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Speaker: Honourable Scott Reid, MHA

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The House resumed at 6 p.m.

MR. SPEAKER (Reid): Admit strangers.

Are the House Leaders ready?

MS. COADY: Yes.

MR. SPEAKER: Yes.

The House Leader for the Third Party ready?
Ready. Okay.

Order, please!

We're going to resume debate on the motion.

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

I say this all the time; it's a pleasure to get up in this House and stand in your place and represent the people who elected you. Sometimes it's more pleasurable than others.

On this full issue, I don't know if there's much pleasure in it, but I think it's a necessary debate. I'll be the first to say it, I don't think anyone relishes or takes great pleasure in debating and, I suppose, being critical and calling out any Member of this House or any public servant or anyone in this province, really. I know personally I don't, but in saying that, when you read this report – and I've had the opportunity to read it a of couple times, going through it and highlighting. I've had a lot of conversation about it and there's a lot of media coverage.

The report highlights what we spoke about – I go back to 2016 when this government first – in their first term, in the beginning of their mandate. We criticized them for politicizing the executive of government. Our former leader at the time, and former colleagues that were in this House stood in their places and listed off one after another after another after another of political appointments. We were kind of laughed at. They threw back accusations at us and whatnot. We never ever said they shouldn't be there. We always said put the most qualified people there.

There was no guarantee they were qualified to do what they were doing, but based on their past, they were former candidates; they were closely aligned with the Liberal Party; they were presidents of the Party; they were on the executive of the Party; they were Liberal friendlies. All the while, while they were coming in, we had a mass exodus of a competent bureaucracy.

We called that out in this House many times, many times; Question Periods, news releases and what have you. Again, that wasn't really about – I know for me personally, it wasn't about the person. I try my best sometimes to get up – and I can have my fiery exchanges and whatever but I always try my best – and sometimes you're walking on a line – to never be personal. It's not about any of those personalities; it's about a process.

When I say politicizing your executive of government, I'll give you a couple of examples. I was there, and Members opposite always throw back sometimes: You were part of the former administration. I wasn't in this House but, yes, I was closely aligned to a lot of them, and I've never hidden behind that.

Working in various ministers' offices over the years – and ministers opposite I'm sure can attest to this, what I'm going to say, and this is a very honest opinion. You get a minister come in and there's something they want done. I'd like to have this done. Well, Minister, you can't do that. Can you help me find a way to do this?

That's what the role of these bureaucracies are for, these deputies and ADMs that are merit-based, they're qualified and they're in their jobs. They're career bureaucrats. They'll say to the minister: Minister, you can't do it. At the end of the day, sometimes they'll come back and say: Minister, this cannot be done; this cannot be done. I witnessed it at different times. And the ministers would go: okay, very good; well, it can't be done. Unfortunately, they might not be happy or they might be frustrated, but it can't be done, it can't be done.

There are other ways you can do it. If you're going to do it, this is what you have to do. If you're going to do it this way, you have to do that. And there was nothing illegal or wrong

about that. This is the proper process to get you from here. You're trying to get from here to here. That's what a minister is trying to do, or any person. Your goal is here, you should be there. How do I get there? How do I get there properly? The legal, the proper way. That's all any minister I was around would ask. They would pave the way, this is how you do it and this is the proper way.

When you read this report – and everyone has their own assessments when they read the report. One of the first things that jumped out at me when I read the report was exactly that. It reeked of that. When I read it I said, this is what's wrong here. I've talked to others and I don't mind saying, this jumped right out.

The minister, respectfully, was not given the right advice. Now, I'm giving him an out, maybe I am, but I'm not. It still doesn't make it right. It's still wrong, but he was obviously given the wrong advice; yet you still carried through and did what was done under media questioning. You got here in the House of Assembly on repeated days of questioning and doubled down and tripled down and not really knowing what decision was made. This decision was the wrong decision. You did that in the public forum. Our leader questioned it many times. It was in the media coverage on it and the minister kept doubling down and doubling down, doubling down.

That's where the minister made the error. That's one of the big things that outrages us. There has to be accountability on this stuff. I'll say it again, no one takes great pleasure in this, but someone has to be accountable. You just don't do those things.

All the while, it's not that the minister made this little mistake, someone was fired. There were 77 people interviewed, or applied – qualified people. They were let go to make room for someone else they wanted to politically appoint. Seventy-seven people and they just wrote, forced, (inaudible) get rid of this person to make way for this person. That should never have been made way for, because it should've been done through a proper, open process.

That's what's wrong. It's not about PCs and Liberals. It's a wrong thing no matter what stripe

you are. If any party in this House did it, it's wrong.

Then I sit in the House today among everyone else, and I'm sure a lot of public watching, and the Premier of the province is trying to get out in front of it and he's creating this independent review of moving of executive in government. What are you reviewing? You've had two reviews; you've had two investigations. Two Officers of this House did independent investigations and came to the same conclusion.

If I was either one of those gentlemen, I'd be highly offended. I'm sure they probably are. I haven't spoken to them, but I mean I'm jumping out and I'm – any rational thinker – I heard media were asking that question today to the Minister of TCII, the current minister. They came back with what we were sitting on and saying there has already been two investigations.

I say this and it bears repeating: When I stand in this House – and other Members here do – you have to listen to what the public are telling you. I can't stress it that much. Some people do but there are a lot of people in this House – and obviously the Premier is one of them, and others around – they're in a bubble.

Go out and talk to the general public. Go to the coffee shops; go to the supermarkets; go to the mall. That's where you're going to hear it. That's politics. Not in here. In here, we do our things. Some theatrics, there's legislation; there's debate. There's a bit of everything in here, and lately we're not getting a lot done because we're continuously dealing with points of privilege, behaviours of ministers and MHAs on that side of the House. It's not coming on this side.

I heard a what comment, but sure do the – go back and check it. I'm not naming people. *Hansard* has all that. We're constantly debating in this House for behaviours opposite. If we had done it, we'd say it. If I did something wrong, I'd apologize, move on. It's never wrong to apologize. It's never a bad thing. If you make a mistake, you apologize; you move on.

These are not little mistakes, Mr. Speaker. There's nothing small about those mistakes. Grant it, there was probably one that was a

misstatement. It was a bit of a flare-up last week, and I don't mind admitting that. The Minister of Finance is looking over and I don't mind – that's one of the ones. An apology was made, and I'm okay with that. It was only a 10-minute blur and everything moved on. That's happens in the House. Every Member in this House can fall into that line sometimes, but others were not.

One we spent days. All that was required was leadership. I said this across the House and I'll say it here now: All the Premier had to do was tell this Member to apologize for what he did wrong. That was a simple apology that would've fixed that.

No, it went into a totally different tirade, a totally different topic. We went off into a totally different stratosphere; nothing that we're talking about. We spent three days of deflection, deflecting from the topic. Then we got into people coming in here to the House, we were into a totally different conversation. All the while, the minister out of turn, he spoke wrong, he should apologize. At the end of the day, he withdrew it after three days. What occurred in this House in those three days? Everything stood still. We lost Question Periods and everything, because someone should've apologized.

That's the stuff we're dealing with, we're here dealing with this now. Why? Because someone didn't get the right advice, someone made the wrong decisions, and no action. The Premier is in a position to take action, to show leadership once again. But what are we doing? Here we are, we're face and eyes into debate. We have a resolution on the floor for the minister to apologize.

I don't know if the general public feels the same way as this government or they look at things the way these people over here – some of these people over here, I should say, I won't say all, but some – is the bubble effect. They're looking and they're saying, this can't be real, you have to be kidding me. Because that's what they're thinking. I say that and I stress it and I'll repeat it. I can stand here for the next 20 minutes and repeat it. They're not listening to what the people are saying. They've never listened to what the people said.

A lot of this falls with the Premier. There's been a real lack of leadership in this province since 2015. November 30, 2015, the leadership of this province, we've had a lack of it. There are good Members over there. I know a lot of them and I'm friends with a lot of these Members, but you have to have a leader, you have a captain of your ship. As a team, no matter what you're into, you have to have a leader. As caucuses we do, as governments you do, as teams you do, as groups you do. There has to be someone showing the way. People have to step up and show leadership. We have not seen that. We have not seen that in this House. We've not seen that in this province. You can hide behind your appointment reviews, you can hide behind getting up and not answering questions.

So today I asked a question, and I make reference to the IAC and what it really is, and *Hansard* will show what we called it from the beginning. It was a sham. It sounded good, but there's nothing to it. No teeth to that. They don't have to pick the one they get, Cabinet makes the final decision. It's not a true independent appointments commission. There's nothing wrong with the people that are on that commission. I can't remember who is there now, but when they were appointed no one every objected to the people there. They're fine, qualified people. But if you're not taking their advice and you're picking whoever you want – and we'll never know, the public will never know, it was up to the IAC. They don't have to pick the ones that are recommended. They can still pick their own person. Think about that. Yet, this was the signature bill of this government.

Last week – well, probably a little over a week ago now – myself and the Minister of Transportation and Works, we had a healthy exchange about the politics in paving. I listened to the former minister, and he did a good job at it, too. He laced into this former administration on the politics in paving. Do you know what? We were so horrendous with our politics in paving, they were cleaning it all up, and, much heralded, the five-year Roads Plan came out, but, Mr. Speaker, that's another sham. We know that's not fact. Evidence has shown that. Reports have shown that; not what I did. I just did an ATIPP request. Others will tell you that.

You know, ironically, about that ATIPP request. I was asked a year ago, my God, you have to see the roads paved.

MR. SPEAKER (Bennett): Order, please!

I remind the Member, stay relevant to the motion, please.

MR. PETTEN: It's to do with the point, Mr. Speaker. It's to do with the leadership. That's why I'm trying to use examples of the politics, the patronage.

MR. SPEAKER: Order, please!

Please stay relevant to the motion.

MR. PETTEN: I will, Mr. Speaker.

It goes back to what I'm saying: the patronage, appointments and the politics. Your actions have to match your words. Actions don't match words. We're seeing it on a day-to-day basis, over and over again.

One of the biggest criticisms I hear when I'm out in my district and I'm out around other districts – because I happen to be around a bit and know people around – the common commentary is: That's what it is, there's no leadership. A lot of this stuff wouldn't happen if we had proper leadership.

I know people could be offended; the Premier would be probably offended. Probably, if I was premier, I'd be offended if I was there. I'm only speaking, again, what I hear out there. I never said I'm right or wrong, but I'm going by, again, what people are saying.

If you can't listen, you can't lead. I remember that quote, too. This is all about leadership. What we're seeing in this House since this fall session has been going on, and other examples, it's been a ship without a captain. That's what you're seeing.

It's not about Carla Foote. Unfortunately for her, she is that person. I don't have a personal axe to grind with Carla Foote. If I was in the same situation, probably if it was offered to you, who knows what you would do. It's not about her,

but it's about making decisions that affect other people's lives to get your own agenda ahead.

What about this individual who lost her job through no fault of her own? Very qualified from what we gather. We don't know who this person is. We don't know if they're still in government. Another question is going to come up, that's in this report: Is this person going to sue government? What's going to be the end result? What's going to be the cost of this? When this all filters out, what is going to be the end result? What will be the cost of this? Does anyone have an idea about that? You probably should do up the cost of the days spent in this House debating stuff that could have been resolved with someone standing up and being accountable – fair question.

It's funny about that because when we were debating it, we brought in a point of privilege against the Minister of Fisheries and Land Resources, it was echoed across the way that we created the three-day delay. No, we never created the three-day delay. We stood up for Members in this House who were being treated with total disrespect; that's what we done. Not only this party, but the Third Party as well. That's why that was brought in.

Sometimes you have to make a stand, Mr. Speaker. Sometimes it's not easy to do that. Sometimes we make mistakes, and I'm all about that because I've said this in this House and I'll be on record forever in a day, I am not a perfect person. I made lots of mistakes and I'll continue to make mistakes. I think that's how we all get better. You have to be accountable for your mistakes. You have to do what's right when you make mistakes. You have to own up to your mistakes.

Ultimately, at the end of the day, people want people to stand up and show leadership. People respect that. I know people in this House may not realize that or people don't operate that way, because I think there are people in a bubble. Back in my time, pre-2015, I knew several premiers, a lot of ministers – well, all the ministers – a lot of good people in there; but, ultimately, outside of all that, a lot of them, unfortunately, got caught in a bubble and they never knew, outside, the realities that were happening around them and made bad decisions.

I don't mind admitting that. We all seen that when it was happening. That's a key thing in politics, something that I think everyone – lessons need to be learned because I've said it and *Hansard* will reflect it if you wanted to research it, I've said this in this House many, many, many times and no one is yet to prove me wrong on it.

That's the core problem with a lot of what happens in this House. You think it's a theatre, you're getting up and you're doing your things, you're insulting and you're making accusations. You're making decisions that again are affecting other people's lives when we're dealing with this report.

Do you ever stop and think what you're doing? The end result: What are you doing? Who's winning here? It shouldn't be winning or losing. Make the right decision. Just because you're a Liberal – I have no problem if you want to put a Liberal as a deputy minister, make sure they're qualified. Make sure those people are the right people in positions. Some probably were. I don't know if they all were. I have my doubts they all were.

That's a fundamental flaw. Just because a Minister of the Crown will stand up and say this person is qualified, no need for interviews, no need for anything else, we don't need anything else, this person is totally qualified, but these 77 are not – strong statement. Does anybody know? That doesn't say much about the 77 others that, from what I gather, were highly qualified. It says because you happen to be with the right party. That's sad, Mr. Speaker. That's sad.

But that's unfortunately where we've gone to as a province. That's where this administration has taken us. Every administration does patronage. They have always done it. I've never stood in this House and said any other. I've never done it and I'm not going to start now. But this government opposite, that was their signature.

The current Premier, when we were in government, he was leader of the Opposition and he made a field day constantly talking about he was taking the politics out of patronage, out of appointments. He was cleaning up government. He was bringing in this, bringing in that. Sounded great. It did. It sounded great.

Being on the other side, you looked around and said sometimes, he's making a lot of sense and people are going to like what he's saying. But I'll say it again: The actions have not matched the words. They have to match up.

After a while, the credibility issue comes in. That's what we're dealing with now. When I say lacking leadership, all of this stuff that's happened this fall, all of this stuff, we probably wouldn't be here tonight. We'd have a lot of stuff resolved. We've spent so much time at this stuff. The public are not impressed. Does it reflect well on anyone in this House? No. Not just government, all of us. It doesn't reflect on anyone. Who wins? I'll go back to who wins. Carla Foote, obviously, is not feeling a winner. Her name has been in the news for days and weeks. I'm sure she's not happy, and rightfully so. Who wins? So at what cost?

As my time winds down I just have to say, we lack a lot of leadership, but always remember there's a cost. There are people's lives being affected. Carla Foote's is one of them. There is a person that was let go at The Rooms to accommodate Carla Foote is another one. The minister is another one. No one wins at this, Mr. Speaker. But I encourage leadership is where it has to start.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

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

I'll preface my comments to this by my own experience with hiring. I served as vice-president and on the executive committee of the Canadian Teachers' Federation, and I chaired and served on hiring committees of people in executive positions. As president of the Teachers' Association here I chaired and served on hiring committees for people in administrative positions. A lot of them were very difficult, but it was one thing that always drove me or motivated me was to make sure that it was done right.

Not only must it be done right, but it must be perceived as being done right, because it was important to the people we served, to the quarter of a million teachers across this country with the CTF and to some 6,000, 8,000 teachers that are members of the association that they see the organization as being fair, transparent. I take that responsibility to heart.

It's interesting, at one point, when two executive members were applying for an administrative position – one of whom was my best friend – we set up an independent committee that took the decision-making out of the executive, which had every right to do it, for that reason. They made a recommendation, not the one that I would have wanted, not the one that I was hoping for, but it was one, nevertheless, that an independent body made. Now, at some point, I guess I could have said, enough of this, we have to overturn this and interfere with the process that we had set up, that I had set up, but I said we'll live with that.

It's interesting, when we set up the Teachers' Pension Plan board of directors, it was within my jurisdiction, as president, to appoint the people who would sit on our board. Again, I said, no, if we're going to have a search, we're going to have an independent body, including a teacher from the field, someone outside the organization, to do a search for the people.

Now, it's interesting, at that time, we came up with what we thought were – because we wanted to make sure that politics was taken out of that board of directors. It could not be a board of directors based on politics; it had to be based on merit, on knowledge about managing the plan. It's interesting, at that time the current administration took office and we had a board of directors made up of members of appointees of the NLTA and from the government who were very well qualified. The current administration chose to apply the lens of the Independent Appointments Commission to it and they did make a change.

Now, up until that point I will say that the people who were there were well qualified, knew their stuff and had the confidence of everyone there. I don't know why eventually the person was removed and they decided to select another member. Regardless, the fact is that they chose to put that Independent Appointments

Commission lens to that, yet one of the things that's most galling about this is that there is an independent process that was set up here, that was subverted, circumvented, undermined and someone was appointed, that if you look at the requirements, really probably shouldn't be in that position, that someone else should have had.

I can tell you this, that as a union, as an NLTA, if this had come to my attention – this kind of a hiring practice had taken place in a school system, there would have been a grievance. I can tell you this, my knowledge of grievances, it would have been overturned. There would have been more than just a reprimand.

Now, it's been said here that this is a human resource's matter and it's affecting people outside. It's about respect. I agree with that, because there was a person who is most affected by this. It was the person who was originally hired and then had his contract terminated; a person who is well qualified with a Bachelor of Commerce, years experience.

By the way, I naturally go to the he, if you're wondering. It's the English teacher in me.

It's about respect, but there is a person who had gone through the process, the interview process, and then to find out that his appointment was rescinded.

We're heard talk about the independence of the clerk of the Executive Council and the position of trust that this person holds; yet, I will counter with this. We also have the Commissioner for Legislative Standards who filed a report and the Citizens' Rep, and somewhere along the line if I'm going to put a hierarchy of independence, than I'm going to put it on the two people who are outside of government, the ones who are investigating. I've got to go with that, if we're going to be looking at that.

We have three people who are independent, holding office of great trust. I will choose right now and choose to believe what these people, who filed this report, filed.

A review of the hiring process is now being proclaimed or being offered. I'm wondering, where was this explanation, where was this – obviously, this is not something new. I can't

help but believe it took this report to point it out. If, indeed, there is a glaring problem with the hiring process, where was this last year when this hiring was taking place?

An apology, unfortunately, is not enough in this incident. Because I think it took the report to get us here, lives were affected, careers were disrupted. There was demoralization and there was interference in an already established transparent, independent process.

I have trouble looking at transfer between government departments as an excuse for the salary and what was happening. Because as NLTA, we did have to take people who were working with the school district who took administrative positions in our organization. Their salary, though, was nowhere near what they were getting in their previous job, but we did not create a position so they could have that job. They fit in the scale that was already established.

It's also predicated on the fact that there was a position; yet, if I look at the report, there really wasn't an executive director of marketing development. One was created just prior to this.

Then there's a note – and I'll be honest with you, in the technical briefing this morning on this process, I expected, to be honest with you, Mr. Speaker, a technical briefing on the report itself. Instead, what we got was a technical briefing on the hiring process.

One thing I did learn from that, was the carrying of benefits – it was made clear at least from my understanding of it – that if a person took a voluntary transfer, they didn't necessarily carry their benefits with them. I could be wrong on that but I asked that question several times, which leads me to believe then if, indeed, the transfer of this individual to this newly created position was voluntary or not.

It was also brought up then, that it could be part of a recruitment strategy. Again, we were recruiting – there was an attempt – I find that a little bit difficult and specious because there was no position there to begin with to recruit the position for.

It was necessary to meet the operational needs of the organization; yet, we had on this report the layoff of some 15 people. I would say my experience is sometimes it's the worker bees that are putting more crucial to the running of an organization.

If you look at the two RSAs, I'm amazed – and this is the part that really bothers me, I guess, when I look at it. Is that when it came to looking at the rationale for these individuals, what was notably absent in the person who got the job was the blank, compared with the position for the executive director of museum and galleries, which was pretty detailed.

Now, I can tell you that as president of the NLTA, everything that came across my desk to sign was scrutinized. I signed contracts; I read through it because I knew that once I put my signature to something, I owned it. I can tell you that in addition to punctuation and spelling mistakes, I would've caught the glaring omission right here and I would have had to ask why. That, to me, speaks volumes. Because I would want to know why – and this is the rationale.

We've heard it said in public that this person was the best qualified for the position. I've never heard a rationale – and it's in the report as well – as to why. I always had to be able to justify who got hired for the NLTA or for the Canadian Teachers' Federation. I had to be able to explain, why did this person get the job and not anyone else. I always had to be able to do that.

I also have to look at, if there's a process in place – and there seems to be. If there's a process that's already been in place that's been working for a while – and I understand this goes back decades – I'm wondering why up until now there have no whistle-blower complaints about this before. I do believe at this point because whoever brought this to attention realized this was, indeed, a gross mismanagement and gross interference. This is, indeed, politics. It's interesting to note that those who served on the committee, by their own testimony, were afraid of backlash. The instructions to delete emails, it's clear interference.

I can tell you that more than one teacher would come to me when they're being directed – and

here's the thing – or asked. I would always ask teachers, are you being directed to do something or asked. There's a big difference.

Teachers often felt they were directed and, of course, they did respect their employer. I wonder about this as well, because if you were being asked to do this, most people would say: Well, that's fine, my choice. It's my opportunity here. I can exercise my free will in this. Direction, on the other hand, if your job depends on that person, if that person can hire and fire you, then I think in many ways you're going to try to swallow your ethics and indeed do what you're asked by the employer. Often we would say to teachers, do it and then grieve.

According to this report – because we do have a set of facts here – there was extensive interest in this position. They were able to recruit a nine-month contract with a degree and significant marketing and development experience. The board of directors had done an organizational review. That structure contemplated a director of marketing and development with a salary scale of HL-24, around \$85,000 or so. They did not contemplate an executive director of marketing and development.

It goes on to say in the findings that Minister Mitchelmore had noted that Ms. Foote was the best qualified for the position and that her move was a lateral transfer consistent with similar transfers at the executive level within the public service. At the direction from the minister to the board, the CEO necessitated a second board meeting. The board, as a result of this, met a second time to amend the organizational structure. There was no evidentiary basis for the board to elevate the position from a director to executive director but the intervention of the minister. That was the reason why.

Mr. Brinton and the executive committee of the board perceived the minister's direction to hire Ms. Foote as a direct order, a lawful direction. Of course, as I noted, that part of the form was not in compliance with the explicit – not the implicit, but with the explicit – Human Resource Secretariat instructions. It was not completed. I would assume if something is explicit that there is no grey area, it must be filled out. It was not. Again, if I'm the one signing a document in a

role or responsibility, then I'm bloody well going to make sure that it's filled out properly.

Minister Mitchelmore has maintained that Ms. Foote was the best qualified candidate for the position, but during his interview the minister did not provide detailed evidence as to how the decision to place Ms. Foote in the executive director position was made. No one has provided us with a job description for the executive director position or a résumé of Ms. Foote's qualifications.

In many ways I think this is the most damning. There are people I would want to recommend and I would say go through the process. If I didn't want to follow that process I would at least give the appearance of trying to follow that process. I would do that much. In many ways, what I find most insulting with this, as a citizen at the time and as a president of the union at the time who saw people's jobs being cut due to budgetary constraints through zero-based budgeting – you all remember zero-based budgeting. To find out that now a position is created, not only at what the normal salary would have been but tack on another \$50,000, that's galling to most people, to the people who went through the process, to the person who got the job first and to the many civil servants and teachers whose livelihoods have been affected by zero-based budgeting.

As to where this requirement came from or the position of the executive assistant director it says: "Ordinarily, one would anticipate that the CEO was the person to initiate the staffing request and not the Minister...."

"In conclusion on this allegation, we find that the Board of Directors' stated goal of using the merit principle in hiring for, among others, the Director of Marketing and Development, was undermined by the intervention of Minister Mitchelmore to direct the CEO and the Board to hire Ms. Foote."

In determining whether Minister Mitchelmore's actions are a gross mismanagement of his Code of Conduct and serious (inaudible), "We find that there were serious deviations from standard policies and practices which include: a) The direction or condoning of the elevation of the marketing and development position ... We also

note that the Commissioner for Legislative Standards ruled that MHA Joyce breached his Code of Conduct obligations by trying to cause a colleague to interfere, without success, in a Public Service Commission” For that, the hon. Member ended up on this side of the House.

“A key theme of those submissions is that the hiring of Ms. Foote at The Rooms could not happen without the approval of Mr. Brinton” That’s the solicitors for Minister Mitchelmore. Yet the Commissioner for Legislative Standards says: “With respect, we disagree.” He was the employee, he served at the pleasure – there was a power imbalance, of course, he’s going to sign it. It’s not a case of Mr. Brinton’s approval. How much choice did he really have?

“We conclude that Minister Mitchelmore’s actions ... not only breached his Code of Conduct, but grossly mismanaged his obligations under that Code” and fundamentally mismanaged his obligations. Breached this: “The fundamental objectives of his holding public office is to serve his fellow citizens” He violated, “That he act lawfully and in a manner that will withstand close public scrutiny.” Not even close, which is the assumption, by the way, Mr. Speaker, that the CEO and the board of directors assumed that the minister was indeed acting lawfully.

I’ll conclude by this: An apology and a rescinding of this agreement a year ago might have sufficed, but it’s too little, too late, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I get the opportunity tonight to actually stand and speak to a resolution that’s been put to the House of Assembly earlier this afternoon by our House Leader. Mr. Speaker, the resolution, of course, is coming from the report that’s being debated here in the House of Assembly, *The Mitchelmore Report* of November 13, 2019.

It’s related to some decisions that were made by the minister back some time ago. Mr. Speaker,

it’s a very in-depth report. It’s done by the Citizens’ Representative here with the House of Assembly, an Officer of the House whose jurisdiction it is to report and respond to whistleblower legislation.

Mr. Speaker, for many people that would listen home and would be watching this and following this, back in 2007 there was a Green report that was tabled in this House of Assembly that brought really some dramatic changes to the way the House of Assembly operates and to Members of the House of Assembly. One of the recommendations in 2007 was that whistleblower legislation would be put in to the House of Assembly that would give the opportunity for Members to actually put in case grievances, for want of a better word, about circumstances around some of the things that would have been done.

In this particular case, whistle-blower legislation came in around in 2014. Given where we are today, based on a decision that, as I said, was made by the minister, there’s been an extensive, very detailed report that’s been tabled here, with a supplementary report that’s been done and then referred to the Commissioner for Legislative Standards to actually put in place what would consider to be the consequence for the behaviour of the minister.

Now, Mr. Speaker, we’ve seen in the past, there’s been a long history of Members in this House of Assembly, for whatever reason would be, either through points of privilege or so on, and a number of reviews where reprimands or consequences for behaviour and so on, there would be a recommendation on what those reprimands or what the consequence of that behaviour would be. This report also identifies that.

I encourage people to actually read the report in its detail. We have the responsibility on all of us that sit here and who would speak to this to understand what happens here. Because in certain times what we get are certain segments that come out of this report that indeed does not provide the appropriate amount of context that’s actually in this report. So it’s interesting when you read it, cover to cover, and I have to say that I’ve been through it, for the most part, right now.

So it's important that you do that. Not just pick the particular pieces of getting us where we are today in the decision that we all make as responsible Members that are elected by the people across our province.

Now, Mr. Speaker, I've listened to a few Members that have talked about – they questioned my leadership. It's one of the things that happens when you sit in this chair. People often will question decisions that you have to make. I guess one of the things about leadership is indeed you have to make a decision, therefore, you immediately become a target once you make that decision, because simply not everyone will agree with that.

Tonight, I've listened to people that have questioned, as I sat here today, the leadership. Not easy to do when you sit and listen to this stuff, when you realize what you've been able to do and the decisions that you've had to make in the last four years – and it's been four years just a few days ago since the election in 2015.

So you take some of this with a grain of salt, you take some of this because not everyone would know the background of what's around those decisions.

Now, one thing I do say, Mr. Speaker, when you make decisions, you do not do it lightly. You just don't do that lightly because people's lives are impacted. There's no question today, we see that Minister Mitchelmore, we see the family of Ms. Foote, we see others, a broad range of people, that would've been impacted. So the big question that we need to answer is: How did we get here? We got here as a result of some decisions that were made.

I want to really speak to some of the people that work at The Rooms – and they're doing a remarkable job at The Rooms. It's a crown jewel that we would see in the province. I'm really going to try and stick as closely to this as I can, to the report. I know there's been a great degree of leniency with some of the speakers here that kind of got out on a limb and strayed a little bit from the report, but I'm going to try and tie my comments to the report as much as I can.

When you think about what's been happening at The Rooms, and there was no question back a

couple of years ago, there were some challenges. I think one of things about actually standing here, making those decisions, we must be – as I said today when I did an interview, we must be prepared to look at ourselves and where there are flawed decisions or where there are warts and we're there are things that doesn't look pretty from time to time, we need to acknowledge those.

It would be great if we lived in a perfect world. It would be great if we lived in a world that you could actually make a decision, see it unfold, see the impact of it and then get an opportunity to actually review, change and so on, but you know that's not really the nature of how the world works.

You look at The Rooms and the relationship between government and The Rooms back a few years ago. There was no question there were some challenges. It's been made mention of just a few minutes ago about a number of people that would have been – change of staffing, changes that would have been made. Well, Mr. Speaker, I want to provide some context around that.

These decisions back in 2016, I'd say to the Member opposite who raised it, these weren't easy. They weren't easy decisions to make. You mentioned zero-based budgeting and making those decisions. They were not easy decisions to make in this House of Assembly. We knew very well back in 2016 that there were people's lives, there were jobs, and there were families that were attached to those decisions. We realized that people would be impacted.

What we also realized, as the Member just mentioned, is that we also knew that not making the decision, if we did nothing, if we did not make the decisions that we made back in 2016, where would our province be today? What would the future of this province look like?

Mr. Speaker, there were decisions that we had to make. They were uncomfortable for all of us that sit here today and had to go through that. Seeing changes that were made in The Rooms. Seeing changes that were made in many areas of this province.

Mr. Speaker, these were decisions that we made. Some of them, Mr. Speaker, they were not

perfect and we've responded. When you look at where we are today, in 2019, a lot of decisions that we've been able to put in place, we've got this province back in a better place, and given where we are and when we could, we've been able to give back to the people of this province.

Mr. Speaker, when you look at the decision that was made here and what the *Mitchelmore Report* is all about, we will be concurring with the findings of the report. That is what leaders do. That is what people that take responsibility do; that is what you do. The minister has already offered his apology. He sits in his chair today. I can't imagine how difficult that would be, for someone like Minister Mitchelmore and others, that would actually have to listen to the comments that are being made here.

I can speak from my experience, and I know when I make those comments there's a level of scrutiny that will come with this. The minister made a decision with the information that he had.

For people to actually dismiss the role of the clerk within this decision today and in the report here, I raise questions about that because these are people that we rely on, these are people that have been around this – that have been around governments. I don't want to say just this government, but around governments for many years, people with some 30-odd years of experience, and they do the work that they do in public service.

One of the reasons why I think that the clerk put the appendix or offered or asked – however that process unfolded – to actually have a say here was simply because to speak to a mechanism that has been in place for decades, and we can't dismiss this, whether it's by convention or the institution that have been moving along. That is one of the reasons why today we asked for a review of this, where does it actually sit in terms of these decisions that were made.

Today, in Question Period, there was a sense as if the clerk was actually defending the role of the minister. Well, that wasn't the case. If you read the report and you read the comments from the clerk that made the submission, it was really clarifying how decisions have been made in governments for quite some time.

Mr. Speaker, I could list off full hosts of things, a full host of patronage, a full host of political appointments that have been made over many years. You do not have to go back very far. When you look at the people today that are standing there and getting on kind of these high horses and sitting there and throwing barbs and making comments to us, yet if you go back in the history of this province, we've seen quite a bit of this.

As I stand here today, we take the responsibility for what the report is. We will concur with the findings. The minister has already said that he will be apologizing.

One of the things that has not been clearly outlined is there were five allegations here, and we shouldn't lose sight of this. There were five allegations here, and there were two, 1 and 3 of the five, that are outlined in the report where the minister will form the basis of his apology and, therefore, the reprimand and what the consequence would be for the minister.

Mr. Speaker, I want to speak to some questions that people have asked: Why do this? Why is it important to do this? Why do governments need flexibility?

I've heard the Member opposite talk about his experience as president of the association he represented. It's important to be able to move people around an organization. This government has essentially some 47,000 people that are currently employed within government. We have some great people.

Mr. Speaker, just a little while ago, a matter of fact, a few weeks ago, I asked the deputy ministers, I asked our ministers if they could actually come up and sit down with us so that we can have a conversation of where we have, within our system right now, individuals that we need to provide professional development on, because it's important that you put in succession plans. If you want to make sure that you have a strong organization, it's important that you put succession plans in place. You put people around government so they actually broaden their scope of knowledge around various departments.

Mr. Speaker, I've seen changes in people that we have suggested in our last four years; we've taken them and they went in other departments. Sometimes they go there with a bit of anxiety, they go there with a bit of apprehension, what am I getting myself into? Yet when they get there they realize that now their scope has been broadened and their experience has been broadened. They're better suited for even more promotions, as an example. This is what we try to do.

We also, from time to time, have to put people in place that have the experience that actually can go in there and help us, given where we are in the current situation. In some ways that would really go back to the movement that we've seen with Carla Foote. I've just mentioned already that the relationship between The Rooms and government at the time was a little strained, so it was important that we get someone in that position that understood the role of government but had the experience.

There have been a lot of questions of where's her résumé? I think, Mr. Speaker, you wouldn't have to dig very deep if you wanted to find a résumé on Carla Foote. It's probably somewhere – I don't know – at The Rooms, but it wasn't in the review. I don't know if the people that were conducting the review even asked for it. I'm not sure. It doesn't say that but I can imagine somewhere at The Rooms there would be the résumé.

Mr. Speaker, when you look at people who have actually given evidence in the report, one person didn't. It really stood out to me when I saw this and that was Carla Foote herself. She was not asked to be interviewed in the findings of this report, which I find a little ironic here.

Mr. Speaker, moving people around within government is not new. It's been around for a long, long time and it's done that way for a reason. We already know there have been flaws within processes that we've been able to get through, but it's important, too, that we learn some lessons about all of this.

It's been already questioned, too, I think – and I just want to raise some attention to this as I sit here next to the House Leader – that there have been times that we've spent on dealing with

issues around conduct and so on in this session at the House of Assembly and it's a waste of time. A lot of people would say that. I hear that, too, and I get that. I wish there was a better mechanism that could actually deal with those situations. I wish we were in a situation that we were able to do that. I will tell you, I sat through my share of filibusters trying to get this province in a better spot and learned lessons from mistakes that would've been made.

As a matter of fact, we led two of the longest filibusters that we've seen in the history of this province: one around Bill 29 and the second one which would've been about the decision around Muskrat Falls. They were long, long filibusters, Mr. Speaker. Some people at the time would've said – government at the time would've said – that these were a waste of time as well, but I can tell you now based on Bill 29, this province is in a much better place.

One of the things that, as I was speaking to this today, when we're looking at the implications of access to information, if you look at the facts and you focus on the facts, you will see that this administration, that this government and indeed the Premier's office where I currently sit, Mr. Speaker, has put out nearly 2½ times more information to the public than we've seen in past administrations. We see that as a positive thing.

When you look at where we are today, making this decision, moving people around government, we see this as something that's important to be able to have that flexibility. We think it means that the organization, government is strong; we think we get better decision-makers in place. One of the reasons why we're able to do that – and in this particular case, Ms. Foote was put in place with a contract which is not unusual, Mr. Speaker, within government. You look at administrations in the past; many of them would have put in short-term contracts, so it's not unusual to see that those contracts are left open.

Mr. Speaker, we go year to year by budgets and people, in many cases that are on those contracts risk the fact that the funding may not be there and then those contracts could change. These are some of the reasons and I think the clerk articulated some of that.

Mr. Speaker, putting someone like Ms. Foote in this position is not new to the decision-making process that we've been able to have within government, not just we, but in every single government that actually preceded us. This is kind of the process that's been outlined and it's been around for quite some time.

Mr. Speaker, there has also been some questions around – and I want to speak to this a little bit because the Member for CBS mentioned about who wins in all of this? You know what; I have to agree with the Member there. This is not about winners and losers. This is about making sure that as we strive for perfection, we do not always get there along the way, but we do want to make progress.

Mr. Speaker, when you look at the IAC – and I listened to the Member. He makes these comments quite often about putting action where your words are. I want to say to the Member opposite I challenge the Member opposite to look at what the IAC has been able to do. You want to talk about putting your money where your mouth is. I would say I'm more than willing to do that.

When you look at the IAC and some over 600 appointments that's been made, Mr. Speaker – I have a list of them. I'm not going to list out all 600 – not going to tell you tonight – but I do have some numbers here. We have received over 2,650 applications that have been made and there's been some 238 appointments to tier-one boards and commissions through the IAC.

When people say, who's making those decisions, people will say: Oh, well, that's just your friends; that's just political appointments that are making those decisions. That is not the case. If you look at the panel that we put in place, the first panel had a former chief justice of this province. We also had someone who was connected to one of the parties here, not the Liberal Party, Mr. Speaker. We had very qualified individuals –

AN HON. MEMBER: (Inaudible.)

PREMIER BALL: I see the Member over heckling at me again. I would say to you – I'll just spell it out to you – it was actually a PC MHA.

AN HON. MEMBER: Oh, is that right?

PREMIER BALL: Yeah, sat on that panel. I'd be curious why you didn't know that. Nevertheless, I guess that speaks to the fact that you're not interested in the facts; you're more interested in the politics.

Mr. Speaker, I'll get back to the 238 appointments. These are on tier one so these are big boards that we have in our province making some of the most important decisions. We are attracting, in those 238 individuals that are on those boards right now, some of the best minds. Most of those people sit there as volunteers, I would say, Mr. Speaker, as well.

Then we have tier-two boards, some 365 appointments. These are your tier two so your level-two boards. That's over 600 people that have been through this process. The last time that I saw this, which we were speaking a little while ago, there was somewhere around 46 per cent of those appointments now are women, which is important as well.

We're getting Indigenous people that are sitting on those boards when they never had a chance before. We're getting more women. We're up about 6 per cent, 7 per cent in the female participation now on those boards through the IAC process, Mr. Speaker, so there is some important good work being done.

When people challenge Bill 1, which was a signature bill for this administration, and we factor this in to some of the decisions that we're making now, this is an accomplishment. When people say, well, the Cabinet can make any decision, they don't have to take the recommendation from the IAC, Mr. Speaker, I can tell you as I stand here now, we do take from the IAC. We do that.

Where I'd like to see this all unfold is put an activity report out there so that people could actually see the work that is being recommended – those that are being recommended from the IAC and what is actually happening there. Mr. Speaker, it's been very successful. It's just about 3½ years old right now and these merit-based appointments – well, this is all working.

I'll bring it back to where we are with the report, some of the 47,000 employees that we have working within government and why we're here today talking about *The Mitchelmore Report*. Mr. Speaker, we've recognized that through the decisions that were made, based on what has been a very decades-old process of doing this work, that there are some things in here that the minister would be apologizing for and really apologizing on behalf of all of us that would sit here.

But, Mr. Speaker, I want to speak to the qualifications again – I just have to – because if you listen to people talk about Carla Foote, you wouldn't know but it was somebody that was just picked up off the street here and not being able to do the work.

Ms. Foote comes with 20 years experience, when you look at the work that she's been able to do in the private sector. She's been able to do work around Cougar 491. And is highly-respected, I will say. It's unfortunate today that she's listening and watching her name being dragged through sessions and various speakers. I want to say dragged through the mud, but that really doesn't sound right.

Mr. Speaker, this is what's happening to this young woman today. Someone who has spent a fair amount of time in public service, spent a fair amount of time in this province. When this decision was made that this report was based on, this was not the only decision. There were two executive directors that would've been put in place at the same time. Neither one of them had a competition for those positions, but the only one, really, that we're talking about is Ms. Foote.

The reason why we're talking about Ms. Foote is because her surname is Foote, her mother happens to be the LG and has been known around politics. I would argue that Judy Foote, as an MP, did a remarkable job representing Newfoundland and Labrador. I would also argue that as an LG she's doing a great job representing Newfoundland and Labrador. There's no question she's empowering women and inspiring women in our province. Tonight I can't imagine what it's like to sit, be home tonight and watching this all unfold in front of her and watching all of this that's happening.

MR. JOYCE: Ask me (inaudible).

PREMIER BALL: So, Mr. Speaker, I get people that are heckling right now and saying, ask me. I will tell you, there was a process, Mr. Speaker –

MR. SPEAKER (Reid): Order, please!

PREMIER BALL: – that's been followed. But I want to speak about Ms. Foote and the qualifications that she's had. I will tell you that if right now, Mr. Speaker, if it wasn't for the fact that Carla Foote, her mom was a Foote, the former Liberal MP, or that she was in some way connected to me – I have no question in saying that when I was leader of the Opposition, yes, Carla Foote came to work in my office. That's widely known.

When we formed government in 2015, Carla Foote went to work in the communications branch of government and did a really good job. At that point she took on – it was a tough task in 2016 in the communications branch of this government when, as I've mentioned earlier, some very difficult, very tough decisions were made.

She also was very involved in the plan that we put out there, *The Way Forward*, which is growth and sustainability. She was heavily involved in that as well. This speaks to the credentials. So if anybody would question the résumé or the qualifications of Ms. Foote, you just listen to the things that I've just spoke about. Twenty years' experience, Mr. Speaker, in marketing and communications. She was the top person, the top position in the communications branch within government, had dozens of people in communications and marketing that would be reporting in to her.

The experience has been there, Mr. Speaker, there's no question about that. I also want to say that it's been questioned here about the amount of time that we spent on dealing with reports such as this. I kind of lost sight of some of the comments I was going to make here as I was reminded by the House Leader, well already in this session, in this fall session there are 13 pieces of legislation. Pieces of legislation that will make sure that our school zones are safer, our construction zones are safer and it goes on

and on and on. There's a list right there that I have front of me. Our health care system is better. Our education system is better. Our justice system is better. Women are safer. Girls are safer in our society today.

I'm not saying just some of the work where we are as government, because most of those 13 pieces of legislation has been supported by every single Member, and I thank them for that. It has been supported by every single Member in this House of Assembly. That's how you do things.

Mr. Speaker, we find ourselves in a situation here tonight that we have to deal with this report. We can use some of the precedents that have been set in the past and what the consequences would be. All I'd ask Members is that we do it, take the politics off, let's look at some of the instances that we've had within the history of our province and there's been quite a few.

We have had an independent reviewer here, the Citizens' Representative. That has been reviewed then by the Commissioner for Legislative Standards and the report comes back with a recommendation to reprimand. Then you look at what reprimands would normally look like in the House of Assembly, based on similar reports, we find ourselves today with a resolution asking the minister to actually stand and apologize for his actions, which is something that we've seen in this House quite a few times.

Mr. Speaker, I will conclude my remarks tonight and say, you know what, like a lot of things in life, it's not always perfect, and we acknowledge that. These decisions that were made, they weren't perfect decisions. When people make decisions, typically there's a consequence to it, but the consequence must really be something that really fits to where we are. We must look at people that provide the advice. The Commissioner for Legislative Standards who has been tasked to actually make those decisions or help us with those decisions have weighed into that and wrote the report based on that.

I also want to know and I want to speak to the minister just for a few minutes, and the person that I know that would actually sit behind here today and has been part of this decision about a

young person from the Northern Peninsula, of course, that has broad experience working with constituents, has done a very good job, who's done a really good job. He has always come prepared when he speaks to Cabinet, when he speaks to caucus and when he goes around this province.

I will tell you I've spent a fair amount of time with this young man during the election as I was going around. I can tell you what, he's appreciated by those constituents that he represented. I don't think we should lose sight of that. We should not lose sight of Minister Mitchelmore when we make our decision today and ask ourselves, you know, he's willing, he's already accepted the fact that there's an apology that would be appropriate for some of the things that happened here.

But I will tell you – and I can say this, because I understand this process – is that he is really symbolic of many Members, of many ministers that not just those in this administration, but you can go back 10 years, 15 years, 20 years, probably 30 years of ministers that have filled out those RSA forms very similar to the way this minister did.

What happened here because of the whistleblower legislation where we find ourselves today is that now there's a spotlight that's been shone on that. We're not arguing that. Rightfully so, that's what we do. It's important that we put those processes place.

But it's also important that we actually be able to take that inward look at ourselves and review the way decisions and processes unfold. Modernize them, update them, Mr. Speaker. That is a reason why today I made mention that we will do this with someone that's independent from all of this. Someone that is in a position to look across all jurisdictions to see what happens in other provinces, within other governments. Probably different levels of governments.

Someone can actually do a review independently, someone who has the experience, too, that understands government. Because it is very different between government and the private sector, and there's been a lot said about this here tonight, Mr. Speaker.

So when decisions are made, when we look at the resolution that's been put forward, I'd ask us to give consideration to the minister here who has worked extremely hard, represented his constituents, Mr. Speaker, and is willing and has said that he's willing to apologize for what's happening here.

But let's not forget that the *Mitchelmore Report* is really – you could put any minister, I would suggest, that has served as a minister within governments back for many, many years, you can put their name on a report that would be very similar to this. If the threshold is has anybody not included a date for a contract, or anybody not put a job description in, there are mechanisms that happens within, that it's – as a matter of fact, the report itself talks about how sometimes it's verbally described. Mr. Speaker, I would say that this *Mitchelmore Report* could be almost any given minister that would've served as a minister within many administrations over many years.

Mr. Speaker, it's important that we allow the work, allow the independent review be done on how we actually compare, with the processes we have in our province, to processes in other jurisdictions. I think it is very important that we allow ourselves to be able to do that.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER BALL: Mr. Speaker, I will conclude my remarks tonight by thanking all Members for their remarks in the debate. I also want to thank those that actually participated in the findings of this report tonight as we make our decision and deliberate what the appropriate resolution should mean.

Mr. Speaker, I ask those Members that are here, support this resolution, allow us to get on and do this independent review of the processes that are outdated and let's modernize them. Let's update them so we find ourselves in a better spot, just like we have with current legislation around Bill 29, just like we have – we're in a better spot today in this province as a result of the Independent Appointment Commission.

Mr. Speaker, I think it's important that we allow this Legislature the time that's necessary to make sure that when it comes to moving valuable employees around government, making sure that they are there to do the work and they become more empowered, better decision-makers in the future. I would say let's get on with getting this review done so this Legislature finds itself in a much better spot.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

I'm glad to have the opportunity to speak this evening. I wish it was under different circumstances, but certainly it is what it is. We all have a responsibility to deal with this matter.

Mr. Speaker, I've been around a while now, certainly not as long as some Members. I look across at the Minister of Finance, I think, who's been around probably longer than – certainly the longest Member in this House and probably – I don't know, maybe in all Assemblies. Here a long time. He's seen a lot more than I've seen, but I have been around a while. I've seen some things as well. Some of the things that have gone on in this particular report –

AN HON. MEMBER: (Inaudible.)

MR. SPEAKER: Order, please!

MR. LANE: I would agree with Members who say that it's not new. I would agree, that to some degree it's not new, and I think the public knows that.

If you talk to the general public – go up to the coffee shop, as my colleague from Conception Bay South likes to say all the time. I do go up to the coffee shop and the grocery store and everywhere else out in the community talking to people. Because that's where you hear the straight goods, from the people. It's not here in this House of Assembly, it really isn't.

He is right, we are in a bit of a bubble. You really need to go out and talk to people. People are not impressed, not just specifically about this particular situation, but by a lot of the situations that have gone on here in this House of Assembly over the last few weeks. In general, I would say people are unhappy with the things that have happened in government over the years, over numerous administrations.

There are people who will say all the time: it doesn't matter who goes in, it doesn't matter who you elect, it's all alike. You're all alike, you're all self-serving. You're all going to look after your buddies. A lot of people just don't have trust in politicians and in the House of Assembly in general, which is very unfortunate.

I reflect on a time, and I do have some believe it or not – as someone said here earlier, I take no pleasure in this. I'm one of 40, and we've been given the unique opportunity to be able to serve in what should be a very honourable role. There are not a lot of people who will be able to say they served as a Member of the House of Assembly. I think it's something we should be all proud of and we all are colleagues, despite what some people think.

Yes, you might be on this side today and the other side of the House tomorrow. You might be debating or discussing legislation, sometimes it gets heated but, at the end of the day, I would like to think we can all be civil towards each other and that for the most part we feel a sense of comradery from a general point of view for sure.

There are a lot of people who are friends on both sides of the House. So I take no pleasure at all, as has been said, in having to talk about this. I really wish it didn't happen, but I've seen these kind of things happen. What I'm seeing here now, Mr. Speaker, to be honest with you, it feels to me like something I've seen before; something I have been involved with before.

I think back on my first couple of years when I was elected to the House of Assembly, and these are not necessarily times I was overly proud of, where I was sort of full of P and V, wanting to please Members of Cabinet and the caucus and be a team player and so on, and I've taken it for the team. I've taken it for the team.

I can remember, I laugh at it now; I actually have one of the Kevin Collins's cartoons up on the wall in my office, framed. I have a couple of them, actually, but: Poll Lane, Minister of Online Polls and Tweets. I'm sure there are Members who can remember that one. I have the original, I have it framed. I felt at that time that I was taking it for the team. I was defending the indefensible, to a great degree.

We saw it again with Bill 29. I can remember after Bill 29 was over, although we were told at the time that Bill 29 – this is being exaggerated. It's not as bad as the Opposition are saying. That's kind of what we were told, to some degree.

I can remember after that debate was over, I can remember sitting in the chair and leaning over to my colleague – who I won't name, I can't even remember which one it was, it was one of two in my mind – and saying, do you know what? I feel like we're on the wrong side of this one. Now, I wasn't going to stand up in the House of Assembly and actually say that, but I can remember saying, I feel like we're on the wrong side of this particular issue. Sure enough, we were.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LANE: We heard it loud and clear from the public, and people were absolutely very upset about it. I can recall it was something that got brought up over and over again. And finally, after I had left, it did get changed. To the government's credit at the time, I think it was under Minister Davis at the time –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The noise level in the House is too high. I'd like to hear the Member that I've recognized.

MR. LANE: – they did change it.

Thank you, Mr. Speaker.

They did change it and do the right thing. We now have fantastic ATIPP legislation. It's too

bad we can't get it to apply to Nalcor, but that's a different issue; but we do have great ATIPP legislation. So they did see the error of their ways and they made those changes.

I knew, and I think others at the time knew and felt something wasn't right. Whether it was Bill 29, as I say, whether it was the whole online poll thing and everything else, we knew it wasn't right. It didn't feel right.

I'm sure there are Members over here tonight – some Members, and they're not going to admit it. They're not going to say it; I don't expect them to. I'm not putting anybody on the spot, but I just know there are Members over there that know, deep down they know – they're defending this decision, but they know deep down that it's not right. Everything is not kosher, I really believe that.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: I'm not saying that to be nasty or negative or political – honestly, I'm not – but I know there are Members who believe that something just doesn't feel right. It wasn't handled properly. I really believe that, and it's unfortunate. I have a lot of sympathy, I really do, for the minister involved because I was, in the past, at one point in time when I took one for the team – a couple of times took one for the team and I know what I had to experience. I know the public backlash that I had to face and my family had to face and it was not a good thing. It's not a position anybody would want to be in, so I do have some sympathy.

As for any Member who is the subject of these types of matters, whatever end of it may be – we saw these harassment reports that happened involving Members here. I empathized with those Members. We've seen situations in this House and I absolutely empathize because I know what it's like; my family knows what it's like. It is very unfortunate, but at the end of the day we were elected to do the right thing in this House of Assembly: to follow the rules, to follow the processes, to be open and transparent and to make the best decisions for the people of this province. That's what we're all tasked to do and we're supposed to take the politics out of it.

I will say, Mr. Speaker, I am glad, unfortunately, it's come to this. Just like the backlash on Bill 29 eventually led to the new ATIPP legislation, which is fantastic, I'm glad to see that this is going to lead to a review to put new practices and policies in place, whatever it's going to be. I'm glad that's going to happen to deal with these executive appointments and moving around of staff and so on. I'm glad that's going to happen. That being said, it does not take away from the facts that are contained within this report. I think that's an important distinction. It does not take away from what is in this report.

The Premier didn't outright say it and I'm not even going to suggest he implied it, but I just want to say we cannot fall back on because the other crowd did it or because it was happening for years, then that somehow justifies doing it now. I know the Premier knows that and he didn't actually say that, but one could take from the comment that was being inferred, Mr. Speaker. You could take from that comment it was being inferred, but it cannot be an excuse.

We have to start somewhere. We have to start somewhere to change because people are not satisfied. I was going to give the Member for Conception Bay South a standing ovation when he spoke, not because of the barbs that he threw at the Premier – because arguably that wasn't called for – but the points he made about listening to the people, about the bubble, about the coffee shop, everything he is saying is dead on. It's dead on the money. He is dead on the money when he says that. We all have to be mindful of this stuff. We really do.

In terms of this particular report, was I shocked? Well, I was surprised by the report because I didn't know. That speaks to the confidentiality, at least up until the point that CBC released it. I will still say that I have a major problem with how that got there, but up until that point it seemed like it's a good process because I never knew anything about it until it broke yesterday.

It seems like we now have a good process, Mr. Speaker, so I was surprised when it came out, but I'm not shocked because the issue, of course, is something that has been raised in this House of Assembly a year ago. I will give full marks to the Official Opposition, in particular, and I think the NDP may have asked questions as well. I'm

not diminishing what they may have done but the Official Opposition, in particular, did ask a lot of questions about this hiring and so on. No doubt they did and we kept getting the same answer over and over and over and over again about the individual in question. I won't name her because her name has been tossed through the mud long enough, so I'm not even going to say her name. I know her. She's a fine person. I have no issue with her – none.

The questions were asked and we got the same old answers about the most qualified, the most qualified, the most qualified. I didn't buy that answer then, Mr. Speaker. I didn't buy that answer then, I'm sure nobody here did and I still don't buy that answer. I'm not taking away from this person's qualifications or not saying she's not a good person. I worked with her. I worked with her for a period of time when I was in – we were in Opposition then, at the time. I found her to be a great person, very accommodating and so on. As far as I was concerned she did a good job, at the time, for doing the communications. I had no argument about that. I have no axe to grind with her.

The fact of the matter is she was put in a position with no competition. I can understand, when we talk about these lateral moves – by the way, when the minister was questioned he kept talking about these lateral transfers. The briefing I went to today done by the clerk of the Executive Council or her staff, clearly said it was not a lateral move – it wasn't, even though that's what we were told week after week after week. It wasn't.

These lateral moves, I believe at least, are supposed to be you're a deputy minister in the Department of Natural Resources and we need a deputy minister of Municipal Affairs, we can swap you around, move you around from DM to DM and that type of thing. That's what it's meant to deal with, I believe.

In this case, The Rooms had just undergone an organizational review. They just went through it and this executive director of communications position did not even exist. It didn't exist. We had a person actually hired in the job, given the job. The minister said in the report the CEO didn't go through the proper process of getting his approval or something, so it was an invalid

hire or whatever. That might be right. From a technical point of view, he might be correct. I believe the CEO said where it's a temporary position they just kind of do that; they don't necessarily go through that process. He should have.

The fact of the matter is we had a person hired in the job and then he is directed, allegedly by the deputy minister with the approval of the minister, to yank this person out of their job. Then they even write the letter from him, mocks up a letter on a piece of letterhead that's not even The Rooms' proper letterhead. Mocks it up, sends it to him and says: sign it and send it back and then delete the letter and delete the email where I'm telling you to do it. Get rid of the evidence. I mean, that's what happened. I can read. That's what's in the report. That is very problematic.

I cannot see – for the life of me, I really can't – how we can say that to simply say I apologize and sit down, how that is good enough. It pains me to say that, it really does, because I like the Member. I have no issue with the Member; I have no issue with anybody in this House. We had a Member apologize.

The Minister of Finance a couple of weeks ago made a comment and he stood up immediately – I'll give him full marks. He immediately stood up to his feet and said I apologize. If I offended you, I didn't mean it that way; dealt with. But that was just for making a remark, in the heat of a debate. So yeah, an apology would suffice. It was suffice for me.

But this is going beyond something that someone says – this is not someone in the heat of debate making some statement or something, saying something that they shouldn't have said. I mean, this is a deliberate action. It was a deliberate action.

With all due respect, to the clerk of the Privy Council – and the briefing we had today was basically a regurgitation of the presentation that's already in the report, the one that they made subsequent to the Citizens' Rep report, their rationale. The Citizen's Rep is the one who is tasked with doing the investigation and the findings, so he already has this information.

The information the Premier is talking about, as it relates to past practice and all this kind of stuff, the Citizens' Rep had that information. It's in the report. The Citizens' Rep who is an independent Officer of the House, who we have tasked with doing the report, says thank you for the information. I've taken it under advisement, but my findings remain the same.

I'm not prepared to simply say, I'm going to just throw out the recommendations of the Citizens' Rep because the clerk of the Privy Council – it has nothing to do with her personally either, fine lady, absolutely 100 per cent. I'm not going to throw out the recommendations of the process we have and an independent Officer of the House to simply say, well, thanks a lot but someone else is saying something else here. I'm going to disregard you and I'm going to go along with that. I'm not. I'm going to go with the report.

The report clearly says, there were two – well, there were five allegations; two of the five the minister was in contravention of. Of those two, I believe – and I don't have the report in front of me at the moment – there was four breaches of the Code of Conduct, four or five. There are four sections or five sections involved in those two breaches of the Code of Conduct.

That's a big problem. As much as I don't want to do it and nobody wants to do it, we need to set a precedent here. The time has come to set a precedent to say that simply doing something like this and standing up and saying I'm sorry and sitting down is not good enough. It's not.

I can remember a time, we had a former minister on the front row, a different administration. It involved a Member here. What a joke it was. He had to say I apologize for calling you a fool. He stood up, Mr. Speaker, I apologize. As he was sitting in his chair, he bawled out, you're still a fool. I'm sure Members can remember that. What a joke that is. Think about it. The punishment was say I apologize, he apologized and, as he is sitting in his chair, he says you're still a fool.

So we have to start taking this stuff seriously. That was let slide then. We can't let this stuff slide. We cannot let this stuff slide. We have to start, at some point in time, because we're

always going to talk about past practice and precedent. The problem we have is that every time we talk about past practice and precedent, the precedent is we don't do anything. Hence, as more and more things happen, we continue to not do anything because the past practice is we don't do anything.

At some point in time, in order to start doing something, we have to start doing something. I think the time has come with this one. So I appreciate the report, I accept the report, I understand the recommendation; but, for me, simply saying I'm sorry, unfortunately, is just not going to cut it.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. COADY: Thank you, Mr. Speaker.

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

MR. SPEAKER: It has been moved and seconded that the House does now adjourn.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

The House now stands adjourned, per our Standing Orders, until 10 o'clock tomorrow morning.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.