank you, Mr. Speaker.

Before we conclude and you deliberate, I just want to make sure – because a Member opposite did indicate that I may have made an accusation. I did not. I just think that the Speaker has to, on behalf of the integrity of the House, on behalf of all Members of this House and on behalf of the process of this House, determine what occurred, that this report was – not this report, but some report that was privileged to this House would have been sent to other parties without it being tabled here first.

Thank you, Mr. Speaker.

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

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

In your précis of the comments made during the exchange on this point of privilege, it may be apparent or it may be perceived by a reasonable person that the scope in which you see this to be confined to the questions of the House during Question Period of today's sitting. I believe the hon. Member raising the point of privilege took exception not just to the events of Question Period today, but in a more specific and larger

issue, which is the divulging of a document, divulging of information which would be privileged, which would be held and kept by the House for equal provision to all Members.

There are several foundations in which this House as an institution are borne on, one being just the essential nature of freedom of speech. Freedom of speech is the central – central – convention or constitution which we all hold, but we all recognize there are limits to that freedom of speech on the floor. This is where points of privilege and points of contempt are taken, where we codify those events. Because to limit freedom of speech, it has to be done in a way that meets with the general satisfaction of all Members.

When information is divulged that is not equally shared by all Members simultaneously, Members are no longer equal. Some Members have access to information, some do not and this is where the contempt – when in consideration of this matter of privilege and contempt, as O'Brien and Bosc points out in their treaties document: "The United Kingdom Joint Committee on Parliamentary Privilege attempted to provide a list of some types of contempt in its 1999 report" to our mother House. Within that codified list, "divulging or publishing the content of any report or evidence of a select committee before it has been reported to the House" would be a contempt or a breach of privilege.

Mr. Speaker, on the finer point of whether or not it was the Citizens' Rep or the other committees, you cannot do through the back door what you can't do through the front door. So if there is a breach of the Citizens' Rep's report, which is the foundational document to a Committee of the House, I would say to you, Mr. Speaker, that this House holds as a guiding principle that you cannot do through the back door what the House specifically forbids you from doing through the front door. So therein lies the breach of privilege or may be defined as contempt of the House.

Information was conveyed by someone – a select group or individual – that held that information and had it available to them. It was conveyed outside of the normal scope of the tabling of the documents in question. It created an inequity between Members; some Members

had it, some did not and some Members had to take questions on this issue as early as this morning because it went into the public domain when they had – such as myself – no access to that information. Therein, Mr. Speaker, lies the breach of privilege or the contempt of the House.

Thank you.

MR. SPEAKER: We're going to take a brief recess to review this matter, and we'll be back to the House with a ruling.

Recess

MR. SPEAKER: Are the House Leaders ready?

The House Leader for the Third Party ready?

Order, please!

I would like to rule now on a matter raised by the Government House Leader with respect to the apparent release of a report of the Citizens' Representative. O'Brien and Bosc, third edition, on page 142 states: "A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a prima facie case of ... privilege has been made and, second, the matter must be raised at the earliest opportunity."

With respect to the timing of the point of privilege, I am satisfied that the Member has raised the issue within the time required. The press report was this morning, and the matter of the release of information in question is still evolving.

With respect to the first condition, prima facie simply means: apparent on its face. O'Brien and Bosc states that: "... the issue put before the Speaker is not a finding of fact, it is simply whether on first impression the issue that is before the House warrants priority consideration over all other matters, all other orders of the day that are before the House."

Maingot on *Parliamentary Privilege*, page 227, puts it this way: "Does the act complained of appear at first sight to be a breach of privilege...or to put it shortly, has the Member

an arguable point? If the Speaker feels any doubt on the question, he should...leave it to the House."

I find that there is a prima facie point of privilege by way of contempt. Discipline of Members is part of the privileges of this House, and those Members have a right to the information contained in such a report before it is released to the public. I ask the Government House Leader to move her motion.

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker, and your Table Officers for your deliberation.

I move, seconded by the Minister of Transportation and Works, that the matter raised as a question of privilege by myself earlier today and the responses made be referred to the Standing Committee on Privileges and Elections and the Committee submit its report to the House of Assembly.

MR. SPEAKER: We're going to begin this debate; but before we begin, I just want to say this motion is very restrictive and I want to keep the debate relevant to this motion itself.

The hon. the Government House Leader.

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

As I said earlier, there is a breach of parliamentary privilege. We have an onus upon all of us here in this House to ensure that reports that are privileged should not be released prior to all Members of the House reviewing. I can tell you that most Members in this House would not have seen the reports and would have woken this morning to no knowledge of same.

Mr. Speaker, I think it's important that we refer it to the appropriate committee for their review, deliberations, discussions, and for them to report back to this House of Assembly.

Thank you, Mr. Speaker.

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

MR. BRAZIL: Thank you, Mr. Speaker.

I'm trying to get some clarification here. Are we referring the report to the committee to look at the content of the report and the issues here, or are we referring or deflecting the issue about the report itself and how it got to the public domain?

I'm asking for clarification on that before I speak to it again.

MR. SPEAKER: Maybe the hon. Government House Leader can –

MS. COADY: Thank you very much.

I'm happy to stand and provide clarification. This is a matter of privilege of a report that should have been tabled and given to all Members of the House before it was deliberated on externally; therefore, it is on the question of privilege that we're referring it to the Privileges and Elections Committee.

Thank you.

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

MR. BRAZIL: Thank you, Mr. Speaker.

We concur. We would welcome the Elections and Privileges Committee having a look at any information that gets put out to the public domain before there is an opportunity to have a discussion in this House of Assembly. We wholeheartedly agree with that, but that doesn't diminish from the content of this report. That has to be dealt with in a timely fashion also, Mr. Speaker.

So we'll go on record that we support that the Elections and Privileges Committee would have an opportunity to look at that. I look forward to it; I'm a Member of that. I look forward to us finding the process here and finding exactly how we prevent information from getting out there and to what degree this information got out there as part of it; but we need to have a debate also on the issues relevant to this report in the very immediate future, Mr. Speaker.

MR. SPEAKER: Before the Member for Bay of Islands speaks, just for clarity, this motion is

to send the matter of contempt to the Privileges and Elections Committee. The report still has to be concurred in by this House – the report that was tabled today.

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

MR. JOYCE: Thank you, Mr. Speaker.

I'm just going to stand for a few minutes and support this here, because I feel on many occasions many of our rights are being jeopardized and put out in the public domain without even an opportunity to speak on your behalf or, in this case now, it's out in the media today before it was even tabled.

Mr. Speaker, I'm glad you set this precedence, because now there are other ones that can be brought forward. I'm glad of that, because once you determine in this House that this here somehow got to the media, I trust now that my rights also, later when I stand, will be reviewed also. I highly support this 100 per cent that, yes, we should put this to the Standing Committee on Privileges and Elections to find out how this got leaked to the media. I support it 100 per cent.

I have to say to the Members opposite, to all the Members opposite who are supporting this, where were you when there were other reports that were leaked that you wouldn't stand? So if we're going to represent the rights of all Members in this House, you can't do it on political bias. If we're going to keep the integrity of this House of Assembly and support this motion – which I am going to do, support this motion – we have to ensure, for the integrity of the House of Assembly, that you support all motions when there is stuff that's leaked in the House of Assembly.

So I will be supporting this motion, because, again, I always feel due process is the proper way to handle these complaints. Due process is to give everybody an opportunity to speak in this hon. House, to speak on the report and have a few words on the report, Mr. Speaker. So I have no problem. As someone who went through this, who never received due process, it was out in the media that afternoon, whose report – and why this is relevant, very relevant is because the reports themselves, the Premier of this province

had access to these reports before I did. Not access, he had confirmation when they were being delivered.

Mr. Speaker, I'm trusting, when I stand up in a few minutes on a point of privilege also, that you send this to the Committee how the Premier of this Province of Newfoundland and Labrador in a letter tabled in this House, which everybody in this House agreed to, how he could speak to Bruce Chaulk and ask Bruce Chaulk when the timing of these reports were coming out, when my lawyer could not find out these reports.

So I'll support this, and I hope I'm going to get the same support, Mr. Speaker, when I stand in a few minutes on a point of privilege.

MR. SPEAKER: The hon. the Member for Corner Brook.

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

There are two important considerations to be held by the Privileges and Elections Committee. One is, of course, to determine if there can be a course to investigate and uncover the perpetrator or perpetrators to the contempt to the House. That would be one element to this, but recognizing, without prejudging, what the circumstance or what the evidence may lead to in this particular case, we all hope that the perpetrator and perpetrators of the contempt that has been displayed to this House will be found, whomever they may be.

The second element to this may be to ensure that this not happen again. That measures are put in place to be able to prevent this kind of contempt from occurring again. That may be restrictions on information exchange, not limiting the scope or access to the Members themselves, but whether or not they can retain it. There's a basket of different measures, because my privileges, as a Member of this House, were obviously treated in a contemptuous fashion.

None of us here want that to be able to continue. We recognize that sometimes it is difficult to uncover who those perpetrators were of the most egregious – one of the most egregious offences to the House would be a contempt, so we recognize that this has to be resolved.

Sometimes it may not be easy to find the perpetrator or perpetrators, so it would be yourself and the Committee to investigate whether or not there should be mitigatable measures to ensure that this does not happen again.

Like I say, Mr. Speaker, when the collective privileges of the House are treated with contempt, I can think of no higher order of malfeasance, given the traditions of this House.

With that said, given your point of reference, which you shared with us today, I think it's very important that we all take this matter very seriously. The two issues can be held. They are separate. They are not interchangeable, per se. They can be held. They are distinct from each other. We need to deal with both and there's been no suggestion by anyone on this side of the House that one supersedes the other.

Thank you very much, Mr. Speaker.

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

MR. LANE: Thank you, Mr. Speaker.

I'm not going to speak long, but I do want to concur with what my colleague just said. We're going to be voting to send it to Privileges and Elections. Obviously, it's going to be very challenging, I would suggest, for that Committee to actually determine who leaked the information. It's going to be a challenge at best. They could probably, possibly interview some people and ask some questions or whatever, but let's face it, it's going to be difficult. Nonetheless, I think it's important that we take this step regardless of that, because at least it sends a message. It's symbolic, if nothing else, the fact that we're saying that it's unacceptable.

To pick up on the point that my colleague just raised, which I think is a very, very important point – one that I wasn't necessarily thinking about at the time, but he raised a great point – and I say to the Members of the Committee, as he has said, this should be as much about, or maybe even more about mitigation. Mitigation measures that can be put in place to stop this type of thing from happening again. Because it's going to be very difficult to find out who did it,

and I wouldn't want the Committee to go into this process and say, well, we interviewed a couple of people or whatever, we looked up a bit of information, we couldn't find out who did it, end of story. Because that probably is what's going to end up happening in the end.

I would say to the Committee, do your due diligence in that regard, but let's focus on anything we can possibly do, any safeguards that may not be in place, security measures, whatever it might be. Sign offs – if someone's going to get something, maybe everyone's got to actually sign something. No more electronic sharing of data. It's got to be hard copies signed and witnessed, whatever the case might be, to put those type of measures in place to protect this information. Because as I said earlier, this could affect any single Member of this House. It doesn't matter what side of the House you're on, it affects us all, and what happened was absolutely unacceptable.

I would also say if we do find out who did it, there has to be a severe consequence to that. If it's someone in this House, there has to be a severe consequence. If it's someone outside this House, they need to be fired, as far as I'm concerned. It's not acceptable.

Thank you, Mr. Speaker.

MR. SPEAKER: Further speakers to this motion?

Is the House ready for the question?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

MR. JOYCE: Mr. Speaker, point of privilege.

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

MR. JOYCE: Thank you, Mr. Speaker.

I stand on a point of privilege, the same as the Government House Leader. I tabled a letter last

Thursday about the Premier actually being in contact with the Commissioner for Legislative Standards on timelines, which is against all protocols.

This is my first opportunity, because I tried to ask questions in the House before and they were turned down. Mr. Speaker, you set the precedent just then that we can stand and it can be asked. This is my first opportunity to raise this after tabling a letter last Thursday and you, yourself, just stood and said that these investigations can go ahead.

Because of the circumstances where there is a letter signed by the Premier himself stating that, on occasion, he did contact Bruce Chaulk, I feel I need to know what information was given, when it was given. Even my lawyer couldn't get that information, yet for the Premier of the province to stand and have access to this information and I don't know what information was given, how many times they were in contact, how many people contacted, who it was shared with.

I'm asking all Members opposite if you're going to do it now for a Member – which I agree with by the way; I agree with it – here's an opportunity now, Mr. Speaker, also because you set the standard just then that my first opportunity – because I tried to raise it in the House before, it was shut down. I tried to raise it, Mr. Speaker; couldn't even get to ask the question. So this is my first opportunity here now, following your ruling just a few minutes ago that all of our rights here in this House should be honoured.

I need to know the information. If we're going to do this properly, Mr. Speaker, you need to stand up and rule that yes, my rights have been violated. If not, Mr. Speaker, if you're going to rule against me again, just another example of how all of our rights here in this House of Assembly are not the same. It's all according to where you sit.

Thank you.

MR. SPEAKER: We're going to take a short recess to examine this case as well. We'll take a short recess.

Recess

MR. SPEAKER: Are the House Leaders ready?

Order, please!

I would like to rule now on this matter raised by the Member for Humber - Bay of Islands.

As we stated in the previous point of order, O'Brien and Bosc third edition on page 357 states: "A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a prima facie case of breach of privilege has been made and, second, the matter must be raised at the earliest opportunity."

With respect to the timing to the point of privilege, the Member has not raised the issue within the time required. This matter was raised by the Member on November 13, 2019 and the Member had numerous opportunities to raise the point of privilege in the House since then.

I therefore rule that there is no prima facie point of privilege.

Thank you.

Petitions.

Petitions

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

MR. WAKEHAM: Mr. Speaker, these are the reasons for this petition:

The Blue Beach Harbour Authority wharf and infrastructure is located at Blue Beach near Black Duck Brook. The road to Blue Beach includes 10 kilometres of unpaved and unmaintained roadway. The road to Blue Beach is used by more than 20 fisherpersons and their buyers to transport nearly \$3 million in product each year. As well, farmers and tourists use this road to access their farms and to enjoy the breathtaking scenery of Long Point.

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 consider repairing, upgrading and maintaining the 10 kilometres of unpaved road to Blue Beach in the District of Stephenville - Port au Port.

Mr. Speaker, this is a small section of road that currently gets provided with some fill and one grading in the spring of the year. All summer long, from the spring to the summer to the fall, the road is used constantly by the fisherpersons in the area, it's used by tourists and it's used by farmers. What we're asking for is not for this road to be paved or anything like that, but merely that the government consider plowing this road on a more regular basis, in terms of fill, and maintaining it, perhaps three times: once in the spring, once in the summer and once in the fall.

Thank you, Mr. Speaker.

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

MR. JOYCE: Thank you, Mr. Speaker, and it's great to get back to government business, I have to say.

WHEREAS the rainstorm of January 2018 caused major flood damage to Route 450, South Shore Highway in the Bay of Islands, and there are areas of the highway that still have not been repaired, including pavement repairs through sections of John's Beach, clearing of debris from the gabion baskets, the tender for Cammies Brook Bridge replacement and other necessary work throughout the region was not done, and where the conditions of the road are causing safety concerns for motorists;

THEREFORE, we, the undersigned, call upon the hon. House of Assembly to urge the Government of Newfoundland and Labrador to ensure all urgent repair work and other upgrades are included in the Department of Transportation and Works tender call for the 2020 construction season and carried out immediately in the spring to ensure safety and the well-being of the motorists using the highway.

Mr. Speaker, I know the minister is here and I just want to say that route in to John's Beach has been fixed in the last four or five days. They did

send crews down to get that done. That was a major area of concern for a lot of motorists. I just want to recognize that that has been done. There is other work that needs to be done, and I have a commitment from the minister that it will be done early in the spring.

Also, for the request for review and proposals for the next phase of the five-year plan that I have personally submitted the reviews from the concerned citizens of the South Shore for Route 450, I have put them on the portal and I will be bringing them to the minister's attention. I know the gabion baskets are being worked because, again, when the spring comes and then the rocks come down, you need it cleared so they just don't go rolling on over.

I just want to advise the people of Route 450, and the minister also, that there has been work done. The road is much safer now in the last couple of weeks for that. I look forward to continuing discussions with the minister to make further improvements.

I know there's a tender coming out to do John's Beach on the rural northern fund, and also to do parts of Mount Moriah. I know Cammies Brook Bridge, which was heavily damaged during the rain storm, the tender should be coming out to start that this spring.

So I just want to advise the residents that the department is hearing their concerns and there will be work done and the roads will be safer – they are safer now in the last two or three weeks, and they will be safer in the spring.

Thank you.

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

MR. J. DINN: This is a petition regarding parent representation on the steering committee on deaf and hard of hearing education.

WHEREAS following the closure of the Newfoundland School for the Deaf in 2010, deaf children have been systematically deprived of their right to an education, equitable to that of hearing children.

Deaf children have been deprived of the right to their first language, American Sign Language.

Deaf children are being socially isolated in mainstream school designed for hearing children surrounded by hearing classmates who cannot communicate with a deaf child in or outside their classroom.

The Department of Education and Early Childhood Development has recently announced a steering committee to review these problems and propose solutions; however, a formal written request to have parent representatives on this steering committee has been declined by the Minister of Education and Early Childhood Development.

THEREFORE we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to mandate the Department of Education and Early Childhood Development to include parent representatives on this new steering committee to ensure transparency and accountability to the primary stakeholders for any discussions, namely their deaf children.

Secondly, to ensure that the chosen parent representatives are knowledgeable in the aspects of deaf education through their personal experience with the current delivery system of education to deaf and hard of hearing students in the province and currently have a deaf child in the school system that requires American Sign Language.

Mr. Speaker, parents of children would compare this, I guess, in some ways to francophone education. We have a francophone school board, which is for those children who are rights holders to an education in their language in French, but it's more than that. It's just not about language, it's also about the culture and it's how we best meet the needs.

In many ways, if you could imagine if you were to say to those who are rights holders to a francophone education, to an education in that language, if we were to say we're going to put you into the English school system and we'll do our best to provide interpreters. What these parents are looking for is basically something, at least representation here on this committee to

ensure that the rights of their children to an education, to a deaf education, to deaf culture, to the proper supports are in place.

I can tell you that inclusion is more than just simply forced integration. It's about providing the necessary supports that are needed for all, so that parents can see the one thing they want for their children, and that's the ability of their children to succeed.

Right now these parents are looking for a parent representative on this committee to make sure their experience, the experience of their children, are taken care of.

Thank you.

MR. SPEAKER: With a response, the hon. Minister of Education and Early Childhood Development.

MR. WARR: Thank you, Mr. Speaker.

I certainly have respect for the hon. Member's petition and it's a priority for our department and the district. We met with the parents, Mr. Speaker, and listened to their concerns. A steering committee has been struck. There are representatives from various organizations, including the Newfoundland and Labrador Association of the Deaf, the APSEA, the Canadian Hard of Hearing Association, and recently, Mr. Speaker, we engaged the Child and Youth Advocate as well. There are members from the department and from the district.

Mr. Speaker, I'm here to say that families will be heard. I will guarantee that they will have an opportunity to provide their own perspectives into this steering committee.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. COADY: Thank you, Mr. Speaker.

I call from the Order Paper, Motion 4.

I move, seconded by the Minister of Health and Community Services, that pursuant to Standing Order 11(1) that the House not adjourn at 5:30 o'clock on Monday, December 2.

MR. SPEAKER: It has been moved and seconded that the House is in favour of the motion.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

Motion 3. I move, seconded by the Minister of Finance and President of Treasury Board:

BE IT RESOLVED that in accordance with subsection 8(8) of the Standing Orders, the spring 2020 sitting of the House of Assembly shall commence on March 2, 2020 and end on June 4, 2020, but in all other aspects the Parliamentary calendar for 2020 as issued in 2019 shall remain unchanged.

MR. SPEAKER: The motion has been moved and seconded.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

MS. COADY: Thank you, Mr. Speaker.

From the Order Paper, Order 2, third reading of Bill 9.

I move, seconded by the Minister of Service NL, An Act To Amend The Automobile Insurance Act, Bill 9, be now read a third time.

MR. SPEAKER: It has been moved and seconded that Bill 9, An Act To Amend The

Automobile Insurance Act, now be read a third time.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK (Barnes): A bill, An Act To Amend The Automobile Insurance Act. (Bill 9)

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

On motion, a bill, "An Act To Amend The Automobile Insurance Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 9)

MR. SPEAKER: The hon. Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

Motion 2. I move, seconded by the Minister of Municipal Affairs and Environment:

BE IT RESOLVED that the House of Assembly concur in the final report of the Standing Committee on Privileges and Elections on the Development of a Legislature-Specific Harassment-Free Workplace Policy dated April 8, 2019.

MR. SPEAKER: It has been moved and seconded that this motion does carry.

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

This is important work that is carried over from the last Assembly. Mr. Speaker, the former Privileges and Elections Committee put forward a report arising out of a private Member's resolution. I do note that you were Chair of that Committee in the last session and I thank you for your great work on the Privileges and Elections report.

I also want to note the former Member for St. John's East - Quidi Vidi was the Vice-Chair of the Committee, the former Member for Ferryland, as well as the current Member for Harbour Grace - Port de Grave and, of course, the former Member for Stephenville - Port au Port. They put a lot of work, a lot of time, a lot of effort into developing a new process to deal with specific issues arising out of a Harassment-Free Workplace Policy.

Mr. Speaker, tremendous work has been done. There was an extensive amount of consultation, extensive surveys, questionnaires, and a lot of work was done. A portal was developed and all Members of this hon. House had an opportunity for input. All Members of this hon. House current have also had the opportunity for a briefing on this report.

So the Committee is newly struck. It has a new Chair, and happy to have the Minister of Municipal Affairs and Environment as the new Chair of the Privileges and Elections Committee. I know they'll continue to do great work.

The former Committee presented its final report to the House of Assembly on the development of a Legislature-Specific Harassment-Free Workplace Policy, which includes the proposed policy, along with recommendations related to the Code of Conduct for Members and other consequential statutory amendments. It recommends the House concur in the report and its recommendations.

The proposed policy, combined with the proposed amendments to the Code of Conduct and the *House Of Assembly, Accountability, Integrity And Administration Act*, will ensure all complaints of harassment are dealt with in accordance with the process outlined in the policy, as opposed to the Code of Conduct; which was developed taking into account the sensitive nature of harassment and relationship-based issues.

The final report of the Committee follows many months of analysis, consultations and deliberations. The Privileges and Elections Committee recognizes the importance of this work, as well as the expectation that the Legislature must lead by example in this area. The proposed policy is intended to create a

cultural shift, Mr. Speaker, foster a better work environment and hold elected officials to the highest standards of behaviour.

Mr. Speaker, I'll walk through, for the benefit of those watching and for the record, what some of the proposed policy highlights are. The application of the policy will apply to complainants of harassment filed by an MHA or an employee where the Member of the House of Assembly is a respondent. Employee is defined in the proposed policy and includes employees of both the Legislative and Executive Branches, including political support staff.

The definition of harassment is based on the definition in the interim process that was put in place by the Management Commission from the Executive Branch Harassment-Free Workplace Policy, with a definition of bullying added. It includes abuses of authority, discriminatory harassment, sexual harassment and bullying.

The complaint process outlines a clear process for submitting complaints, as well as the steps and associated timelines once a formal complaint has been received. There is also a resolution process and formal investigation process and includes informal and formal resolution options and assigns responsibility for the formal resolution of the investigations with the Citizens' Representative.

It also outlines the principles that will be applied by the Citizens' Representative during an investigation, as well as associated timelines. It also outlines the process, once an investigation is complete, with referral of the final investigative report to the Privileges and Elections Committee which has the responsibility for recommending sanction, if warranted, of the respondent MHA.

The process for the Privileges and Elections Committee in recommending sanction, the Committee's deliberations and the final report will be conducted in camera for privacy purposes, Mr. Speaker. While their final report to the House must identify the respondent MHA, it will not disclose the identity or any identifying information of the complainant or witnesses in the process.

The Committee's final report, including the recommendation for sanction, will then be referred to the House of Assembly for debate and vote. Provision is included to protect the identity of the complainant and witnesses during debate of the Committee's report in the House.

There is a confidentiality provision, Mr. Speaker. The confidentiality provision seeks to respect confidentiality to the extent possible, keeping in mind the principles of procedural fairness. It also includes a process for disciplinary action against an MHA or employee, should it become known that confidentiality has been breached.

There's also mandatory training for MHAs, which all of us in the previous session have already completed, Mr. Speaker, and it is mandatory for newly elected MHAs. It also includes a requirement that any Members who have already completed the training attend refresher training once per general assembly.

The Privileges and Elections Committee does not have the authority to recommend policy direction with respect to reimbursement of legal fees, as decisions on financial matters fall outside its mandate. Authority rests with the House of Assembly Management Commission and Treasury Board.

The Privileges and Elections Committee is making recommendations that the Management Commission and Treasury Board, as outlined in the report, determine policy direction, as appropriate, on the reimbursement of legal fees.

Gender-based issue and power dynamics are examples of how the Committee applied both of these lenses in its development of the proposed policy. Definition of discriminatory harassment prohibits harassment on the basis of sex, sexual orientation, gender identity, gender expression, marital status and family status. The definition of sexual harassment prohibits harassment that is gender based.

There's an establishment of an independent support advisor, which will be another avenue through which to seek support and guidance relating to gender based and power imbalance concerns. There's a requirement for the intake

officer to have specific skill sets to receive and provide advice on complaints of harassment.

It prohibits reprisal and retaliation against any MHA or employee who has alleged harassment, made a complaint or participated in the proceedings under the policy. Further, it stipulates that any reprisal or retaliation may be subject to disciplinary action.

There are proposed amendments to Principle 10 of the Code of Conduct, Mr. Speaker. The Committee reviewed the principles and related legislative provisions of the Code of Conduct for Members of the House of Assembly, particularly in respect to the separation of harassment/bullying from the Code of Conduct.

The Privileges and Elections Committee recommends that Principle 10 be amended as outlined in its report. It is of the view that maintaining Principle 10 as it currently exists would result in a situation where a complaint of harassment which is relationship based would have to be investigated under the Code of Conduct, should a complaint be received under the process. It will ensure that complaints of harassment which are relationship based are dealt with in accordance with the process outlined in the proposed policy, which was developed taking into account the sensitive nature of harassment and relationship-based issues.

The proposed amendments to the Code of Conduct provisions in the process of the Code of Conduct in the act currently provides four ways for an investigation to be initiated. Section 38 of the act sets out the process for reporting once an inquiry under the Code of Conduct has concluded.

When an investigation is initiated by the Premier, it follows a different process than if it was initiated by a Member, the Commissioner or the House of Assembly, which is dealt with by resolution. Any Member of the House of Assembly, including the Premier, has the ability to request an opinion of the Commissioner about another Member as it relates to the Code of Conduct. The Committee is of the view that it is not necessary for the Premier to have the ability to initiate a review that would follow a different

reporting process than if it was initiated by any other Member.

The Committee is proposing an amendment to the *House of Assembly Accountability, Integrity and Administration Act*, as outlined in the report, to repeal subsections 36(4) and 38(2). In order to give effect to the proposed policy and to ensure that all harassment-related complaints are dealt with under the proposed policy, not the Code of Conduct, the Committee is also recommending a number of consequential statutory amendments to the *House of Assembly Accountability, Integrity and Administration Act*, as outlined in the report.

Mr. Speaker, as this report was tabled in April of 2019, there is one small amendment that does arise. The policy as tabled was intended to come into force at the beginning of the 49th General Assembly. As this is no longer a viable commencement date, the date of April 1, 2020 is proposed so that the Citizens' Representative can make the necessary administrative changes and so the bill proposing consequential amendments to the *House of Assembly Accountability, Integrity and Administration Act* can be brought forward to debate.

Therefore, Mr. Speaker, this one small amendment to what we're debating today is I move, seconded by the Minister Responsible for the Status of Women, that the proposed Legislature-Specific Harassment-Free Workplace Policy tabled by the Privileges and Elections Committee on April 8, 2019, be amended by deleting the effective date in the proposed clause 18 and by substituting the following:

18 Effective Date.

This policy and its related processes will come into effect on April 1 of 2020.

Again, Mr. Speaker, that is solely to give time to ensure that the Citizens' Representative can make the necessary administrative changes and so the bill proposing consequential amendments can be brought forward for debate.

Thank you, Mr. Speaker. I think I've outlined the processes by which this report has come to the Table and I've moved that amendment.

MR. SPEAKER: That's an amendment to the original motion.

We'll take a few minutes to review that motion.

Recess

MR. SPEAKER: Are the House Leaders ready?

MS. COADY: Yes.

MR. SPEAKER: Yes.

Members of the Third Party ready?

AN HON. MEMBER: Yes.

MR. SPEAKER: Yes, okay.

The amendment is in order.

Is the Government House Leader speaking to the amendment?

MS. COADY: Yes.

MR. SPEAKER: Yes, okay.

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

It's pretty much a friendly amendment on behalf of all of us here in the House in that the time – obviously, the 49th General Assembly is already underway. All we're doing with this very small amendment is setting a time so that the process can take place by April 1, 2020.

I think everybody has had a chance to review this. This has been circulated previously, Mr. Speaker. Everyone has been briefed to it. So on that point, I will take my seat and allow the debate to begin.

Thank you.

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

MR. JOYCE: Thank you, Mr. Speaker.

I'm just going to stand and speak on the amendment and the report because it is all encompassed in one. I support the amendment

because, I guess, I was the one who caused a lot of this. Myself and another person, apparently, caused all this bullying and harassment stuff in the House. They had to get this report together. So this is where this came about.

They wouldn't bring it in the last time because the election was going to be called in April, to be honest about it. It had nothing to do with the report; an election was going to be called in April and they were scared to bring this up because I might have a few words with the Premier. That's why it wasn't brought up, to be honest about it. So let's be frank with the discussion on all this.

I just want to go through some of the pieces in the report, Mr. Speaker. In general, I agree with a lot of the recommendations in the report, in general, but there are a lot there that I have a major problem with.

Mr. Speaker, I'm going to speak frankly and I'm going to speak honestly about this. One of them is confidentiality. Here we are today in the House of Assembly and we're now – the Privileges and Elections Committee to do an investigation on confidentiality. Just think about that. Here we are legislators in this House, the confidential report that is supposed to be out against a colleague, about a colleague in this House, and we're going to do an investigation and we're all supposed to be honourable in this House of Assembly.

Mr. Speaker, my concern with that – and I go on my own experience. When we asked questions this morning on that: What if the confidentiality is broken? What if? It goes back I think to the election readiness committee, Privileges and Elections Committee. What are the sanctions? What are the major sanctions if someone breaks confidentiality in this? What are they? We have to make them strong enough so it doesn't happen.

I'll use myself for an example, Mr. Speaker. I'll use myself for an example, just a prime example. I walked in the Legislature last year, everybody in the House of Assembly knew what was happening. What's the confidentiality? It's a major issue, because what happens then – and I'll use myself for an example again. What happens is by the time you take an issue and

then the issue is put out in the public without any explanation, then all of a sudden it becomes like a mob mentality. It's a big scandal that rocked the House of Assembly – rocked the House of Assembly. That was the big issue last year.

What did it turn up? What did it turn out? Someone said I love you while you're out drinking beer somewhere and someone else said someone handed me a résumé for a 13-week position. The big bully and harassment, but the mob mentality, because it was all put out in the public domain at the time. You walked in the House, the first thing you're out of Cabinet. The next thing you know you can't sit in caucus, and the former Speaker is saying you should take a break because the heat is too high in the House of Assembly.

What's the repercussion? What are the repercussions for anybody who leaks any part of the report? Are they severe enough to ensure that it doesn't happen again? Because the minute it is leaked, Mr. Speaker – and I can tell everybody this, the minute it's leaked, whoever it's leaked about is put at a disadvantage and the process is out the window. There is not a fair process.

That's just the first part about that, Mr. Speaker, is the confidentiality part. We have to – and I don't even know, the House Leader can speak to it when she has time. What are going to be the major repercussions? Are we just going to put it back to the Committee and say, okay, you guys decide what they're going to be? This is a prime example of why I'm saying from experience, and even what happened in the House of Assembly today, you can't leave it up to judgment.

I know how politics works and I can tell you, I don't care if it's PC, NDP or Liberal, if you're over there and one of your own buddies – and you know someone leaked something, what are the chances? If you're – one of your friends, you're going to say, well, let's really give it to him. Let's stand up for it if it's not in legislation.

If the PCs were on that side, on the government side, and someone leaked it, what's –

AN HON. MEMBER: (Inaudible.)

MR. JOYCE: No, but the chances are, and this is very serious, you're going to end up saying someone is going – might put pressure and say, let's just take it easy now. He's going to sit with us and we have to have him around.

This happens, and this is not knocking anybody here. Because if you have the leniency to do it for your friend, you have the leniency to do it in the House, it's going to be done. This is why we can't say we're going to leave it up to the Privileges and Elections Committee – we can't do it. We have to put guidelines in and say if you're found leaking stuff, you have to have repercussions. Here are the repercussions. You can't leave it up for a whim. You can't do it. I can assure you, it can't be done.

If you look at any process that happened here in the House of Assembly lately – and I'll just use me for an example. Before I even received a complaint it was all over the media. I never even received a complaint – never did, two months later. This is why about leaking, however you do it. Can you imagine someone taking you, moving you from your job, doing everything and never receiving a complaint about it and it's all out in the media?

This is why I say to the House Leader, on a serious note, we cannot just leave it up to a Committee to decide – and it's all according to who it comes to – what the repercussions are. I'll just give you a good example again today.

When this report was put in the House today, we know it went to a certain number of people. I'm assuming the Management Commission and a few staff people were aware of it and whoever did the reports. I don't know, seven or eight people – eight, nine, 10 people. Can you imagine – it got out somehow. Can you imagine if this report comes out now with, what, two Members – three from the government side, one from the Opposition and one from the Third Party, and someone doesn't like what's being recommended? How long is that going to take to get out? How long is that going to take to tell your fellow colleagues?

This is why we have to have repercussions. You have to have repercussions, Mr. Speaker. Forget me, I'm fine. I'm more than fine, I can assure you that. Just look at down the road, if there are

issues with staff down the road, if there are issues with MHAs down the road, this is what I'm concerned about. If we're going to keep the integrity of this House of Assembly, we have to look at a process that's going to protect everybody. Right now, I can assure you what's in this proposal – and this is very serious – it doesn't come up with the repercussions if someone is leaking information.

One of the biggest parts of this here, of the report, is the process and the confidentiality of the process. I agree with it; I agree with the confidentiality of the process. I agree with the process that's put in place, but you have to have repercussions if someone steps out of that process. If you look at any profession that you're into, you look at any profession that any of us are into, there are rules. If you step outside those rules and someone is injured, or if you cause damage to somebody, there are already repercussions in place. But in this report here, there's none. Bring it back to the Committee, see what they're going to say.

That is a major concern for me, Mr. Speaker. I'm looking at if there's a case against an MHA, or even if it's a government employee who makes it against an MHA or political staff, whoever it is, they are not protected under here because there are no repercussions. That's a major concern that I have. I just wanted to highlight that as a major concern for me, for the government when the government wants to make any more recommendations on the report and any more sanctions on the report to put some muscle into it to make sure that it's done in the confidence of everybody and whoever comes forth.

Because I just know how it works. You look at any process whatsoever, if you have someone who wants to come forward and they see someone's name put out in the media and then there are no repercussions of that happening, you're going to stop people from coming forward. That's what's going to happen, I can assure you. But if someone in this Legislature – and I just use the Legislature for an example – had confidential information and they reported it and they were found and had reported and they say you have to leave this House for a month, I can guarantee you no one in here is going to leak it anymore.

That's what we need, Mr. Speaker, to ensure the process is going to be fair for everybody. So I urge the government to look at that and not leave it on the whim of the Privileges and Elections Committee because it may change, and it may go on, whichever government is in power, whoever got the majority.

This is not negative towards anybody, this is just human nature, and then pressure comes on people, people talk because we are colleagues and all that. So that's just something I ask the Government House Leader to look at.

Another thing I'm going to look at is the application of policy, Mr. Speaker. I find it kind of strange. I'm just going to read here on page 7, I just want to read this and I find it strange, actually. I know none of the government Members are going to stand up and say anything to support me on it, and I understand where you're coming from, I understand that.

“The proposed Policy will apply to **interactions** that **an MHA** has with **other MHAs**” I really thought that was there with Principle 10. I always thought that was there. So why are we putting that in here? Why are we putting that sentence in this report?

Do you know why? Because Principle 10 didn't apply to MHAs and how they treat MHAs – didn't apply. This is why the Elections Committee – it does get to the point, Mr. Speaker, where the government themselves, right here, on page 7: “The proposed Policy will apply to **interactions** that **an MHA** has with **other MHAs and employees**” It just spells it out between MHAs.

Why is that there? Will someone stand and – Mr. Speaker, you were the Chair of the Committee, and I don't know who else was left on the Committee. Whoever is the Chair now, I don't know if it's the Minister of Municipal Affairs. Are you the Chair of the Committee now? Yeah. Can you explain why that's there? Can you ask someone to explain why that's there, why it changed?

Do you know why it changed, Mr. Speaker? You know, Mr. Speaker, we had discussions. Do you know why that changed? Because Principle

10 that was applied against me wasn't supposed to be applied. That's why that's there.

Can you imagine now government is admitting that Principle 10 don't apply to interactions with MHAs. Now, how do you feel? Your government is admitting right here on page 7 that this here is going to be interactions between MHAs. If it was already there in Principle 10, why would you bring it in? Because it was never there, and this is part of – I was talking about the mob mentality that happened back here in April 2018. Allegations made; Opposition had it; confidentiality was gone, out the window; asked questions that afternoon; all of a sudden, the media took hold to it; House of Assembly rocked by allegations; everything blown out of proportion; we have to find something here; Principle 10 gone. The government now is saying, no, no, no, we have to straighten this out.

I'll say to the Chair, the Minister of Municipal Affairs, page 7 of the report, it states: "The proposed Policy will apply to **interactions** that **an MHA** has with **other MHAs**" Right in the report. I know you're not going to stand up, no one is going to stand up and say we changed it. I know no one's going to stand up, yeah, that's why we changed it, but, Mr. Speaker, you were the Chair and you know our discussions, and that's why this was brought in.

I just want to acknowledge and have it on the record that once again this whole process – and this was started with confidentiality. By the time it leaks out, by the time it gets out, by the time people like Tammy gets a hold of it, then what happens then? The mob mentality takes over. I know this happened also to my good friend Dale Kirby. This happened to Dale Kirby, also. The mob mentality of it all, that, oh yeah, here's what happened. Next thing you know, Dale Kirby – can you imagine, Mr. Speaker? Can you imagine, here we are in this report and we're talking about confidentiality? Here's a man kicked out of Cabinet and caucus, boom, before a complaint was ever made, but this is all confidentiality. What repercussions do we have? Absolutely none. Shameful, actually. It's actually shameful, Mr. Speaker.

Here's the other thing, and I agree with this, by the way. I agree with this here: "The PEC's deliberations of the final investigative report will

be conducted *in camera*, and while their final report to the House must identify the respondent MHA, **it will not disclose the identity (or any identifying information) of the complainant or the witness in the process.**" In theory, perfect. In theory, Mr. Speaker, if someone did something so severe that there were issues that should be taken up in this House, it should be the person. I have no problem with it whatsoever.

I ask you a question, and this goes back again to confidentiality. I'll just use me for example, again. What if I couldn't stand up and defend myself in this House. What if I couldn't? I'll just give you a good example, prime example. What if I couldn't call the Minister of Municipal Affairs and say: By the way, did I bully you? What are you talking about? You're in the report. What are you talking about? And you see, the language came back to me of how distraught he was. Imagine if I couldn't speak to him and I didn't know and he was in the ...

Mr. Speaker, do you know the other person that was in the report that apparently I bullied? And I'm not picking on this last report, this is just factual. If I wasn't allowed to personally be identified, do you know who it was? It was you – it was you. Apparently, I bullied you. When you did the report, when you did the investigation, what are you talking about?

Do you see why, Mr. Speaker, that everything here – and if I never had that opportunity to go out and speak my mind after being out in the media so much and being leaked so much. It's great in theory, but every person has to have an opportunity to defend themselves. As legislators, legislative people here, the only chance we have is in here or the courts. That's the only way.

Once I got the report, if I couldn't notify the people that were being bullied – and there are others, a lot of others. The minister of industry, trade and rural development, it turned out I bullied him. He wrote me a letter and said, what are talking about? I don't know what you're talking about.

Now, if I wasn't allowed to speak to those witnesses and they were in the report, everybody was saying: My God, how bad was this guy? So this hamstringing the person, this hamstringing your

defence. If you don't have the ability to find some way to get the information out, it's serious.

That's three in this House. I have more. I have a lot more, but that's just three: you, Mr. Speaker, the Minister of Tourism, Culture, Industry and Innovation, and the Minister of Municipal Affairs and Environment. That's three people that were in the report, apparently, I bullied. When I contacted them, they wrote letters and said: What are you talking about? I don't know what you're talking about. This is too foolish.

You went as a witness. You even went as a witness, Mr. Speaker. So we have to be careful what we're putting in here; you have to be careful. You have to be careful what you're putting in here. In theory, I agree with it, that it should be done in confidence and then whoever is representing me should have the right to interview the other people or be present while it's happening.

Mr. Speaker, those are just some of the concerns I have here. What's the other option? Stand in this House or go to court; spend \$20,000, \$30,000 to go to court. That's the only options you have. That's the only options you have in this Legislature. Then, if I don't have that opportunity and if I don't get the opportunity to be interviewed, you're hamstrung again.

This all plays back into the mob mentality that goes back to confidentiality. In an ideal world, put a report in, let the independent person or whoever it may be go off and do their work, come back with their findings. Let's all, if we can, put our biases aside and look at the facts. That's what we need to do.

As you go through this report, you'll find all the things that should have happened, a lot of times don't because – and today is a prime example of that, Mr. Speaker. Today is a prime example of that, how we're doing an investigation on a report that was leaked.

I say to the minister: That should never have been released until it was tabled in the House of Assembly. It should never have been, and we're all taken off guard today. It shouldn't be – it just shouldn't be. Whoever had a copy of that should not do it – waking up in the morning. It should

be tabled in the House of Assembly and that's the way the process is.

Mr. Speaker, I see my time is getting near. You don't have to sit up, stand up; I see my time. I can see the clock. I'll be back and I'll have another 20 minutes at it.

I just want to thank the Committee that did some work. I'd like for the Minister of Municipal Affairs to answer that question: Why is that put in if it's already in Principle 10?

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

MS. GAMBIN-WALSH: Thank you, Mr. Speaker.

Mr. Speaker, the provincial government strives to create a work environment for all where they feel safe and free from harassment. That is because every individual has the right to come to work to an environment where they do not face harassment, violence or discrimination. The same is true in this House of Assembly.

However, elected Members of the House of Assembly are not employees of government; we are representatives of the people, honoured and privileged to be here. Chosen to work on behalf of the people to advocate for them. To bring forward legislation, laws to protect the people. To be their voice. To use the time afforded to us in the House in a respectful way and to be productive, to get work done as we identify and deal with difficult issues.

Two predominant themes highlighted by the Standing Committee on Privileges are very important, Mr. Speaker. They are harassment as a gender-based issue and the very important issue of power imbalance. The fact that we are afforded a protection to freely debate in this House of Assembly should not give us the right to slander each other.

This House of Assembly, Mr. Speaker, is the avenue to discipline MHAs who are found in violation of the Code of Conduct by the Commissioner for Legislative Standards. As we are elected, this is the only place, the only way to impose such discipline, to impose sanctions, if we breach the Code of Conduct.

According to the Canadian Human Rights Commission: “Harassment is a form of discrimination” – that involves – “any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment.”

I fully believe that harassment and violence are not acceptable in any form. I fully believe this, and as the Minister of Service NL, I have responsibility for the *Occupational Health and Safety Act*. That act focuses on protecting the health and safety of the workers by setting certain minimum conditions for all workplaces in the province, not just the Government of Newfoundland and Labrador. Sections 22 to 24 of the Occupational Health and Safety Regulations deals specifically with violence prevention in the workplace.

Mr. Speaker, since our government came to power in 2015, we have been reviewing various pieces of legislation to ensure it is relevant to the people we serve. In February, I released a new five-year workplace injury prevention strategy, advancing a strong safety culture in Newfoundland and Labrador. The strategy notes that over the past decade the rate of workplace violence has increased from 5.2 injuries per 10,000 workers to 8.9. Mr. Speaker, that’s an increase of 71 per cent.

This is the first time a workplace injury prevention strategy has focused on psychological health and safety in workplaces. WorkplaceNL has a new harassment prevention guide to help employers develop, implement and maintain a workplace harassment prevention plan in consultation with their occupational health and safety committee.

Among other things, a supportive work environment is one that is harassment free, where employees can comfortably bring forward issues and issues are addressed fairly, respectfully. All individuals are respected in the process, Mr. Speaker.

On May 2, 2018, the House of Assembly unanimously passed a private Member’s resolution directing the Standing Committee on Privileges and Elections to undertake the

development of a specific harassment-free workplace policy. The Committee then completed cross-jurisdictional research and an analysis of applicable legislative and policy provisions.

The Committee has developed the proposed harassment-free workplace policy applicable to complaints against Members of the House of Assembly, and I welcome this policy. If passed, we will then have in place three pieces of legislation and policies which specifically pertain to harassment: harassment-free workplace policy; expanded occupational health and safety regulations to capture incidents regarding worker-on-worker violence and provisions related to harassment in the workplace, which were not previously included; also, Legislature-Specific Harassment-Free Workplace Policy.

There are several other pieces of legislation, Mr. Speaker, which have been brought forward and contain elements relating to harassment and violence which our government has also achieved: *Family Violence Protection Act*; *Residential Tenancies Act, 2018*; *Schools Act, 1997*; *Intimate Images Protection Act*; and *Labour Standards Act*. Clearly, this is very important because we are role models.

Our job is to respectfully advocate, respectfully be the voice of the people and to follow the Code of Conduct. I thank the five Members of the Committee who worked hard on this policy, who strived to ensure that this policy is modern and serving the purpose for which it was intended.

Mr. Speaker, some of the changes that I personally believe are very important to highlight today are: There will be recourse if you breach confidentiality. If you leak a report to the public, to the media, there will be recourse. The Citizens’ Representative will receive a complaint now and investigate that complaint.

The Citizens’ Representative will ensure the right to procedural fairness of all persons involved, including the complainant, the witnesses and the respondent. The complainant and witnesses will be protected, as their names

will not be disclosed. Disclosing names will be a breach.

The Citizens' Representative will forward their findings, their report, to the Privileges and Elections Committee. The Citizens' Representative will determine if harassment has occurred. The Committee will prepare the final report for the House of Assembly with recommendation for sanctions. These reports cannot be ATIPPed, Mr. Speaker.

While confidentiality is a core aspect of the proposed policy, one can never determine another's behaviour; one can only control how they choose to behave inside and outside the House of Assembly. Confidentiality, unfortunately, can never be absolute. As in accordance with procedural fairness, a respondent has the right to know who brought forward a complaint.

Harassment, Mr. Speaker, is defined as any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. There are four types of harassment listed here. Abuse of authority is one; harassment that occurs through a use of authority serving no legitimate work purpose. I personally welcome that definition in this policy.

All harassment complaints coming forward after this proposed legislation is passed will go under this policy. This policy will apply to complaints of harassment against a Member of the House of Assembly by another Member of the House of Assembly, or an employee of the Legislature, of the Executive Branch and political support staff.

Mr. Speaker, an independent support advisor position will be established and available if needed – hopefully, never needed. This advisor will provide confidential advice, support and guidance to individuals on navigating the process and the options available, and also an understanding in dealing with their feelings and concerns as they deliberate on the course of action best suited to them.

Mr. Speaker, I say from lived experience, from going through a process that yielded a proven violation of the Code of Conduct that this resource would have saved thousands of dollars

– \$18,000 to \$20,000 in my case, to date. The total financial cost is to be determined; however, the emotional cost to oneself and one's family can never be measured.

Mr. Speaker, this proposed legislation will separate harassment and bullying from the Code of Conduct, and thus, those complaints will be dealt with in accordance to this proposed policy. As a government, we understand the importance of working to address issues that we feel need to be brought to the forefront. Workplace harassment is certainly one of these issues.

Mr. Speaker, research shows that incidents of harassment and violence in Canadian workplaces often go unreported because people fear retaliation. Our government, however, is sending a clear message on this topic. We take all incidents of harassment in the workplace very seriously and we will not tolerate them.

In fact, we are focused on improving outcomes for the people of the province and eliminating violence of all forms. Amendments to the *Family Violence Protection Act*, the *Residential Tenancies Act*, the *Intimate Images Protection Act* and the introduction of a new Harassment-Free Workplace Policy are some examples of how we are focused on improving outcomes.

In closing, Mr. Speaker, I want to state once again that every single one of us has the right to feel safe no matter where we are. This includes the workplace. It is incumbent upon each and every one of us to spread that message of tolerance, respect and appreciation of differences. It is also incumbent upon us to strive to create workplace environments which cultivate teamwork, co-operation and positive interaction. Harassment of any type is not acceptable.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

I'm just going to take a couple of minutes to make a couple of comments.

Mr. Speaker, I think everybody in this House of Assembly and in every workplace, we recognize, I think, that the issues of bullying, harassment – whether that harassment be sexual harassment, whether it be, like I said, of a bullying nature, whether it be discrimination because of gender or sexuality or whatever the case might be, or colour or creed whatever the case might be – we all recognize that it's absolutely unacceptable.

We know we have standards across workplaces throughout the province and the country, and in many countries, that deal with this issue. It's something that's certainly been a long time coming. I would suggest we would have and should have it to govern this House of Assembly and the Members.

I think there are a number of people, who I've spoken to, who are actually quite surprised that we didn't already have it in place. The fact that in 2019 we would have to be bringing in such a policy was a surprise to a lot of people. They felt it would have been a normal course of business that would be in place.

There's no doubt, I'm sure every Member in this House of Assembly supports having a policy. I think we would have been much better served over the last year or so had that policy already been in place, because I think we all realize it was a case of – I'm going to say flying by the seat of our pants to some degree in terms of a process, and I'm not sure the process necessarily served us all well as it could have.

I like the idea here in this policy about having a mechanism in place, having a person in place who could try to nip it off at the pass, if you will; an opportunity for individuals to work out their differences amongst themselves so it would not escalate to the point of complaints and so on. That's something that's in this new policy.

There will be a resource person, as I understand it, at the Citizens' Rep office that if you had a concern with an individual, you could go to that person, explain the circumstance and be given advice. That person could also, I'm understanding, assist in some sort of mediation between individuals so hopefully it did not escalate to the point that we've seen some things

escalate here. I see that certainly as a positive thing.

The other thing I would say, Mr. Speaker, is for me at least, as one Member, I think it's important that we all have to have – whatever system we have in place, we need to have confidence. We need to have confidence in that system, whatever it might be. There has to be confidence, at least for me, that everybody is – I'm going to use the term: getting their day in court, for lack of better terminology. I think you know what I mean.

Everybody has an opportunity to have their say. If someone is going to make allegations, and individuals have the ability to be able to give their side of the story – individuals on both sides – the opportunity to rebut things that may have been said by the other individual or by witnesses and so on. I guess what I'm saying is due process to make sure that all sides are heard and that everybody has an opportunity to have their side heard and we make sure that the decisions that are being made are fair decisions. I think that would serve us all well.

I'm not going to get into any of the previous reports or whatever per se, and I know some of this is somewhat hearsay and whatever, but I do have concerns when I hear things like – and I spoke to this before – when the report comes through and someone is being found in violation of a code of conduct, and when you actually look at that section of the Code of Conduct, it's not exactly meshing the way that you think it should, that ought to be concerning to us all. That's something I would say that goes back to having confidence in the process.

When we look at the fact, as I said earlier today – and the Minister of Fisheries and Land alluded to it as well. We have these reports, like the report that was tabled today, and the media get hold of that report before Members even saw it. Before it was even tabled, we're reading about it on *CBC News*. That is very concerning and it certainly compromises the process and the confidence in the process as well.

I think while it's important to have these policies and procedures and mechanisms in place, it all looks good on paper and I support it, but in the execution piece, we need to make sure that

everybody receives fair and due process and that there's full disclosure, that confidentiality and the privacy of individuals involved, the integrity of those reports is maintained. As I said, I really do have a concern with reading about this or hearing about this on *CBC News*. That is a big problem for me. It should be a big problem for every Member in this House of Assembly.

We need to really buckle down, we need to get to the bottom of how these things can be happening and we need to make sure that as part of the processes as we execute these policies, we need to make sure, as best we can, that we have mechanisms in place to ensure that this information is indeed kept confidential.

Whether that means that there cannot be any reports and so on sent via email or other digital means, maybe it has to be in hard copy, there has to be a list of who has the information and if someone gets it, they have to sign for it, has to be witnessed, whatever the case might be, processes to make it very, very difficult for information to be leaked or at least if it is to have a better, I'm going to use the word suspect pool again, for lack of better terminology, but mechanisms so we could have an idea of who might be involved in leaking that information. Those individuals have to be dealt with swiftly and severely, in my view.

Again, I will support the policy, the procedure that we have in place. I do have some concern again, a minor concern about the process. It's the fact that it's going to the Management Commission – or not the Management Commission, the Privileges and Elections Committee or whatever, and certainly I'm not part of that Committee. I know there's an investigation with the Citizens' Rep, but they're going to be privy to perhaps more information in terms of who are the people involved.

Because you can say that we want to keep the identity of people out of the picture. I can understand that. If we're talking an MHA versus a public servant, I totally get that. I'd be okay with that. If it was just an MHA and a public servant, keeping that public servant's name out of it and whatever, from Members of this House, I could understand that. But when we're going to have a situation where there's MHA versus MHA, then I think sometimes the context of

who's involved, who the witnesses are, who is saying what, I think there could be some context around that and potentially politics around it, unfortunately, that can happen, that I think that it is important for Members to know who's involved around some of these things if they should arise again. I think it's important. For me, it would be important.

I wouldn't necessarily be comfortable on rubber-stamping, because that's what I'd be asked to do. The Privileges and Elections Committee are going to come forward, at some point, with a report, and the report is going to say Member X is in violation of whatever they're in violation of, and then they're going to ask us to debate and vote on sanction and everything else against a particular Member, whoever that Member is, and I'm kind of doing it on the blind, if you will.

I understand there will be details as to these are things that happened or allegedly happened and whatever, but I wasn't privy to the Citizens' Rep investigation. I wasn't privy to the Committee's investigation either. I had no say in it, no opportunity to ask questions on it, and a lot of that information is going to be sort of kept from Members; but when the report comes forward to the House, I'm expected now to say, yeah, Privileges and Elections said this Member is in violation against some other Member or whatever, and you have to vote – well, I don't have to; you vote whatever way you want. But we're kind of encouraging you to vote one way or the other, and now we're going to say here's what the punishment should be and I'm going to vote for that, against any other Member in this House, without having all the information and the full context around what happened, without having the opportunity, myself, to ask questions – because a lot of stuff can be taken out of context. It's easy to write something down in a report and say here's what happened, but we all know that it's all a matter of context sometimes.

I'm sure there are lots of Members in this House, if you've been in politics for a while, like I have, and some others have, that there have been times where you might stand up in the House, or do a radio interview with a reporter for 10 minutes or whatever, and they take one little clip and, depending on what they put in that little clip, what's left out of it, it can sound totally the opposite. You could be saying it's

daytime and it sounds like you're saying it's nighttime because the context and the full conversation wasn't there.

So I'm just making a comparison in the sense that I'm being asked to sanction a colleague in this House and say whether they should apologize or whether they should be docked a day's pay or kicked out of the House for a month or a year, whatever it might be, without having the ability to ask any questions about what went on, for myself, and just kind of taking the word of – and that's nothing against anybody in this House, but taking the word of four or five Members, yeah, we're okay with it.

Maybe you are okay with it, but maybe I wouldn't have been okay with it. Maybe I would have been okay with it too. I might have been the same as everyone else, maybe. Maybe I would, maybe I wouldn't, but I don't have all that information and I'm expected to vote on it anyway. So I find it uncomfortable, under that scenario, to be expected to vote on sanctioning a Member on information when I wasn't privy to it all and I never had the opportunity to ask questions, or know who was involved or anything else. So that is a concern that I have with it.

I also realize, I suppose, that nothing is going to be perfect and we'll be better off tomorrow having this than not having it. But I would say to Members, just for consideration, when you think about it now, because these are people, these are our colleagues, it's their reputations and it's everything else, and their families – let's not forget our families – on all sides and it's important when you think about it – and I will say this as well: My commitment, as one MHA, which didn't happen the last time, the way it should have, but this report here, I will be reading it cover to cover and I will be also reviewing the Members' Code of Conduct and comparing it to what is in here.

On this one, I absolutely will – and that's the other thing, I say to all Members, these are serious matters and they could impact any one of us anytime. So I think we have a duty and a responsibility to ourselves and to all of our colleagues, knowing it could you or I tomorrow, as we move forward, that when we get these reports, we need to be reading these, taking the

time to read them, taking the time to ensure that what is being said here all lines up and it makes sense and it's fair and it's just and whatever.

It's very easy to jump on the bandwagon of someone says everybody is going this way, so I'm just going to go this way, I'm not going to question it myself – that can happen. It's important that I think we all have a responsibility to make sure that we actually take the time to read the stuff and understand it and ask questions and be critical of certain things, as we move forward. Because if we don't do that, then this policy is not worth the paper it's written on.

The final result may not be the best result if we're not taking it seriously, if due process is not followed at all times and if there's any kind of interference or any questions that – and there has to be an opportunity to be able to ask questions. Again, I don't mean to ramble but I can remember when Mr. Chaulk was here on the floor of the House – an Officer of the House, I know it was an unusual circumstance – I asked him a number of questions and he couldn't answer anything, wouldn't answer any questions. Can't talk about this, it's in the report. Can't talk about that report, can't talk about that report – wouldn't talk about anything.

As a Member, how am I supposed to be understanding and voting on this stuff and stuff that impacts fellow Members of the House if I don't have all the info and no one is going to tell me the info, can't talk about this, can't talk about that, can't talk about something else? I just don't feel comfortable now, in reflection, on voting on any of these things, unless I have all the first-hand information about exactly what went on, who was involved or whatever and I can make my own decision, particularly on sanction of how bad it was or how it bad it wasn't.

I think it's really important that we all consider this because this report has one of our colleague's names on it and any time you can white that name out and put your own name there – any one of us. It could happen. I hope it doesn't happen. I hope we don't have to use this ever again. I hope we don't have to use this policy. Wouldn't that be wonderful? Wouldn't it be wonderful if we never had to use this process

again? But it could happen and it could be your name on it.

My only comment – and the important one I’m trying to make – is that we have to take this really seriously. We have to make sure that not only do we have a policy in written form, but that it’s executed independently, thoroughly, and fairly, that everybody has an opportunity to have their say, that there are mechanisms for people to question things and ask questions and that all the information is kept confidential. Those are important things that we need to make sure happens. Because if we don’t, then the process is going to fail – not this individual in this particular case, it’s going to fail us all. It’s going to fail every single Member in this House.

With that said, Mr. Speaker, I will support the policy. I’m glad we have one, but I do see some shortcomings and those are points, I think, that as we move forward need to be considered.

Thank you.

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

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

Always an honour to stand here in your place, of course, to speak to any bit of legislation, whether it be priorities to your own district, legislation that we pass pertaining to each department and certainly this. I think it’s safe to say that this is a first for this Assembly, the 48th and now, of course, being carried into the 49th General Assembly.

I’d like to thank my colleague, the Government House Leader, of course, for outlining the key messages and the recommendations of the report, because as my colleague just said, there was no process in place – and currently still is no process in place – until we debate this and whether or not we concur on this and whether or not this passes. I certainly hope that it does.

I was a Member of the Privileges and Elections Committee in the last Assembly. I’m back on that Committee again to continue this work. It’s funny because when we entered the last term, of course, the Privileges and Elections Committee hadn’t been struck in some years. I think it was

decades. Mr. Speaker, you were on that Committee, and in the rare occasion would that Committee come together based on an incident.

This wasn’t the first incident that this Committee came together on. It was another incident, of course, that involves a Member that’s no longer in the House, but, again, my point is the Committee had to come together to decide on the actions of the individual at the time and a punishment or an action. I agree with my colleague: Who are we, as our peers, to judge one another on what our punishment should be or what the recourse should be or whatever the case may be?

I will say, as a Member of that Committee – and it was the other Members that were on the Committee, such as the former Member for St. John’s East - Quidi Vidi. I have to say, it was an opportunity to work closely with her. She brought some great experience, some great insight that she can contribute to that work. I wish she was here today, actually, in the House to be able to debate this legislation, because I know how she felt about it and I know the work she put in about it. The same thing with my colleague from Ferryland. The former Member for Ferryland did a lot of great work. The former Member for Stephenville - Port au Port and myself; you, Mr. Speaker. I think that was – was that it? I’m so bedazzled now with – yeah, I think that was it. That was right.

We spent the whole summer in here, doing that work, hearing from groups and consulting with different groups, such as the Native Friendship Centre, the Status of Women. We’ve heard from the LGBTQ community. I’m not sure if I got that definition right, but my point is we consulted with a lot of people, both internally, externally. Members had their opportunity to contribute through portals, to come and to write the Committee and to even come and present before the Committee. A lot of work went into it.

My point is I guess we were – for lack of a better way of describing it, it was like deer in headlights, for all of us here in this House. It’s safe to say that it was a very uncomfortable and trying experience for all of us. Even people who were not involved directly, they’re subject to sit here, to hear accusations, to hear the details and

someone's opinions, because it's opinions. You know what they say, Mr. Speaker. There are always two, three or four sides to a story. To sit here and to say this didn't happen or to demean that or to belittle that experience, that's not accurate, and it shouldn't be allowed to take place, in my opinion, here in this hon. House.

Let me tell you, I know of a Member who had experienced some situations, but that Member didn't feel confident in the process that was in place at the time. So that Member saw fit to not even file and that Member is no longer with us, and I won't say any more about that, but that person didn't even feel confident that this was a process that they could even turn to.

But, as we all know, the process did happen and people did file to the process that was available to them at the time. I'm happy to see some of the changes and recommendations with regard to the intake and support. It's a first step whether or not someone wants to file a complaint, they can get some guidance and this person would be independent. Because let's face it, it takes a lot of courage to do something like this. There's a lot of fear involved. By having that independent intake officer there to provide some professional guidance, someone who has a background, someone who has the proper training and the credentials to deal with such sensitive issues, because we know that was lacking in the last process, Mr. Speaker, which I would say contributed to the outcome that we've all witnessed. It certainly was a flawed process that I think it's safe to say we all agree upon. To have someone such as a professional in place, I think that's a big first step. It's a great recommendation.

Again, the confidentiality is a concern, and I agree with opinions that were stated here in the House. I mean, there's no recourse. Like you said, there was no deterrent. Something needs to be in place to deter people if they're going to go out and leak something so sensitive before it's tabled – and that happened in those previous reports as well as what we're experiencing here today.

We know that happened. We know that it was out in the media and it was discussed. It made probably great entertainment and drama for some people who would probably sit back and

enjoy this sort of drama, because that's what it is. It was definitely hard to watch, to be part of, to debate, to sit through; but I'm glad that the Committee did come together to make such recommendations because confidentiality certainly is very important. There needs to be a mechanism in place to deter people and to take this serious. There are consequences if you're going to go out there and talk in a public forum about the details of the report.

Not only that, people can sit here as they're listening – they've listened to some of the details of the report and you can sit there and you can ponder in your own head: Is this really worth a complaint? Did it really happen? There were words that were thrown around such as pick your battles; you have to take it on the chin; when you're in politics, you've got to grow a thick skin.

Mr. Speaker, I question, how are we supposed to attract quality women – look around the room; there are 40 seats in this Legislature, nine of which are represented by women – only nine. I've had much conversation with many women, strong women, industry leaders, women in municipal councils, and they've often said: Is that what it's like in there? Is that what you've got to be subjected to? I mean, you want to put yourself forward. It's a big decision to put yourself forward, first of all, to put yourself out there and offer yourself for public office to serve your constituency, to serve the public. But how are we supposed to attract quality individuals with the proper credentials to come forward and do such a job if this is what they're going to be subjected to?

I've said it here in the House before. If people want drama, look on *Days of Our Lives*, look on *The Young and the Restless*. We shouldn't be having these sort of actions here in our Legislature. We are elected here to take care of the business of the day, and we all agree that there are big priorities here in this province, such as Muskrat Falls, that we need to be taking care of, rather than monitoring, babysitting ourselves.

So I don't think, by any means, as a Member of the Committee, it's a perfect report that's been put forward. The thing I don't like about it is that we're all elected officials here, so no matter what comes forward in the future it ultimately

will come back to be debated here in the House of Assembly, which is televised, which is public, which we all get to contribute to in a debate.

Take, for example, you have an employee in an office setting, whether it's the private sector, or maybe even a public department but that's not concerning elected officials. They don't all go into the lunch room and sit around and exchange their opinions and decide whether or not their co-worker is guilty or not or whether it's a frivolous complaint or whatnot.

I think that's challenging, and I think that may deter people – and I know it has deterred some people from coming forward in the past. As I said, Members who are no longer with us who did not feel confident to come forward and file in the process that was available.

So we need to think about that. I hate to use the word victim, but to live through this and to hear it and to hear someone demean someone, and to hear someone say that didn't happen, that's re-victimizing. You know what, there's a lot of trauma that comes along with this. People who are not involved may not have that kind of appreciation, but there are many people in other workplaces across Newfoundland and Labrador, across our country, North America, that have not come forward on complaints for fear of being ridiculed or isolated or punished in other ways, in indirect ways.

I will say that these concerns are very real. Some people may think, oh, it's this, it's that, or whatever, and they're welcome to say that. In our democracy, they're entitled to say that here, but keep that in mind. If anybody took the time to read the reports – they were all circulated around. I encourage people; don't take a snippet here and there of what's going to make a dazzling headline. Those details that were put in that report, in my opinion they are the truth and they're accurate.

I want to remind all Members, those were real. Emotions are real. Facts are real. Let's not forget the real reason why we're here, but we all deserve to feel safe in our jobs. I'll ask you, Mr. Speaker, if you feel you're being held back or being prohibited from advocating for your constituents because someone may be in a higher power position – a superior to you is

ignoring you or is demeaning you for being an advocate or whatnot – should you close your mouth and just decide to take it on the chin or pick your battles? Or do you feel that you have the right to represent the people who elected you and to feel free, to feel safe and to do that without ridicule.

Let's not forget, there are other forms of bullying and harassment. We're dealing with social media, which is alive and well. Politicians of the past – you look around the walls. All these gentlemen on the walls around here, with the exception of the latter, they didn't have to contend. They didn't have to look at Facebook or they didn't have to have the Twitters of the world, or even email for that matter.

We have to be modern with our times in what we're working with. Again, I don't think it's perfect, but I'm very happy to see this process at least come forward. As my colleague said as well, it's better than the process that's currently in place because, really, it was flying by the seat of your pants. It's very important that people have the credentials to carry out such investigations. As these reports have all been – we've all been supplied with that. We all know the details. We all know the recommendations.

Again, I'm a Member of the Committee as well currently and I look forward to working on that and doing everything in my capacity to improve every process we have in here, because let's remember, we're here for the people. We're here for the people who elected us. That's who we're here for. We should all be able to feel safe, to express our opinions, to advocate for things, for priorities and individuals in our districts without fear of the things that I've just outlined. We all deserve to live and grow in a healthy environment and workplace, and to play in a safe workplace as well.

I certainly will be supporting the report, and I look forward to the work that's yet to come on this. I hope that all Members concur with that. I want to thank the Members who were involved in the work: the former Member for St. John's East - Quidi Vidi; the former Member for Ferryland; Stephenville - Port au Port; you, Mr. Speaker; and, of course, myself.

I look forward to the debate. Again, it's democracy, so we all get to state our options and have our say in debate. So let that debate continue, and I look forward to it. Again, I will be supporting, of course, this process and this report going forward.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Thank you, Mr. Speaker.

I'd like to make just a few brief points on this policy. First of all, when we look at Newfoundland and Labrador, it is the Human Rights Act that protects each individual in our province in general from discrimination and harassment.

The Human Rights Act recognizes the inherent dignity and worth of all people. That we all have equal rights, equal opportunities and should live free from discrimination and harassment. Now with this policy, we are bringing that principle and that recognition of the inherent dignity and worth of all individuals to the Legislature.

I'd like to point out some of the historical background just to put it in context. In February 2018, it was the Leader of the Opposition, our Leader, who called for a new workplace harassment policy to be introduced in the House of Assembly. Then we see in May 2018, the House debated and passed a private Member's resolution from our caucus.

Then from there, in May 2018, we see in November the creation of the Standing Committee on Privileges and Elections then issued its interim report to the House of Assembly on the development of a Legislature-Specific Harassment-Free Workplace Policy.

Then in April 2019, the Standing Committee on Privileges and Elections issued that final report to the House of Assembly on the development of a Legislature-Specific Harassment-Free Workplace Policy. When the Committee Chair – who is you, Mr. Speaker – tabled the final

report, you indicated that you were pleased to present that report on the development of a Legislature which would be adhering to a specific harassment-free workplace policy.

Now this policy, Mr. Speaker, the intent of it is – in my analysis of it, what I've read and understood – to create a cultural shift. From what I've also observed, that was clearly necessary in the House of Assembly, in a culture which seemed to be comprised of, at a minimum, inappropriate conduct and from what we've seen, the allegations of bullying and harassment.

So, Mr. Speaker, that intent was there to create a cultural shift, to foster a better working environment in the Legislature and to hold elected officials to the highest standard of behaviour. Why do we want to do that, Mr. Speaker?

First of all, we need to, as individuals, strive to those higher ideals, but also it is important that we maintain confidence; the public has confidence in us as a Legislature, as a government, that there is trust in us as their elected representatives. We need to maintain that confidence. I would argue, we need to restore it after what I have witnessed in the last six short months of me representing my constituents here in the House of Assembly.

So when I see this report, I applaud it. It's clearly evident that a lot of work was done by the Privileges and Elections Committee. It took nine months, I believe, with extensive research, jurisdictional research, capturing a number of different views. Many, many external organizations weighed in on these issues; experts in the field. Also, we involved the public, and I think that is necessary for any effective report or policy that will be able to be adhered to by the Members in the Legislature.

Mr. Speaker, I see that this specific harassment-free policy is similar to the one in Nova Scotia's provincial Legislature. We see that our elected representatives and their staff are now going to be held responsible for inappropriate conduct, and that is clearly necessary. I see it has been supported by all Members of the House of Assembly, and I see through the private Member's resolution which was passed

unanimously, as well as the formulation of the non-partisan committee, that all of these are great steps toward this process.

I see, though, Mr. Speaker, this report was tabled many months ago, seven months ago, but it was never debated. Now, finally, we're going to debate this important policy.

I'd just like to make a couple of brief points about the highlights of the policy, from my assessment. When we look at what harassment is, there are a number of things that have been identified. It includes abuse of authority, abuse of power, for example, when elected officials use their position of trust to abuse their authority. That will now be finally addressed and hopefully that will be adhered to and abided by.

Discriminatory harassment is as well included in the definition; sexual harassment and bullying. We do know that these types of harassment are insidious. They poison relationships, Mr. Speaker. They can cause workplace problems. We see that in the House as well. Low morale and reduced productivity, not tending to the matters that really are of concern to the people that we represent, which are the serious issues of the day. We need to have policies like that to advise us.

I also note that from what I examine in the policy, there are really great mechanisms. There's an independent support advisor. There's also an intake officer. The Office of the Citizens' Representative will be involved; a very effective formal and informal resolution process. The complaint process also seems to be very valuable. We will see that the Office of the Citizens' Representative will be the fact-finding body which will do the investigation.

As well, Mr. Speaker, one thing that I would add that we need to be very mindful of and cautious is with respect to, of course, the important tenets of procedural fairness and due process. When we have individuals having serious allegations of inappropriate conduct, we have to ensure that there's an opportunity to be heard by not only the complainant, but the respondent, the person who's the subject of the allegation. That is vital to any effective policy that is in place and it is consistent with important and fundamental

principles of procedural fairness and due process. We need to ensure there's an opportunity to be heard by all parties affected. There also needs to be – and it's been pointed out – full disclosure and confidentiality.

Mr. Speaker, I am somewhat reassured by the fact that there appears to be in the policy three levels of opportunity to be heard and to defend oneself if there's an allegation, and that would be at the Citizens' Representative level. I think that is very important. Also, the Citizens' Representative will interview parties and witnesses and prepare written statements, all consistent with due process. As well, at the Committee level, there will be another opportunity for individuals to be heard and at the House of Assembly.

I might add also I have some concern as well, that was raised previously by my colleague, about the public airing in the House of Assembly. Although I understand the importance of having that level of analysis in the House, I hope that can be conducted in a very balanced way so it doesn't get out of hand, and that it doesn't detract from the important business that we have here as elected representatives of our constituents.

Finally, in summary, passing this new policy and moving forward to bring the draft legislation to the House is a very important step. We must be vigilant, Mr. Speaker, to ensure this House is not a place where harassment is tolerated, but a place where everyone who wants to serve feels welcome. That includes women; women who are far underrepresented here in the Legislature – 24 per cent, I believe, or 23 per cent. We need to know that this is a welcome place for women to also be elected to, be heard and know that they will be respected and treated with dignity as they serve.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

I will be very brief. I think no matter the context, no matter what has already happened or what will happen, I feel very comfortable with the establishment of a harassment-free workplace and a policy that will protect us as individuals, as well as anyone who might feel that they have been wronged by our actions or some misdeed that we may or may not have done.

So I think this is an excellent, excellent policy. I think we ought to adopt it and I certainly look forward to it being carried in the House and implemented.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I, too, will be brief. All our colleagues on both sides of the House here have talked very eloquently about what's in this bill and this harassment policy going forward. I think when we talk about it – I know when I first got elected in a by-election, I came in at time when I jumped right into the harassment training that everyone was supposed to do. The thing when it comes to harassment and this training, you sit in that classroom and you go through this training and what runs through your mind is this is common sense – common sense. And, to a lot of us, it's easy enough to say, but to a lot of us it's lacking when it comes to why you should have a harassment-free workplace.

It was only less than a little over a week ago I stood here and I spoke to Bullying Awareness Week, and I spoke to what we can learn from our children. Up in Paradise, some of the schools I went around and I looked at what they had done for bullying awareness and we can really, really learn from them.

I've been part of the workforce and part of some work environments where you're there and someone makes offensive jokes, someone makes sexual-oriented jokes. And we're all guilty of just, oh, that's just part of the environment. But it shouldn't be part of the environment, because

not everyone appreciates such behaviour, nor do they like to be ridiculed. The list would go on.

How serious this is, you only have to turn on the TV and see what is happening in the States. You hear of a young child now and then who has committed suicide and you find out afterwards it's because he or she was bullied and no one was listening. That's how serious it gets. You hear the flip side of it where someone who has been bullied and goes on a shooting spree.

So it should be common sense. We should have an environment where we can come in, men and women, work together without fear of being ridiculed, yelled at and intimidated. We need to have an environment for that. So I think this is certainly a step in the right direction.

The Member for Harbour Grace - Port de Grave mentioned you need to have a thick skin. I attended the MUN gender and politics lab, they had a panel discussion last week, and they had four women who had put their names on a ballot and lost. So they had a general discussion about politics and women. Those quotes came up: You need to have a thick skin if you're running in politics. I can guarantee you, it's not just women hearing that. I think men and women hear that.

We also hear: that's what you signed on for. Really? Really, that's what we signed on for. No, we signed on for – everyone in this House signed on to do the best for their constituents and the best for this province. Not one of us signed on to be ridiculed, yelled at, intimidated, have social media go crazy on us. No one signs on for that.

Maybe some of us have a thick skin, maybe some of us can deal with it, but we also have families and we also have relatives. A lot of us have younger kids, and I guarantee you I held back running in municipal politics or politics in general because my kids were – I wanted them to be a little older so they could deal with this, what you hear and see on Twitter, on social media.

To see this come in, I think it's a step in the right direction but I hope we're just not pushing this through as a piece of legislation and then move on. I hope we all take heed in what is really behind this. This is all about every workplace in

the province, but here – where you get into some debates and heated debates, and there’s nothing wrong with that, but keep it at a level, at a standard that anyone watching can look at and follow and try to become.

When you have children out there who are – the stuff they write on bullying and bully awareness, we can really, truly learn something from them. I just read a quote earlier today; I don’t know where it came from. It said it’s easy to stand up and talk because you’re talking about what you already know, but it’s even more important to listen, because when you listen you learn stuff you didn’t know. Here we are adults in the House of Assembly. If we listen to our kids and see what they’re saying, we can learn a lot.

I really applaud this going forward. I really think it’s definitely a step in the right direction and I think we’re certainly over here going to support it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Seeing no further speakers, I’m going to call the vote on the amendment.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

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

Carried.

On motion, amendment carried.

MR. SPEAKER: Now we’re going to go back to the main motion as amended.

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

MR. JOYCE: Thank you, Mr. Speaker.

I’m just going to have another few words on a few things that were said earlier and a few things on the report. And get it straight, I’m going to support the report. I heard a certain minister over there – I’m not going to bring up the person’s

name and talk about how he shouldn’t be bullied, how no one should be subject to it.

I just want to read a text message. This is what I had to put up with. I just want to read a text message, Mr. Speaker. This is why I’m saying we all have to be open on this. Here’s the text message, and this is public knowledge. So I’m not talking (inaudible): “Any discussion on the Wellness Centre or Dunville Water?”

“Yes. But FFS until he delivers...I can’t believe him!”

That’s me. In other words, I’m a liar.

Here it is: “What about pool???”

“Ya well that’s another pot. He told me yes but F...I thought all would be” done.

Here’s the part, Mr. Speaker, when everybody stands up here and wants to talk about this bullying and harassment stuff, what we’re talking about here is a swimming pool. It was announced April 27, okay? Allegations started early April. Here’s what was said. So when we say this, this is why we need to make sure that everybody has an opportunity to speak.

Here’s what was said, Mr. Speaker, to another person who felt so bad about what happened, released this here: “It’s never ending and when Eddie pulls these stunts, I’d sooner smack him up side of the head but I have to smile because I still need ‘millions’ from him. But ... once I get the money...I’ll give him a smack then.”

Two weeks later, the complaints started. Yet, I’m a bully.

That’s the kind of stuff that wasn’t even taken into account when the complaints were made. That was sent to another person. I have others. That was sent to another person, yet we stand up there and then we talk about it shouldn’t be brought in in any style, no form – no.

How many people in the House took the time to read that text message that was in the report? This is why I’m saying that everybody should have an opportunity to be heard. Then when you tell someone else that as soon as they get the millions approved – April 27 the budget; March

29, I think it was, or 27 – two weeks later, after telling someone you're going to get a smack up side of the head, off they go. Now, that's the kind of stuff that people get subject to, Mr. Speaker.

I just want to go back again to confidentiality on the report, Mr. Speaker. I just want to go back to confidentiality. I know it's tough on families – but someone like me, who sometimes people think that you'd face the devil and sometimes I probably have in my lifetime.

Mr. Speaker, when you talk about confidentiality in this report, I just want to make it quite clear. I tabled a letter last week, or two weeks ago – last week, I think it was, or the week before – by the Premier of the province who admitted he was in contact with Bruce Chaulk the investigator, who admitted that he got his office in contact. This is supposed to be independent. What confidence do we have in it? How can we stop people from getting involved with the process? How can we do it?

That's the kind of stuff that – and I agree. Any form should be stopped. I agree with confidentiality. I agree we should put a law together. I agree this should be approved in this House of Assembly, but the people who are subject to these types of complaints have to have the proper avenue to ensure that the confidentiality is kept, which it wasn't in this case; it was in the House of Assembly that day.

I hear other Members speaking of how bad it was. A lot of those people are the ones who made it public in the first place. Then say, poor me, everybody knows about it. This report is good, but we have to learn from our lessons.

I even look at the former Speaker, and this rubbed me so much about the former Speaker. When the NDP made a motion here to take sensitivity training, myself and Dale Kirby had to go and do sensitivity training. I even told the person at the time, who wrote the former Speaker and said: this is never to be discussed because once you do this here, it's done, it's over, it's never to be discussed. That Speaker brought it up in the House of Assembly that I went off and did sensitivity training.

The former Speaker broke my confidence, broke my validation – that's the Speaker of the House of Assembly. I have the *Hansard* and I have the letter that he was written: Do not discuss this; you have no right to bring this up. And it was brought up in the House of Assembly.

Yet, we're all here now, let's talk about all this new information. People are always wondering, Mr. Speaker, like in my case – this is the avenue that I got – here's April 25 this went out. The report came out, I guess, in October sometime. Here it is, I'm mentioned in this report right here. I just want to read something from the report, and this got to help out the whole Committee. This is very important.

Go to page 24, on October 18, the Commissioner for Legislative Standards issued *The Joyce Report*. He found that a Member of the House of Assembly, Edward Joyce, have violated section 10 of the Code of Conduct by submitting a résumé to a friend, to a ministerial colleague, for a position that was posted pursuant to the *Public Service Commission Act*.

Do you know something, Mr. Speaker? I never had the opportunity to present a document from the Deputy Minister of Service NL; the job was never opened at that time. It wasn't even open. I can present it to anybody who wants to see it. So this was in September or October and the job never came open until November 17. He signed it; he put it out.

So, Mr. Speaker, this is why it's very important –

MR. SPEAKER: Order, please!

I ask the Member to take his seat for a second.

I want to remind the Member the importance of relevance. I think he was reading from another report and we're dealing specifically with the Concurrence Motion to the anti-harassment policy, so I just wanted to make sure the Member keeps his comments relevant to that debate.

MR. JOYCE: Well, Mr. Speaker, I'm not sure about you, but if someone is not interviewed and given the opportunity, which this report says you're supposed to be, and I want to make sure

it does, it is pretty relevant. It is pretty relevant when, in this report, you said you'll have every opportunity. I know a certain Member just got up and said every stage that you'll have a certain opportunity.

It is relevant. How anybody in this House, Mr. Speaker, even yourself, can say it's not relevant to ensure that something that happened in the past is going to be brought forward to make sure it's in the report, I think it's relevant.

Mr. Speaker, I'm still waiting on the actual part, when they changed the part about Principle 10, the amendment for Principle 10, between Members and government employees.

I have a letter that was sent to the Privacy Commissioner of when we asked for information that we are not employees. Yet Principle 10 now clearly states that we're not employees. They changed it to ensure that if a Member of the House of Assembly has a complaint against another Member, here's the process to do it, yet I'm still waiting for – and even you, Mr. Speaker, because I know that when this here was brought in about the Principle 10, it was changed because there was no mechanism in place for MHAs to make a complaint against another MHA under the Code of Conduct. This is why this was changed. I'm still waiting for clarification. I wrote you, Mr. Speaker, also, and I asked for clarification on the intent. I still haven't got it.

So this is why I agree with the report but I was so skeptical on it. When things are said and done in this report and you're asking for clarification, which you need to bring up in the House of Assembly in debate, and you can't get clarification, even though it was in the report – it states very clear in the report, as I mentioned on page 7, I think it was, page 7 that I mentioned earlier, that now it's clarified that Members can make a complaint against another Member, and it couldn't be done before. Yet we allowed this to happen in the House of Assembly because of the big confidentiality that was broken all throughout the House of Assembly.

That's the kind of stuff – and I know people are saying Eddie Joyce is going on again about this. This is my only avenue. When I see something like this here and I go through it the old saying is

if you want to stop someone poaching salmon, get the biggest poacher to become the person who is going to stop it, and you'll find a way. So if someone like myself, who has been through it, who's been put through the wringer through it all, Mr. Speaker, who has been put through the wringer of all this here, and I can't get clarification on some of the things in the report, what confidence do you have if you can't get clarification on the report now when it gets behind three or four people behind closed doors, how they're going to interpret? I just find it astonishing that you can't get the clarification.

Mr. Speaker, as I mentioned earlier about the confidentiality, it is so serious to everybody here, because without the confidentiality the whole process is out the window, the whole process that anybody would try would be out the window. So it's very, very serious on the confidentiality part.

Mr. Speaker, I just want to say something here and it is to the credit of a lot of people. If you look at this report, this report started, I think, back in – I don't know. It started late in June I think it was. It was June the actual report started. When you read through it, Mr. Speaker, it never ever got out in the public and that's the way it should be. It got out today somehow, but first when this report started and when you look at the events of it, you realize that, actually, confidentiality was kept in this report, which is a good thing. That's a good thing. It was on June 11. That's when the process started on June 11, so the confidentiality part is a big part of it. I don't know if anybody – I didn't know anything about it, but that's the way it should be.

We'll discuss that report later but, then again, I noticed in the report the respondent had an opportunity to meet and sit down. Something I never had the opportunity to do. Even, Mr. Speaker, if you read the report, which I read through very quick today, get this – you can get this now, this is very important to me and when you read this here – when the report was tabled to the House of Assembly, they even asked if they could add something to it because there was stuff they thought was wrong in the report.

They were given permission, once the report was given to the Management Commission – if I'm wrong, Mr. Speaker, you can stop me. From

what I read in the report today, when I read through it, they even gave additional information about this is the criteria part of it, this is how this works and this was a lateral – was given. Actually, in here it says in the table they asked if they could provide more information on it. That's right in the report from what I read. Right in the report that they want to supply more information on the process of it, which is good.

If there's something there that's wrong, it's good. I bring it back to my situation. When someone makes a false statement to the Management Commission, they bury it – absolutely buries it. Then the only saving grace – the man with the courage – was the Minister of Justice who walked outside and said the statement that was made in there was wrong. They buried it. The Management Commission buried it, yet in this case – which I agree, if there's information in the report that's wrong or not even wrong, they can add clarification, they should be able to do it. Who cares if it takes an extra week or two, as long as you get the truth and it may help vindicate the Member, it may support his case.

Mr. Speaker, I think that the process, in that case, worked. We have to go through the whole part of it all before we make any judgment on it, but that's the way the process should work. I will support the whole notion on this here. Confidentiality is very big to me. I can't get past that. Also, the process where there's going to be an intake worker to help a person to sit down and say, okay, what is it you want to do also.

There's one thing, though, Mr. Speaker. It may be and what we're told this morning – and if I'm wrong, I know the people there having the debate is that if someone makes a complaint and then they have two avenues to go through the complaint and, at any time, they can change whichever avenue they want to go to. That's my understanding. I have a bit of a problem with that.

What happens if you get to a stage and you say, okay, and you're going through the higher stage that you're going to go through and all of sudden you realize: Okay, someone is presenting more information. Holy jeepers, I better watch out here. I'm going to withdraw that now. There's a concern there. There's a major concern there for

that. We have to be careful as legislators to ensure that everybody gets a proper hearing, whoever it is or whoever is the respondent, however they do it, we need to ensure it.

Mr. Speaker, I'll take my seat now, but I have to bring up – I don't know, because I'll read through this here word for word tonight. I did most of it today, but I just find one thing, that the minister at the time was in violation. Guess what? You want to take about hysteria, you want you talk about confidentiality, guess what? He's still sitting in Cabinet and caucus. Myself and the other minister, that day, gone. See the difference? See the difference when the report is done the proper way?

Now, we'll decide what's going to happen after. We have to take our time and read it. I agree with the Member for Mount Pearl - Southlands. I'll read every word of this in the next couple days. You see the difference? Here's the person – right or wrong, I'm not condoning or condemning nothing here yet until I read it word for word – but here's someone (inaudible) interference, but when myself and Dale Kirby, even allegations that were never even presented, just on hysteria to the media or the Cabinet, okay, b'ys. I said I'm not putting my colleagues to vote for that. Out of caucus, but here it is, and the minister over there sitting in his Cabinet position now. You see the difference? Do you see what I'm talking about with confidentiality? You see what I'm talking about? And the hysteria that was in this place back on April 25 and 26, for all this stuff, for what? When you look at it, for what?

Here's the report done by two Officers of the House. The minister is still there. The Premier up there, what is he doing? What did he just say? I never directed him to do it. I never directed him to do that.

What a double standard. What that man, the Premier of this province, went through for myself and Dale Kirby; took us, fed us to the wolves – because, Mr. Speaker, I don't care, anybody in this House, if anybody got a job and someone says you're off on leave because there's an allegation against you, 99 per cent of the people are going to say you were wrong, because right away you're dismissed.

For the Premier of the province – and here it is again the minister out – this is no knock on that minister, this is just me, for example. The Premier walked outside and said I have serious allegations, in a swivel chair, turning my back, grunting as I walked by the Minister of Finance's chair, and I stared – that was what was relayed to me, serious allegations. Kicked out of Cabinet and caucus, everything within that day, I think, Wednesday. Thursday, gone out of caucus, and here's the Member sitting over in Cabinet and caucus for the same thing, apparently, I did.

Seriously, just think about it. Just honestly think about what you put myself and Dale Kirby and our families through. Me, I can handle it. I'm sure Dale is doing good, too, but just think about it, though. Just think about why we have to be careful what we're doing in this House.

The Member for Mount Pearl - Southlands, it could be any of us tomorrow. It could be absolutely any of us tomorrow. So when you are making an allegation, it has to be so serious and it has to be done through the proper channels. You just can't make an allegation because you say I don't like somebody, or I can't get something done I want to get done. It just can't happen.

So all the Members opposite – and a lot of my friends, I make no bones about it, we're still chatting, we're friends, we go way back, a lot of us, we still are, but just think about what happened that day. Just think about the day the Dale Kirby was told to leave and Eddie Joyce was told to leave Cabinet and caucus.

How many people here say my God, there must be something serious going on here? The Premier of the province walking out and said I just received serious allegations, while he stood in the office with me and said this is all BS, b'y, don't be so foolish. That was his exact words to me. The reason why he can't deny that, because there were witnesses in the room. That Wednesday, he said a certain person wants mediation. I said: Mediate what? Turned me back and he said: Will you just shut up and do it? I said: What? He said: I know it's all BS.

But guess what? That minister is still sitting over there, while myself and Dale Kirby got the boot.

I guarantee you anybody who seen the media at that time, went across Canada, the Legislature was rocked by – they thought there was something serious. Thought we were hanging up, beating someone up or breaking someone's neck or something. Guess what? It was over turning your back on someone and turning your back in a swivel chair. Those were the allegations that were made.

So you see the double standard, Mr. Speaker. This is why we have to keep it confidential. I applaud the people who did this here to keep this confidential so at least now we could read the report unbiased.

Thank you.

MR. SPEAKER: Seeing no further speakers, I'm going to call the question on the amended motion.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

Considering the hour of the day, I move, seconded by the hon. Minister of Transportation and Works, that we now adjourn.

MR. SPEAKER: It has been moved and seconded that this House should now adjourn.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

The House stands adjourned until tomorrow, at 1:30 o'clock, in the afternoon.

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