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Speaker: Honourable Scott Reid, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Reid): The Government House Leaders are ready?

Admit strangers.

Order, please!

In the public galleries today, I would like to welcome students from Memorial University's political science 2800 class: Introduction to Canadian politics and government.

Also in the public gallery, I would like to recognize Mr. Kieran O'Connell from The Gathering Place. He has joined us this afternoon for a Member's statement.

Statements by Members

MR. SPEAKER: Today we have Members' statements from the hon. Members for the Districts of Lewisporte - Twillingate, Exploits, Labrador West, St. John's East - Quidi Vidi and Harbour Main.

The hon. Member for Lewisporte - Twillingate.

MR. BENNETT: Thank you, Mr. Speaker.

On November 22 I had the distinct honour to join with past and present firefighters and special guests for the opening of the new Lewisporte regional fire station. This year also marks the 70th anniversary of fire protection services for the residents of Lewisporte.

Hundreds of visitors also came out during the open house to tour this magnificent facility. The new station is equipped with three double and two single bays, bunker cleaning and dry room, vehicle exhaust system, compressor room, storage areas and meeting space to accommodate the training programs that Lewisporte Fire Rescue takes such pride in offering to its members to safeguard our community.

I'd also like to thank the local business community who also showed their support by contributing over \$30,000 to help purchase furniture and equipment, including a new talking

Sparky mascot donated by the local Shriners Club to promote fire prevention and education.

I ask all Members to join me in congratulating Lewisporte regional Fire Rescue on the opening of their new modern fire station and to thank the dedicated firefighters for 70 years of continuing service and devotion to duty.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. FORSEY: Thank you, Mr. Speaker.

I rise today to recognize a youth in my district, Rebecca Brent of Botwood, age 10. Rebecca participated in a recipe contest for Kids Food Nation sponsored by the Boys and Girls Clubs of Canada, President's Choice Children's Charity, Public Health Agency of Canada, YTV and Corus Entertainment.

The contest asked the young chefs to submit original, healthy recipes that highlighted their culture and Canadian pride. Rebecca's recipe was named the Nor-Easter Salad, which included crisp iceberg lettuce, topped with cherry tomatoes, mozzarella cheese, breaded cod fish sticks, complemented with a homemade tartar dressing.

On November 10, Rebecca was among 26 young chefs, ages 7 to 12, and their families representing every province and two territories that came together at the Omni King Edward Hotel in Toronto to celebrate healthy eating and healthy lifestyles.

Mr. Speaker, I ask all Members of the House of Assembly to congratulate Rebecca Brent on her win with the Kids Food Nation recipe contest.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Labrador West.

MR. BROWN: Thank you, Mr. Speaker.

Today I'm proud to stand and recognize the Alvin Parrill hockey tournament. This is the 16th year for the tournament, which is held in Labrador West in early November.

The tournament honours Alvin Parrill, a dedicated volunteer and hockey coach who sadly lost his battle with cancer in 2013. Alvin was best known for his love of hockey and coaching local teams. Players and volunteers loved to be around him, and they still look up to him today.

It takes a large group of hard-working volunteers to make such a tournament happen every year, and they all do it with Alvin's spirit and the players in mind. It's a weekend where our communities in Labrador West and Quebec come together in the spirit of friendly competition.

I ask all hon. Members to join me in thanking Alvin Parrill and his family, along with all of the volunteers and players who have contributed to the continued success of this tournament every year after year.

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.

The Gathering Place was established in 1994 by the Sisters of Mercy and the Presentation Sisters in response to the needs of those seeking food.

The Gathering Place welcomes people aged 26 and older. The programs and services of The Gathering Place are offered primarily to people who are homeless or who live in less than desirable housing conditions and people who are in need of kindness and compassion.

Over the last 25 years, The Gathering Place has provided a caring and nurturing environment with services that now include three hot meals served Monday to Friday and a brunch on Saturday and Sunday. As well, they have a medical clinic, a dental clinic, clothing boutique, laundry facilities, a computer lab, arts and crafts

room, a writing room, garden, music room and much needed community and social spaces.

Their programs and services are operated by volunteers who give their time so that more vulnerable folks in our community will have consistent access to these programs.

I would ask the hon. Members to join me in celebrating The Gathering Place for bringing warmth and kindness to those in need, and I would also encourage all hon. Members and their staff to volunteer with this crucially important and special community centre.

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 stand today to recognize a unique volunteer organization which exists in many communities throughout Newfoundland and Labrador. I'm speaking of 50-plus groups and specifically about several vibrant organizations that operate in my District of Harbour Main.

I am fortunate to have within the Harbour Main district, four separate 50-plus groups based in the communities of Clarke's Beach, Makinsons, Marysvale and Holyrood, which together enhance the lives of hundreds of our seniors in our area.

These organizations are led by many community-minded and dedicated volunteers who provide seniors with a variety of activities in which to participate, like exercise programs, fun and games, friendship and fellowship, meals, musical entertainment and outings from their home communities. These groups and the volunteers who support them provide an opportunity for seniors to leave their homes and socialize.

As the Christmas season approaches, these special groups play a vital role in making our aging loved ones live fuller and brighter lives

during a time which, for some seniors, is a lonely time of the year.

I ask all hon. Members to join with me and acknowledge the great work of the volunteers who make these 50-plus clubs such a great success.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

MR. DAVIS: Thank you, Mr. Speaker.

I rise in this hon. House to acknowledge two of our talented writers from this province who were recently recognized on the national stage.

Megan Gail Coles, for her novel, *Small Game Hunting at the Local Coward Gun Club*; and Michael Crummey, for his novel, *The Innocents*, were both shortlisted for the most coveted literary award in Canada, the 2019 Scotiabank Giller Prize.

Mr. Speaker, this prestigious award acknowledges the very best in Canadian fiction and brings recognition to Canadian authors and literature both at home and abroad.

The shortlist for the Giller Prize is a remarkable achievement and an opportunity to celebrate the successes of these and other homegrown writers. To be two of only six finalists shortlisted from 117 submissions speaks to the incredible creativity and literary talent in Newfoundland and Labrador.

Mr. Speaker, through our Cultural Action Plan and investment programs, we are very proud to be a part of raising and advancing the profile of Newfoundland and Labrador authors and artists in our country, and around the world.

Mr. Speaker, I ask all hon. Members to join me in congratulating Megan Gail Coles and Michael

Crummey for their shortlist selection for the 2019 Giller Prize.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, I'd like to thank the minister for an advance copy of his statement.

Mr. Speaker, we are fortunate in this province to have a number of talented authors and literary artists. On behalf of the Official Opposition, I offer my congratulations to Megan Gail Coles and Michael Crummey. It is truly fantastic to see these talented individuals recognized for their recent novels and shortlisted for the 2019 Scotiabank Giller Prize.

Megan Gail Coles is an accomplished artist and novelist. She is the co-founder and the artistic director of Poverty Cove Theatre Company and has been a writer in residence at the St. John's Arts and Culture Centre. She has been awarded the Rhonda Payne Theatre Award.

Michael Crummey is also an accomplished writer and poet. His accolades are too many to list, but I would include winning the Gregory J. Power Poetry contest and being awarded the Bronwen Wallace Memorial Award and the Thomas Head Raddall Award.

Mr. Speaker, these two artists are a testament to the talent within the province, and I wish them both the best of luck in the future, and I look forward to reading their novels.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Labrador West.

MR. BROWN: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement.

I join the hon. Members in congratulating the outstanding local writers, Megan Gail Coles and Michael Crummey, for their Giller Prize shortlist recognition.

The NL arts community has fought for years for additional funding, yet this is another example of the high quality of material produced by our talented writers and artists in this province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

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

MR. WARR: Mr. Speaker, today I rise in this hon. House to announce more than \$200,000 in scholarships for 201 recent high school graduates as part of the provincial scholarship program. The program recognizes high school graduates throughout Newfoundland and Labrador for their hard work, dedication and academic achievements.

The Junior Jubilee Scholarship, valued at \$2,500, is awarded to the student with the highest overall marks in the province. This year's recipient is Elliott Morrison, a graduate of Waterford Valley High School.

The Constable W. C. Moss Scholarship, valued at \$1,000, is awarded to the son or daughter of a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police with the highest marks overall, other than the Junior Jubilee Scholarship. This year's recipient is Lauren Bill, a graduate of Mount Pearl Senior High School.

Mr. Speaker, 120 high school graduates, three high school graduates in each electoral district, were awarded with an Electoral District Scholarship and 79 students have been awarded the Centenary of Responsible Government Scholarship, each scholarship valued at \$1,000. A complete list of provincial scholarship winners is available online.

Mr. Speaker, I ask all hon. Members to join me in congratulating the 201 high school graduates receiving scholarships and to wish them every success in their future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARDY: Thank you, Mr. Speaker, and I would like to thank the hon. minister for an advance copy of his statement.

Mr. Speaker, my colleagues in caucus would like to join the minister in congratulating the 201 high school graduates on receiving provincial scholarships. I would also like to acknowledge the hard work and dedication of all students in the province who put their best effort forward each and every day.

Mr. Speaker, all young men and women should be proud of their individual accomplishments. This is no doubt the culmination of hard work, dedication and academic achievement with the support of family.

We must never forget the importance of home in an individual's scholastic success. As a former teacher and administrator myself, I can personally attest to the many efforts of students and families who strive for individual personal excellence, but may fall short of scholarship criteria. Their efforts are no less significant.

Mr. Speaker, I am particularly proud of winners from our own district, in Bonavista: Brooke Holloway, Leah Peddle, Madison Hayley, Allison Butler and Ben Callahan. Congratulations!

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 thank the minister for an advance copy of his statement and join with him in congratulating 201 high school graduates who are awarded scholarships as part of the provincial scholarship program.

I, too, like my colleague to the left, certainly see the value of scholarships. While they're not only valuable to those pursuing post-secondary education, they also send a very clear message about the value of education and academic excellence. Most importantly, scholarships are a recognition of a student's hard work and dedication. This is an important program and we commend the minister in maintaining it.

Thank you.

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, yesterday the *Mitchelmore Report* was not tabled before Question Period.

I ask the Premier: Did he order the minister to hire Ms. Foote at The Rooms, yes or no?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: No, I did not.

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

MR. CROSBIE: The minister, now, himself: Did the Premier or any of his staff order him to hire Ms. Foote at The Rooms, yes or no?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I did not order Minister Mitchelmore to hire Ms. Foote, and none of my staff were a part of this process.

What I will say, though, is that we look at Carla Foote, someone with over 20 years' experience, doing work in the private sector. She's worked with me as the leader of the Opposition. She's worked in the Communications branch with government, and comes with a considerable amount of experience.

There was no question that I think many people who would have watched the relationship between The Rooms and within government, and I can tell you that given the decision that was made by the minister, that Carla Foote had a great reputation and was well suited to do the job that she was asked to do, and the job that she took at The Rooms.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: Mr. Speaker, the question was intended for the Minister of AESL.

Did the Premier or any of his staff order him to hire Ms. Foote at The Rooms?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I can listen to the heckling across of where we are, but I want to say this: I've known this minister a long time. I've had the option of working with him as a minister for four years; we worked together in Opposition, Mr. Speaker. He has worked extremely hard. He's been very meticulous, always prepared, came ready to meetings and always had valued input, I would say.

What we're talking about here today is a movement of executives or people – or a movement of people around government, Mr. Speaker. That happens for a reason. It is good for succession planning; it is good for professional development.

Mr. Speaker, we've seen the report. There are areas of concern that we need to address. The minister has already said that he will apologize for this and I've already said publicly now that we will do a review of the movement of executives around government. It is necessary,

it's been around for decades and it needs a review.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: We'll pass on from the silent minister and instead ask – there is an obvious conflict between the facts in the report from the Citizens' Representative and the Premier's comments yesterday. The report says that the Premier offered Carla Foote the position of executive director of marketing with The Rooms.

I ask the Premier: Who's telling the truth?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, when you look at the report – and I saw this yesterday, had been doing some reading. As many people in this province would know, we were very late getting in from premiers' meetings last night.

Mr. Speaker, what we're saying here is what would be a non-contradicted opinion and one that was contradicted. When you look at the evidence that's in the review there, there is nothing in the evidence that's given to the key findings to suggest that I was involved in that at all. I wasn't involved in that at all. I've never met with that board.

Mr. Speaker, what that was, it was basically based on comments that came from a phone call that was passed on to the chair of The Rooms. I was not involved in this, but I will say that Ms. Foote is highly qualified to do this job. What I do understand, based on what we've been seeing, is that the relationship is much improved over the last year. This is what we want to see at The Rooms. We will do a review of movement of executives around government.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: This minister, Mr. Speaker, was found to have grossly violated his obligations in the Code of Conduct.

I ask the Premier: Will he fire this minister from Cabinet?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, right now – what I've said we would do is we would do a review, an independent review, of moving people around in government. The minister, as I said, has been doing a very good job.

There's no question we see where there are issues that have been identified here. The report and the findings suggest that and say that.

Mr. Speaker, the minister has already said he's willing to apologize. I will tell you now – and I think the Leader of the Opposition would agree – if it wasn't for a surname of Foote, or someone that would have worked with me, we would not be having this discussion today.

There were three changes that were made in in The Rooms, Mr. Speaker – three changes. There were extra board members that were put in place and there were two executive directors that were put in place. Mr. Speaker, no one is discussing these three changes that have been made, and the environment at The Rooms is improving.

SOME HON. MEMBERS: Hear, hear!

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

MR. CROSBIE: I'm hearing the Premier say that a minister who has been found by competent authority to be guilty of gross mismanagement is doing a very good job.

I would ask him: He swiftly dumped several former ministers; why is the current Minister of AESL, who is guilty of grosser violations, being held to a lower ethical standard?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, what we're seeing here is based on transparency and accountability that we're seeing within

government, whistle-blower legislation in 2007 that was recommended by Green, which came into force I think it was some seven, eight years later. So we're seeing now a greater degree and a spotlight that has shun on decisions – rightfully so, Mr. Speaker. We put in place the Independent Appointments Commission. Once again, it opened it up to people in this province.

What we need to do now is take a review of how we move people around government, Mr. Speaker. That's important, because we know that there's competition right now, very difficult to get people to come into government to go to work.

This is not about Carla Foote, Mr. Speaker. This is about how we move people along the Executive in government. It's a decades-old approach and it needs a review.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

Mr. Speaker, last fall in the House of Assembly, we asked numerous questions about the gross mismanagement. On October 29 in response to one of our questions, the minister said: "This is an executive director-level position at an executive salary that was approved by the board" We now know that is this factually incorrect.

Does the minister now wish to correct the record?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I think if you read the report – and it is a lengthy report, very detailed – you will see that there were five allegations that have been in that report. Two of which there are some issues with and there was a recommendation about where that would go, to our resolution.

Mr. Speaker, the minister has already said that he's willing to apologize and will be apologizing for what we find there. This is nothing new. This is nothing new that we've seen in this House of

Assembly. As a matter of fact, Mr. Speaker, I would say that if we just peel back the politics on all this, the very person that's asking this question have had to stand and apologize himself. He knew this was an obvious spot for us to go.

What I'm asking for, Mr. Speaker, is let us do the review of how we move people around within government. We need to take a look at that, how we improve processes in the future.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

On December 5, also in response to our questions, the minister replied: "... what I can say is that the appropriate hiring practices were followed" And went on to say: "What the Members opposite have been doing, they have been playing politics with this particular matter" Again, Mr. Speaker, this has been proven to be incorrect by two Officers of this House.

Again, does the minister now wish to correct the record?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I will answer this again because when you look at one of the submissions – and not many people are actually taking a very detailed look at this – is that the clerk at the Cabinet Secretariat, matter of fact, had some input into this process that's been around for quite some time. I would suggest that Members of the prior administration would be very aware of the way this works.

There was no question, as I just said many times now, that through the findings that we have in this report, there are lessons that we could learn. There is no question about that. The minister, based on where we go with this resolution, has offered an apology there, Mr. Speaker. What we do need, however, when you look at what the clerk of the Cabinet Secretariat has said – and I understand there were some opportunities for briefings to actually go through this process. It's decades old; it needs to be reviewed.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, the Citizens' Representative concluded that the employment of Carla Foote at The Rooms did not comply with the *Public Service Commission Act*. This legislation charges the commission with the responsibility to protect the merit principle. Its main purpose is to ensure fairness in the hiring process.

I ask the minister: How could he stand by and watch the appointment of Ms. Foote at The Rooms while it grossly violated the principles of hiring within the public service?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, when you look at how you move people around government – and that could happen for any number of reasons, but in this particular case here, from what I understand about the report and what the report says, it's simply because this was a contract that was put in place; therefore, that was actually not something that would fall under that piece of legislation. That's what I gathered from that, Mr. Speaker.

Then there was the question about it being open-ended. Mr. Speaker, when you look at it, if you take a person from one position within government, you move them into another position, the benefits that would go with that person stays, normally, with that person. This has been something that's been ongoing historically around government for quite some time, and I think the clerk would have actually shared this information with those that would have seen some briefings earlier today.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, on the department's website, it states that: "Fairness means decisions are made objectively, free from bias, patronage or nepotism."

I ask the minister: How could this province's public service have confidence that the hiring process will be conducted free from political interference in light of this report?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, for those that would've followed and been following The Rooms and the relationship that it had with government, it wasn't where we needed it to be. This is a crown jewel that we have within our province. The Rooms does a fantastic job. It's a big attraction for our province.

Mr. Speaker, on that day there were two executive directors that were put in place. Neither one of those had a competition that was attached to that. There was a contract with Carla Foote to go over to The Rooms. She's well-qualified to do this job, had the experience to go over under the contract to do the job that she was asked to do.

Secondly, Mr. Speaker, the second contract has been put in place, or the second employee has been put in place as an executive director over there, and I understand that things are improving at The Rooms right now, which is exactly what we wanted to do when this process had started.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, the clerk of the Executive Council made a submission to the Citizens' Representative defending the actions of the minister, actions that were found to violate hiring practices within government by the Citizens' Representative, an independent Officer of this House.

I ask the Premier: Did he or his staff order the clerk of the Executive Council to make this submission?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I did read that submission, and when I look at – not defending the actions – there were certain areas there that she actually highlighted what – but if I

remember correctly, that she actually identified where there were some exceptions of what happened.

The clerk of the Executive Council right now, the top bureaucrat that we have in our province, Mr. Speaker, what they were highlighting was is that this is a process that has been around for quite some time. The review by the Citizens' Representative identified a couple of areas there that, Mr. Speaker, based on the allegations that were brought forth – two out of the five – where the minister has already offered publicly to actually apologize once we get to this stage.

But more importantly, now, Mr. Speaker, what we need to do is make sure that how we move people around government is actually we do a review, best practices, see how other provinces, other jurisdictions are doing this. It hasn't been done for many decades in this province.

SOME HON. MEMBERS: Hear, hear!

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

MR. WAKEHAM: Mr. Speaker, the clerk of the Executive Council – as the Premier has pointed out – is this province's top public servant, which is supposed to be a non-partisan position with significant responsibility to uphold the integrity of the public service.

The clerk's submission to the Citizens' Representative defends the gross mismanagement of the minister. The Citizens' Representative disagreed with the clerk and in commenting even said he was perplexed. Obviously, the clerk of the Executive Council's ability to be non-partisan has been compromised.

I ask the Premier: How are you going to deal with this?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, where the differences of opinion were would have been around some of the things around the public service act and all that, and how we're going to deal with it.

How we're going to deal with it is we'll get somebody who is independent of all of this, that will look at jurisdictions, other provinces and see where best practices are, Mr. Speaker, and how we got to where we are today. Mr. Speaker, we want to make these changes.

I remember back in 2016, when we brought in the Independent Appointments Commission there were many people, nearly 600 people right now who have gone through that process and are now playing active roles on decisions that are made on our boards, commissions and agencies. Mr. Speaker, many of them are women that would never have had the opportunity, based on the actions and the experiences that people in this province would have had with the prior administrations.

Mr. Speaker, we have changed it with appointments, and we'll now change it as we move people around government.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Mr. Speaker, on June 15, 2018, the former deputy minister of Tourism, Culture, Industry and Innovation, his assistant, called The Rooms instructing the former CEO's assistant to delete an email sent earlier that day. The email contained a letter rescinding an unnamed person's contract in order to accommodate Ms. Foote.

I ask the minister: Is instructing government employees to destroy evidence a common practice in his department or government?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, by reading the report there, I think what you're seeing is transitory records. That's my understanding of this. And, no, if you're not directing people that would lead into, I guess, the process as it leads to a decision.

I think if you look at the report there, it explains why the deputy minister – or whoever was making those calls at the time – would have

talked about transitory records. I think the report itself spells out where that all ended up with the deputy minister and those who were involved at The Rooms.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Mr. Speaker, I ask the minister to speak on this issue.

Who directed the deputy minister's assistant to call Mr. Brinton's assistant, instructing her to delete emails?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, what we're talking about here are the transitory records that would have been – I guess the emails that would have been going back and forth at the time. What I understand by reading that report – and it's all there. It's outlined.

I certainly wasn't making calls to the executive assistant or the deputy minister in talking about how records are moved back and forth or how it works. What I do know is that transitory records, access to information – I will say this, Mr. Speaker, that this government has more information out to the people of this province than any other government. I can assure you of that by many, many times.

The facts – and, Mr. Speaker, I hear Members opposite laughing and smiling at this. I really do, which is really too bad that's happened, because right now I see Members opposite here that are looking at me and shaking their heads. These are the very authors of Bill 29 just a few years ago that led us to make sure we're more open as a government.

Look at the records. We are sharing more information, more (inaudible) than any time in (inaudible).

MR. SPEAKER: We need to move to the next question.

SOME HON. MEMBERS: Hear, hear!

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

MS. CONWAY OTTENHEIMER: Mr. Speaker, I can assure you we're not smiling over here. When interviewed, the former deputy minister of Tourism, Culture, Industry and Innovation said: You knew this was going to get ATIPPed so I would like to have my records neat and tidy, final versions lined up.

Mr. Speaker, we know what happens when important details and findings are purged, like we witnessed in the Goss Gilroy expat survey report.

I ask the minister: Is he aware of other examples in his department where evidence has been destroyed?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, what we were reviewing here, as I said, transitory records and how, when it comes to access to information, this stuff gets in the hands of the public – and it should, as I just said. As a government, we are putting in – I think in my office alone it's 2½ times more information that we've seen in the history of any government.

We are putting that information out there for the public purview. It's the way it should be, Mr. Speaker. We'll continue to make sure and look for opportunities and the way we share information with the public. That is why today we'll be putting in place – we'll start the process to put in place an independent review of actually how we move people around government. It's important that we're able to do that for succession planning, for professional development and how we attract people to the government.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Premier, he already has his independent review. He had the IAC. Bill 1 for this government in 2016 was the IAC, taking the politics out of paving. This is all smoke and

mirrors, Mr. Speaker, and everyone in the public knows this too.

Mr. Speaker, the chair of the board at The Rooms told the former deputy minister of TCII that the hiring of Ms. Foote would be a bad idea and it would have negative repercussions for The Rooms.

I ask the minister: Does the deputy minister routinely ignore advice from the board chairs? Is this common practice in this government?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I'm going to speak to the IAC because that was a bit of the preamble that just came out from the Member that asked this question. Is he suggesting right now that nearly 600 people that's gone through the appointments, through IAC, that they are not happy with the way this is happening? Is he now thinking that the former Chief Justice of this province was involved in politics and patronage?

Not a chance, Mr. Speaker, that was not the case. The IAC has done some tremendous work. It's a game changer in how we see appointments. In the past, I don't need to remind people in this province what we seen when we saw Newfoundland and Labrador Housing being used as basically a political post and that you can move back and inside government.

Mr. Speaker, that was happening on a regular basis. That is part of our history. We have changed that and we'll continue to make changes that reflect where we need to be at this point in time in our history.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

I'm going to tell the Premier his actions need to match his words, and we're not seeing that. The province is not seeing it and we're not seeing it in this House.

Mr. Speaker, it has come to our attention that this former deputy minister was actually the

former campaign manager for the Government House Leader.

I ask the minister: Is this why he was given the job of deputy minister?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, once again, when the Member gets up and asks the questions about the IAC and he said put your actions where your mouth is, we have put our actions where our mouth is. Some 600 people that are now in place on boards, commissions and agencies, as a matter of fact, having a significant impact on the finances of this province, people now that have the wherewithal.

Mr. Speaker, we have done this at C-NLOPB. We're seeing it at many of the major boards in our province. It is effective. It's putting people in place that never ever thought they had the opportunity to serve for the people of this province. They're doing it on a volunteer basis, Mr. Speaker, on many occasions. The work of the IAC, I'll put the actions where my mouth is, Mr. Speaker, just ask those 600 people who are volunteering their time.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

They do a great job in trying to deflect; that's the nature of this government. I'm not talking about the IAC, I'm talking about the very serious issue that the public are concerned about. We'll continue to ask questions on that.

Mr. Speaker, it appears that the assistant to the former deputy minister in the Department of TCII was ordered to destroy government records on his behalf.

I ask the minister: Will this deputy minister be fired?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, the deputy minister right now, who is now in Natural

Resources, at the time was in TCII, was engaged in basically communications. If you just read the report, cut the politics out of this, Mr. Speaker, just read the report and the findings that report will speak for itself.

Mr. Speaker, transitory records – for those who would have sat in government, as we get down to the final decisions, there was no deliberate attempt here to be hiding key information from the people of the province, Mr. Speaker, not at all. We've had the review, we've had the evidence, we've had the findings and now we have the recommendations. We'll come to this floor with a resolution, and the minister has already said that he will apologize for the allegations under 1 and 3, of all five that are there.

SOME HON. MEMBERS: Hear, hear!

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

MR. PARROTT: Mr. Speaker, it's bewildering how the Premier keeps saying he will apologize and then he says he did nothing wrong. I'd like to know what he's apologizing for.

SOME HON. MEMBERS: Hear, hear!

MR. PARROTT: Mr. Speaker, given a marketing expert with 25 years' experience was kicked to the curb to make room for Carla Foote and she's now being paid \$50,000 more, will the minister now do the honourable thing and put this position out to a full and fair competition?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, Ms. Foote has been hired and doing a good job, from what I understand, at The Rooms right now. As I said, this is really part of three things that were done, three changes that were made at The Rooms.

One was to add some additional people to the board, Mr. Speaker. That was done; we're seeing improvements there. Secondly was to put in an executive director that would be responsible for museums and galleries, and I think that if you speak to people that are working there, that position is working out.

The other position would have been that as the executive director of marketing and development. From all accounts and the feedback that we're getting – she's there on a contract, Mr. Speaker – doing a very good job. The relationship, I know, between government and with The Rooms has improved, and we want to continue to make improvements.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

In the Premier's 2015 mandate letter to the minister formerly responsible for The Rooms, the minister is instructed to, and I quote, "... without fail, act with integrity in all aspects of our service" to the public, end quote.

I ask the Premier: Will he immediately remove the minister from Cabinet for his gross mismanagement of his duties and for failing to meet the standard the Premier personally set for him?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, as I've mentioned earlier in Question Period here, Minister Mitchelmore, who has been the focus, of course, in Question Period and this report, has been an extremely hard worker. He came into government, he brought a unique skill set –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER BALL: Mr. Speaker, I will say that the Member for Bay of Islands, when he was a Member of our Cabinet, was an extremely hard worker and a valued Member of this government as well. I will say that and I think he knows that.

Mr. Speaker, the minister that we're referring to here today has worked very hard. He's always been prepared, he brings a lot of value to the Cabinet table, to our whole caucus, and to the people of Newfoundland and Labrador.

So right now I think what we're looking at here is basically decades, decades of how we move people around. Mr. Speaker, he just becomes the poster person for what has been many decisions made by many (inaudible).

MR. SPEAKER: We're going to move to the next question.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Labrador West.

MR. BROWN: Thank you, Mr. Speaker.

I ask the Premier: What happened in the Executive Council workplace that prompted this rushed, off-protocol, mismanaged staffing action by your minister that saw Ms. Foote moved into a position she was not qualified for and which was already filled?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, well, I take exception to the fact of the qualifications. Twenty years' experience, was part of the communications on Cougar 491, that process. That was some of the work that she had done. She was actually, when you look at the lead, the number one person when you look at communications, in charge of communications for all of government. Lots of employees that would've worked under her.

As a matter of fact, I know this will get a chuckle out of some people, *The Way Forward*, which is about growth and sustainability for Newfoundland and Labrador, she was a very active player and a key player in working through all of that, too. So I take exception to the fact that we look at Ms. Foote and her credentials, her qualifications, that is not the case.

I will say, however, Mr. Speaker, that on that day that wasn't the only decision that we were making. We're having this discussion today simply because of who she is and the fact that she worked with me, which is extremely unfair.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Labrador West.

MR. BROWN: Yesterday the Premier said he had nothing to do with hiring of Ms. Foote, but the *Mitchelmore Report* tabled yesterday says otherwise.

I ask the Premier: Why is he letting one of his ministers take the fall for a hiring that he initiated?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, here we go again. When you look at some of the politics that are in this, when you look at all those that provided evidence in the findings of that report, there is one section in there which happens to be contradicted when you look at it. This came as a hearsay or third party comment.

Mr. Speaker, I've never met with that board. There was no direction given to me to hire Ms. Foote. But I will say having Ms. Foote there has been an improvement. The Rooms and the relationship with government is much improved, based on the changes that we've made.

Mr. Speaker, when you look at the résumé of Ms. Foote, she is qualified for this position, doing a good job, and she's there on contract trying to improve the relationship between government and The Rooms.

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, a quick calculation shows that the placement of Ms. Foote at The Rooms increased costs there by \$80,000 a year.

I ask the minister responsible for Income Support: How many extra bus passes would this buy every year for people who most need it?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, when you look at the organization chart and some of the changes that were reflected there, my understanding is there were three positions that would've been there, now they're using two. Where the overall budget impact would be on this, we can find out that information, but it's my understanding it's been insignificant the impact on their budget there at The Rooms.

What I do know is where the impact is, however, is that we're seeing a good operation. The relationship between government and The Rooms has improved, Mr. Speaker. Ms. Foote is there on contract, and I know the second director that's in place was one that the board was asking for.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Mr. Speaker.

Mr. Speaker, the Minister of Advanced Education, Skills and Labour, through his gross mismanagement, has damaged the reputation of the public service, undermined the board and former CEO of The Rooms and mismanaged taxpayers' money.

I ask the Premier: Will he remove the minister from Cabinet and order him to pay the extra cost related to this inappropriate hiring?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, what we will do is a review of the practices we've seen that are available to us, and across other provinces. I will tell you, if you look at where the clerk of the Cabinet Secretariat was, when you look at the impression that was given there or the detail – when you look at the report that was given by the clerk of the Executive Council, she's saying there in that report that this process –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER BALL: – is something that's been around for many, many decades.

Yes, there are things the minister will be apologizing for on the work and his involvement in that, but, Mr. Speaker, overall I will tell you this is a process that has been around government for many, many, many years. That is the reason why it's appropriate that we do a review of best practices amongst jurisdictions.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

MS. COADY: Thank you, Mr. Speaker.

Pursuant to Standing Order 11(1), I hereby give notice that this House not adjourn at 5:30 on Thursday, December 5, 2019.

MR. SPEAKER: Further notices of motion?

The hon. Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

Mr. Speaker, I give notice, seconded by the Minister of Transportation and Works, that I will on tomorrow move the following motion:

WHEREAS the Commissioner for Legislative Standards recommended in the *Mitchelmore Report*, dated November 13, 2019, that this hon. House should reprimand the Member for St. Barbe - L'Anse aux Meadows in accordance with paragraph 39(a) of the *House of Assembly Accountability, Integrity and Administration Act*; and

WHEREAS the practice in this hon. House in dealing with recommendations under paragraph –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

WHEREAS the practice in this hon. House in dealing with recommendations under paragraph 39(a) of the act requires Members to apologize to this Assembly.

THEREFORE BE IT RESOLVED that this House of Assembly concurs in the recommendations of the Commissioner for Legislative Standards and asks that the Member for St. Barbe - L'Anse aux Meadows stand in his place and apologize to this Assembly.

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 Health and Community Services.

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

Yesterday, in Question Period, the Member for Stephenville -Port au Port asked a question about the number of ophthalmologists in the province performing cataract surgery.

The answer, Mr. Speaker, is 13. There are three in his region alone. If he requires a further breakdown by region, I'd be happy to supply it.

Thank you.

MR. SPEAKER: Further answers to questions for which notice has been given?

Petitions.

Petitions

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

MR. LESTER: Mr. Speaker, the Adult Dental Program coverage for clients of the Newfoundland and Labrador Prescription Drug Program under the Access and 65Plus plans were eliminated in Budget 2016.

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 reinstate the Adult Dental Program to cover seniors, low-income individuals and families to better ensure oral health, quality of life and dignity.

Mr. Speaker, low-income families and low-income individuals, particularly seniors, are struggling with the cost of living and struggling to meet some of their basic needs. Many seniors and low-income individuals and families can no longer access basic dental care and those same individuals can now no longer access dentures, leading to other digestive and medical issues.

Mr. Speaker, it's with a heavy heart that I stand here today and, once again, present this petition; especially, considering the information that was brought forward in the report yesterday. We've had explanation to this petition on several occasions prior to this on the basis that we are in a time of fiscal duress and there is just not enough money to go around.

Well, Mr. Speaker, I just took some quick math myself, similar to that of my colleague for St. John's Centre. On the average of \$250 per dental visit, that's almost an additional 400 individuals who could be covered annually for a dental visit with what is being paid in excess to the position we are most often discussing here today with Ms. Foote at The Rooms.

Why is it that this administration can continue to find money for issues like that, yet our seniors who are struggling, our low-income people who are struggling – largely burdened by the 300 extra taxes and fees which are still mostly in place – compromise their ability to access basic needs such as dental care.

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

MR. DWYER: Thank you, Mr. Speaker.

This petition is as follows:

WHEREAS there are no current operations at the Bull Arm Fabrication site; and

WHEREAS the site is a world-class facility with the potential to rejuvenate the local economy; and

WHEREAS residents of the area are troubled with the lack of local employment in today's economy; and

WHEREAS the operation of this facility would encourage employment for the area and create economic spinoffs for local businesses; and

WHEREAS the site is an asset of the province, built to benefit the province, and a long-term tenant for this site would attract gainful business opportunities; and

WHEREAS the continued idling of this site is not in the best interest of our province;

THEREFORE we, the residents of the area near the Bull Arm Fabrication site, 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 expedite the process to get the Bull Arm Fabrication site back in operation. We request that this process include a vision for a long-term, viable plan that is beneficial to all residents of Newfoundland and Labrador.

Furthermore, we request that government place an emphasis on all supply, maintenance, fabrication and offshore workover for existing offshore platforms, as well as new construction of any future platforms, be they GBS or FPSO in nature.

This petition is presented by a group that has formed in the isthmus side of my region, Mr. Speaker, including towns like Sunnyside, Come By Chance, Arnold's Cove, Swift Current and Clarenville, which is my colleague's territory. It encompasses everybody in that area and it gives

them an opportunity to live in the province that they know and love.

This being International Day of Persons with Disabilities, it's nice to be able to acknowledge that and know that these people are tradespeople as well and they would be able to get gainful employment in the Bull Arm fabrication site as well and not have to, like others, leave the province to have gainful employment.

So it's something that I have presented before. It's something that we're very interested in making sure that this site is a world-class site again. If it takes implementation of putting in the gates, then I think it's something that the government should consider and get this site back up and running. Because, obviously, it's a sunken asset and if we bring it back to a world-class facility, all the province will benefit from it, Mr. Speaker.

Thank you.

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

MS. COADY: (Inaudible.)

MR. SPEAKER: Sorry; for a response to the petition, the Minister of Natural Resources.

MS. COADY: Thank you, Mr. Speaker.

I support the call for continued efforts to ensure the Bull Arm site is as busy as it possibly can be. I'm very pleased, Mr. Speaker, that there is work in the Bull Arm site right now with the redevelopment and work on a rig. We're hopeful for more rigs because we want the rigs to stay in the province, Mr. Speaker, to do more exploration work.

I have met with the councils in the area. They have formed a committee, as they have in previous years. We work very diligently together to try and continue to market the Bull Arm site. It is a world-class site. It is our intent, as people of the Province of Newfoundland and Labrador, not just the government, as people of the Province of Newfoundland and Labrador to continue to drive employment benefits and opportunities for the people of the province.

Thank you.

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

MR. FORSEY: Thank you, Mr. Speaker.

Residents of the Exploit's District have a great concern from the result of the 24-hour emergency service cut to the Dr. Hugh Twomey Health Care Centre in Botwood. All residents feel that the 8 a.m. to 8 p.m. service does not adequately and efficiently address the emergency requirements of the district, affecting both patients and residents, to receive adequate care when needed.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to restore the 24-hour emergency service to the Dr. Hugh Twomey Health Care Centre immediately.

Mr. Speaker, this is still an ongoing issue, especially in the outlying area of the district. I know last week when I asked the minister, he replied about a 20-minute drive from Botwood to the Central Newfoundland Regional Health Centre. You don't tell that to the people in Leading Tickles. You don't tell that to the people in Fortune Harbour. It's an hour and a half drive, on the best of days, Mr. Speaker.

Anyway, from October 2018 to October 2019, 7,833 people used the emergency department at the Dr. Hugh Twomey Health Care Centre. At the same period of time, another additional 4,620 people used the emergency service from the Exploits District at the Central Newfoundland Regional Health Centre in Grand Falls-Windsor. This is creating added stress on the system, Mr. Speaker, because we could have it in one area. That's a total of 12,453 people requiring emergency service in the Exploits District in one year.

When I asked the question in Question Period a couple of weeks ago, the minister came back and said they were going to revisit the Health Care Centre at the Dr. Hugh Twomey – revisit. The people there wonder what happened to the word "reinstate" that was used by the Premier six months ago, changed to "revisit" now, only six

months later. People really want to know that. What changed in that period of time?

Mr. Speaker, the minister also alluded to the fact that the people used the emergency service in the Grand Falls-Windsor area when they do their grocery shopping. I spoke of a lady who lost her hand with a saw axe a couple of weeks ago. I'm sure that lady wasn't going to go shopping on her way to the emergency service. I'm sure she wasn't.

So, Mr. Speaker, the minister also alluded to the fact that after 8 p.m. to 8 a.m. there are only two people per week that use the ER service. That could be right, because it's not open anyway. So I don't know where that's coming from.

Anyway, Mr. Speaker, the people of the Exploits District are really concerned with this issue, and they'd like to have the emergency services reinstated right away.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the Member for St. John's Centre.

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

The petition considers the illegal development by Lakeside at Thorburn Resort.

Reasons for the petition – and this petition is as much out of frustration, as anything else:

The park has been undertaking illegal developments without government's permission, despite government orders for the last several years.

The park has been expanding and developing Crown land at Thorburn Lake since 2014, and collecting monies from this illegal expansion. Official notices have not halted these activities.

The park constructed a road into the lake in the summer of 2018 connecting to one of the two small islands, which for decades has been a nesting ground for loons, a protected species which return each year to Thorburn Lake. This

road destroyed a nesting ground, leaving a pair of loons in a frenzy trying to find their young.

A recent development is a floating cabin located across from this illegal road and further incursions on Crown land.

THEREFORE we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to: Place fines on Lakeside at Thorburn Resort for the continued destruction of the natural environment and other illegal activities, including the destruction of nesting ground of loons, an endangered species; the disturbance of a body of water; and commercial development and collection of monies from illegal development.

Set in place a deadline for the restoration of all illegal developments to their original state and impose further fines if this deadline is not met.

As I noted at the beginning, this petition is as much out of frustration as anything else. The people, some of who live around the lake year-round, have watched this and have complained over several years about the development, with little effect it would seem. For the people who live there, many of who have cabins and have developed their property under the proper protocol and procedure, this is about process. It's about protection of the environment.

It's easy to see. If you want to look at the government's own Land Use Atlas and look at a Google map of 2009, you can see the development that has taken place there, on land that the gentleman is currently applying for permission to use from the government. In this case, many of the residents are wondering who's minding the shop, who's regulating it, who's monitoring.

We have several examples of this in other areas, whether it's Ragged Beach, Manuels River, development next to the Salmonier Nature Park with the exploration. What people are looking for here is some measure of protection for the environment and that a person cannot be rogue and cannot then decide to develop at will. They are looking for a remedy to this, and it's quite clear they want this development stopped and, more importantly, the development to be restored.

Thank you.

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

MR. WAKEHAM: Mr. Speaker, 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, as I said in the petition, this road is used on a daily basis from spring to fall by more than 20 fishermen who rely on this road to move their product in and out, to move their equipment in and out, by tourists who travel back and forth over that road and by farmers who go back and forth, again, looking at their fields.

Mr. Speaker, the cost of this road – we're not asking for the road to be paved, we're simply asking for it to be maintained; a few loads of fill and a grader a couple of more times a year. It's done once now. We'd like to see it done three times a year. I can assure you that will cost far less than the \$50,000 extra paid to Carla Foote.

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

MR. LANE: Thank you, Mr. Speaker.

There have been numerous concerns raised by family members of seniors in long-term care throughout Newfoundland and Labrador, particularly those suffering with dementia, Alzheimer's disease and other cognitive

debilitating conditions, whereby loved ones have experienced injuries, have not been bathed regularly, not received proper nutrition and/or have been left lying in their own waste for extended periods of time. We believe this is directly related to government's failure to ensure adequate staffing at those facilities.

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

Mr. Speaker, I've presented this now numerous times over the last year or so on behalf of the group Advocates for Senior Citizens' Rights. Primarily, the signatures today are from the Lab City-Wabush area. As was said in the prayer of the petition and as I've said many times, really what this is about, this is about our mothers, our fathers, our grandmothers, our grandfathers and maybe one of these days us, people with dementia, Alzheimer's, other types of diseases that are in long-term care and require certain levels of care.

What many, many people throughout the province have indicated through this – there's a Facebook group and there are many stories here of people who have gone into long-term care facilities and found their loved ones there and perhaps show up at dinnertime and breakfast is still on table. It was brought in to them but they weren't able to feed themselves; or someone left in bed for a long period of time, someone lying in their own waste, somebody strapped into a chair or perhaps overmedicated on antipsychotic medication as a means to take care of them because they don't have the staff in these day rooms and so on to take care of them.

That's what it comes down to, and they want to ensure that as we have long-term care facilities,

we have appropriate staffing to care for their loved one. That's all they're asking for, and a guarantee that there would be certain ratios.

If I were to open up a daycare centre tomorrow, the government would insist that I have certain ratios of staff for children. So what makes our parents and our grandparents any less important to ensure they have appropriate staff to take care of them? That's what they're asking for, and I will continue to present these petitions on their behalf.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

Orders of the Day

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

MR. CROCKER: Mr. Speaker, I call Order 4, Bill 12.

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

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

I would move, seconded by the Minister of Fisheries and Land Resources, that Bill 12, An Act To Amend The Enforcement Of Canadian Judgments Act, be now read a second time.

MR. SPEAKER: It has been moved and seconded that a bill, An Act To Amend The Enforcement Of Canadian Judgments Act, Bill 12, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Enforcement Of Canadian Judgments Act." (Bill 12)

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

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

I stand now to speak to Bill 12, which is An Act to Amend the Enforcement of Canadian Judgments Act. The bill itself is not a huge bill and it's not really a substantive change, but there is an interesting back story to this piece of

legislation, one that admittedly does not affect perhaps the majority of citizens of this province, but to those people who are practicing law, to those people who are in the process of obtaining judgments throughout this country, this is an important piece of legislation. Perhaps I'm more proud of the – rather than the legislation itself – just the process by which it's come back here to the House of Assembly.

I'll give a bit of history on this piece of legislation, which if you were to simplify it, this is just a bill that will allow money or other financial judgments from other Canadian provinces and territories to be registered here in our Supreme Court and then enforced the same as if the registration had been done here in the first place. Quite frankly, it's a way that if somebody were to go to court, takes an action against someone and gets an order or a judgment for financial compensation, this can now be used all over the country in a much more simplified fashion than what's been done for the last number of years.

This is not something that's unique to this province. In fact, many other provinces have already gone down this route. There is a process by which this can be done right now, but it is a bit of a convoluted and non-simple process. The steps we are taking today with this bill and, more importantly, the proclamation, hopefully in a very short period of time, will make the work shorter and will hopefully, actually, mean money back in people's pockets instead of putting them into legal bills.

This bill first came around in this House back in May 2000, the *Enforcement of Canadian Judgments Act*. I can't remember what the name of the minister of Justice was at that time. It's hard to remember. I hope he was doing a decent job. What I can say, in the 19 years since that time, for whatever reason – I know this is a question that might come up – since that time the bill was never proclaimed.

Again, I've spoken to people in the department; I've spoken to people with some institutional knowledge, and there's no idea why in the years after that, under various administrations, that this bill never came to proclamation. Again, it's not a contentious piece of legislation. It's not

something you see a whole lot of commentary about.

What I can say is in the last couple of years in this role, I've had an opportunity to speak to multiple functions and individuals, especially in the legal community, and one of the things I say to them is if there's ever anything we can do legislatively that will be for the betterment of their profession, other professions, citizens, the people they represent, then we're happy to listen. We're happy to try it.

I'll give a shout-out now to a gentleman named Joe Thorne. Joe happens to be a lawyer at Stewart McKelvey here in St. John's. Joe happened one day – I think it might have been a Canadian Bar Association function. Joe came up and we had a conversation about the *Enforcement of Canadian Judgments Act*. The reality is it's not something I was aware of, not something I had dealt with. I had never used it when I was practising. It's not something I was familiar with, but it's certainly something that Joe and other lawyers that are handling these types of matters were.

He brought up the issues and we had a great discussion about it. I can say that was the catalyst for this bill coming back into the department, conversations happening and it, ultimately, coming here to the floor of the House and hopefully soon we'll have unanimous support and then will go on to be effective.

A couple of things to point out, since that time that conversation happened, is we've taken the old bill – and there have been some small changes to the one that was done almost two decades ago. This act is based on a model from what's called the Uniform Enforcement of Canadian Judgments and Decrees Act which is developed by the Uniform Law Conference of Canada.

Now, Uniform Law Conference of Canada, ULCC, is not something many people are familiar with. It's a fairly big national organization made up of jurists, of lawyers, of legislators from across the country and their goal is to look at pieces of legislation that can be uniformly applied across this great nation.

Again, this is one of those examples of a bill – the fact that it’s being used elsewhere shows how good it is. It’s not just a Newfoundland and Labrador issue, it’s a Canadian issue and one that affects numerous jurisdictions.

This is a bill that these individuals have dealt with and this is a pretty substantive group, a pretty huge membership. In fact, St. John’s, just recently in August, hosted their national convention. We saw a huge influx of people. It was great for our province, for the first time in years, to be able to host this esteemed group.

Again, their job is to help develop legislation. They then recommend it for passage by the different jurisdictions and it provides some uniformity. Uniformity not being a bad thing.

I go back to the fact that this statute itself, we’re about to implement it now. BC, Saskatchewan, Manitoba, Prince Edward Island, New Brunswick, Nova Scotia and the Yukon have already adopted and proclaimed this uniform statute.

Now, during this time there have been other means to deal with matters. We also had a *Reciprocal Enforcement of Judgments Act* which allowed us to deal with other reciprocating jurisdictions to allow for money judgments to be registered and enforced. Again, the same problem existed; one that we’re remedying with this passage today.

We’re simplifying a process from what was convoluted where you had to reach out to the jurisdiction from which the judgment originated, had to get a copy from that jurisdiction. You had to go through a pretty difficult process. One that eventually ended up into a lot of time and energy being invested in what should be a simple matter.

People were spending more money to enforce a judgment they had already obtained. This process now will be completely simplified and will just allow for one piece of information and documentation to be supplied to the Supreme Court and then it will allow for the registration. Then ultimately, hopefully, the enforcement of that judgment from wherever it comes from.

Just a few notes here. Again, a big shout-out to the staff within the department who not only do the work necessary here, not only do they consult with the ULCC, but they also, from my knowledge, provided briefings on this matter to my colleagues, both on government side and in the Opposition.

This is not a bill for which – as I’ve said, there’s not a lot of familiarity with this bill. It’s a bit complex at times, and just the process by which it happens. It’s not something – as I said, I practiced in this and never had many dealings. I don’t think most of my colleagues did either. So I thank the individuals in JPS for doing the work and providing the briefings to my colleagues, to allow for what’s, hopefully, a better debate today.

The big benefit of this today is a simplified registration process. That’s, point-blank, the biggest plus that comes out of this today.

Another thing, a change and an addition to what was done previously, is it will allow for a registration of a tribunal order. So, for instance, if the Human Rights Commission from Ontario allows for a judgment for an individual and that ends up transferring to Newfoundland and Labrador, we now have the means here to do that more simpler and in a more timely fashion and, hopefully, in a more efficient manner than has been done in the past.

Again, what we’re doing is simplifying a mechanism. To be honest, Mr. Speaker, there’s not a whole lot else to say about this process. It takes something that had been contemplated and done before. As I’ve said, if the question does arise: Why was it not proclaimed? I simply have no answer for that.

It’s literally the first question I asked myself: Well, if this had been done, why was it never proclaimed? I don’t know why. I don’t think there was any huge reason here. It might have been one that for some reason back at the time – and when you look at the corporate knowledge or institutional knowledge, there are not many people still within the department from that long ago that would have had some dealings with this.

In many cases, there are good reasons why something would not be proclaimed right away, whether it's a timing issue, whether it's to allow for the drafting of regulations, there are a whole number of reasons. In this case, we're not quite aware.

What I can say is, thankfully, due to the intervention of Mr. Joe Throne, a solicitor down with Stewart McKelvey, he brought it to us and from there we end up here on the floor of the House today, hopefully, with a piece of legislation that will make life simpler for the people that need it, that are using this piece of legislation.

On that note, I will take my seat. I look forward to the comments by my colleagues across the way. Then if there are questions, we'll have a chat during the Committee stage of this process.

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.

When I review the legislation, I agree with the Minister of Justice and Public Safety, it's certainly not contentious. It is about simplifying legislation. I would almost characterize it as a remedial measure or tactic.

The bill might be described as correcting a long-standing oversight. It involves certain judgment enforcements, and it's called the *Judgment Enforcement Act*. It's a Newfoundland and Labrador law that applies within our province. Every Canadian jurisdiction has such a law enforcing judgments made within their own jurisdiction.

That law is not the actual subject of this bill. The bill is more about the enforcement in this province of judgments that are made outside our province. So, again, I think for the purpose of clarification it's helpful to understand what's happening here. We need to look a little at the history.

A little over 19 years ago, our House passed the Enforcement of Canadian Judgments Act. That was in May of 2000. In the two decades since then, that act, as the minister has correctly stated, has never been proclaimed. The Department of Justice and Public Safety, as the minister pointed out, really cannot explain or give a reason why it was not proclaimed. One conceivable reason is that it is possible to achieve the principle goals of that act through other legislation that was already on the books.

Certainly, we can speculate as to why this did not occur, but we do know that one reason, in addition to the reason that the principle goals of the act can be achieved through other legislation. The other route is more cumbersome and costly, but we know that it did work, more or less, and it's been the only option for 19 years, despite the alternative being on the books ready to proclaim.

So, again, we're not really clear or sure about why and what the reason is behind this lack of having it proclaimed. The department recently became aware, as the minister has stated, of the status of the unproclaimed act. So they looked into it, realized it ought to be proclaimed because it will improve the process of enforcing judgments made in other Canadian jurisdictions. So that's a good thing. The gap or the inefficiency was noted, and now it's being addressed.

They also realized, Mr. Speaker, that after 19 years the act needed a little modernization. That modernization would occur before it could be proclaimed. So that's why it appears to me that they drafted Bill 12 to update certain provisions of the act. Once Bill 12 is passed to amend the act, then it's our understanding that the department will intend to proclaim the act.

What other route has the government been using for the past 19 years? One might be curious about that. The minister referenced it in general. He did mention that there is a piece of legislation called the *Reciprocal Enforcement of Judgments Act* and that it applies, but we need to understand a little bit more about that. That it applies not only to Canadian jurisdictions, but also to other countries such as the UK, Australia and the States.

About 30 years ago, just looking back at the background and the history, the Supreme Court of Canada ruled on the case *Morguard Investments Ltd. v. De Savoye*. According to review of that judgment, in essence, the court held that the standard for enforcing a default judgment from a different province is not the same as if it were from another country. What that really means, in other words, while differences between countries might be significant, the difference between provinces and territories within Canada are not all that great.

When you review the judgment, you will see that it stated that: “The courts in one province should give ‘full faith and credit’” In other words what that means, to recognize “judgments given by a court in another province or territory, so long as that court has properly, or appropriately, exercised jurisdiction in the action.”

Basically, what that means is that the Supreme Court was recommending in 1990 that a new piece of legislation be introduced in Canada: the *Enforcement of Canadian Judgments Act*. So that goes back – we have the Supreme Court kind of suggesting that to us, so that we can apply among Canadian jurisdictions, instead of the *Reciprocal Enforcement of Judgments Act* which would still be used, though, when we’re enforcing judgments of a jurisdiction outside Canada. So that still will be in place for that purpose.

The new process is really being applied to what it should be applied to. The new process is going to be simpler and more expeditious. For 19 years, Mr. Speaker, we have had this Supreme Court recommended Canadian law on the books, ready to go but not proclaimed. It would have provided for a better process for enforcing Canadian judgments across Canadian jurisdictions.

There’s a little bit more here to this piece that we need to understand. This Canadian law also has another benefit and the minister referenced that with respect to the *Enforcement of Canadian Judgments Act*, which is this act. It can also be used – another purpose – to enforce tribunal orders. For example, orders of a human rights commission or a labour relations board –

tribunals – maybe the Residential Tenancies Board or its equivalent, but this is not the case for the *Reciprocal Enforcement of Judgments Act*. So be aware that this legislation is used for only certain kinds of judgments. We need to understand that it’s not used to enforce support orders. The legislation to be used in those cases is still the same: the *Support Orders Enforcement Act, 2006*.

I think it helps to provide examples to fully understand the application of the law. This legislation would be used, for example, if a person abandons a car in another province and the loan on that car is not paid off. The company owed the money may seek an order for the amount of the loan in excess of the repossession value of the car. The car owner may have left, say, the province to return to Newfoundland and Labrador. The company, though, may wish to have the order enforced against the person in Newfoundland and Labrador. Well, what will happen is this act will now allow that to occur.

The *Reciprocal Enforcement of Judgments Act* would also allow that to happen, but the *Enforcement of Canadian Judgments Act* will work much better. It’s simpler; it’s more effective, expeditious. Hence, that’s what we have here today.

Most other provinces, as the minister had mentioned, have a law on the books that is essentially the same as the *Enforcement of Canadian Judgments Act*. The provinces that don’t – Ontario, Alberta and Quebec – may, from my understanding, be in the process of putting such a law on the books.

The new law’s application to tribunal orders, Mr. Speaker, is seen as an added benefit of having this law. It may not be seen, perhaps, as beneficial by people who have tribunal orders against them, but what’s important here is that people have to own up to their responsibilities and liabilities within Canada when orders are made against them.

Having said this, there’s also a provision in the unproclaimed act – and this bill does not affect it – that could limit the enforcement of a registered judgment. That section is section 7.

In essence, what that section means, Mr. Speaker, is that Newfoundland and Labrador would still retain the power not to enforce a judgment against a person in circumstances; for example, where the judgment is contrary to public policy in the province. So there's still that opportunity or that caveat there for the province to not enforce a judgment if it's deemed in the public interest.

The province, Mr. Speaker, retains the power to set its own laws and policies and to determine how they apply to people within our province. That's seen as a good thing and that is included in section 7 of the law. In general, this is a law that makes it easier to ensure people own up to their responsibilities and don't run away from their obligations.

Mr. Speaker, with respect to this legislation, I can say that as the minister had indicated, it is not a contentious piece of legislation. Like the Minister of Justice and Public Safety, I, too, did not have any occasion to deal with the legislation that was on the books and was not familiar with this legislation, especially given my predominant practice of criminal law. I never really had opportunity to be exposed to the legislation.

However, I would stand and say that I support this legislation; I think the intent of it is to be applauded. I think anything that supports simplifying and also is consistent with being expeditious in the handling of matters, I certainly support. Those are basically the reasons that this is a good piece of legislation and we will certainly support it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Mount Pearl - Southlands – before the Member begins his comments, I just want to say the noise level in the House is too high. I ask Members to keep the noise down so I can hear the Member who is speaking.

With that, I'm going to recognize the Member for Mount Pearl - Southlands.

MR. LANE: Thank you, Mr. Speaker.

I'm not going to speak very long at all, only a couple of seconds. I just want to say –

MR. P. DINN: You always say that.

MR. LANE: I know. The Member for Topsail - Paradise said that's what you always say, and then 20 minutes later we're there saying: get down out of it, will you, b'y. Anyway, I actually mean it this time.

Anyway, I just wanted to say for the record that I will be supporting Bill 12, An Act To Amend The Enforcement Of Canadian Judgments Act.

This here, I'm certainly no lawyer, don't pretend to understand all the legalese, but one thing I do understand and believe in, which is the foundation of law in a civilized society, is that it's important – what's the expression? Justice delayed is justice denied, I believe is the terminology.

So, basically, this piece of legislation is making it simpler, quicker and so on that if there were judgments made in other provinces that it can be enforced here in this province. By making this amendment, as I understand it, it makes the process simpler and swifter and to deal with the matter in a more expeditious manner.

That obviously is good from a taxpayer point of view in terms of time being tied up in courts and so on, the quicker we can get through this. Also, if someone has received a judgment that's enforced in a faster timeline, which is really what we are trying to achieve here.

So with that said, I support it. Good bill, Mr. Minister.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the minister speaks now, he will close the debate.

The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: I think that was the biggest round of applause the Member for Mount Pearl - Southlands –

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: – ever got for his brevity.

On that note, I will follow suit. I'll say I appreciate the comments from the Members opposite on this fairly non-contentious bill and we can move forward to the Committee stage, hopefully.

Thank you.

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 12, An Act To Amend The Enforcement Of Canadian Judgments Act, now be read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK (Barnes): A bill, An Act To Amend The Enforcement Of Canadian Judgments Act. (Bill 12)

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

When shall the bill be referred to a Committee of the Whole?

MR. CROCKER: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Enforcement Of Canadian Judgments Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 12)

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

MR. CROCKER: Mr. Speaker, I move, seconded by the Minister of Justice and Public

Safety, that this House now resolve itself into a Committee of the Whole to consider Bill 12.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the said bill.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those in favour, 'aye.'

Carried.

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

Committee of the Whole

CHAIR (Bennett): Order, please!

We are now considering Bill 12, An Act To Amend The Enforcement Of Canadian Judgments Act.

A bill, "An Act To Amend The Enforcement Of Canadian Judgments Act." (Bill 12)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

Seeing no questions, all those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 7 inclusive.

CHAIR: Shall clauses 2 through 7 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 7 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Enforcement Of Canadian Judgments Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 12 without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

CHAIR: The Chair recognizes the Deputy Government House Leader.

MR. CROCKER: I move that the Committee rise and report Bill 12.

CHAIR: The motion is that the Committee rise and report Bill 12 carried without amendment.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

MR. SPEAKER (Reid): Order, please!

The hon. the Member for Lewisporte - Twillingate.

MR. BENNETT: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 12 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 12 without amendment.

When shall the report be received?

MS. COADY: Now.

MR. SPEAKER: Now.

When shall the bill be read a third time?

MS. COADY: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

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

MR. CROCKER: Mr. Speaker, I call Order 3, second reading of Bill 11.

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

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

I move, seconded by the Minister of Health and Community Services, that Bill 11, An Act To Amend The Public Trustee Act, 2009, be now read a second time.

SOME HON. MEMBERS: Oh, oh!

MR. A. PARSONS: Can you ask the heckling to settle down a bit, Mr. Speaker.

MR. SPEAKER: It is moved and seconded that Bill 11, an act entitled, An Act To Amend The Public Trustee Act, 2009, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Public Trustee Act, 2009.” (Bill 11)

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

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

I’m very happy –

AN HON. MEMBER: You have four hours.

MR. A. PARSONS: Wow, I’ve been given significant leeway to discuss this bill and I appreciate that, Mr. Speaker.

I’m discussing today the *Public Trustee Act, 2009*. Again, it’s an opportunity to discuss an entity, an individual and, in this case, a piece of legislation that’s not widely known among Newfoundlanders and Labradorians, but one that does have a significant impact on those that do use the office.

What I’ll try my best to do is prior to discussing the changes here – which are not significant in terms of size, but I do think it’s a positive move for the Office of the Public Trustee. I just want

to talk a little bit more about the Public Trustee. This office basically administers the estates of deceased persons, mentally disabled persons, children and missing persons.

For instance, in many cases people are very familiar with the concept of drafting their will, and in many cases people understand – that’s the example I’m primarily familiar with and one that I’ll use. One would also understand that you have an executor, you have beneficiaries, but in many cases for various reasons, whether a person does not have a will, whether the executor is unable to act or unwilling to act, in many cases we are left with nobody to administer the act. There are cases where it happens innocently. There are also cases where there can be contentious issues amongst the family and the matter is best administered by the Office of the Public Trustee.

They are responsible and their duties include: the protection of financial assets; the administration of estates; performing the role of a Trustee acting as a custodian of property, acting as a guardian of estates, acting as a guardian in an action in court regarding the estate for a minor. They’re basically a last resort where there is no one else willing or able to handle these matters.

The office itself, which I think is over in the Viking Building, currently as about 11 staff. There are estates officers, there’s a financial officer, there’s a clerk and there’s the Public Trustee themselves, which is Mr. John Goodland.

Now, what I can say is that I’ve had some opportunity in the past to deal with this office. The work that they do is amazing – again, you don’t realize, it’s not something you deal with and then when you get a chance to talk to them and dig in, you realize the work that they are doing and the positive benefit and impact that they have on Newfoundlanders and Labradorians. In many cases, where you have a minor who may be involved in a matter where they are not able to handle this estate or handle this matter on their own, obviously, due to their age and falling under the age of majority, the Trustee steps in and, in many cases, makes money for these estates.

I've seen cases where they handle estates for individuals and make money. A lot of people would not realize that the Public Trustee is actually contributing to the Treasury of this province. For every file that they take, there's a percentage of that estate that goes to the Public Trustee for their work, somewhere between 5 per cent and 7 per cent. So the Public Trustee, that is an entity, a body that is contributing to the bottom line of this province every single day.

One of the things that I've stressed in my roughly four years working in this office is: What can we do to assist the Office of the Public Trustee in expanding and doing more? I have to tell you, I really give them credit, they've taken this opportunity – they've done a significant amount of work. Mr. Goodland and his staff, the work that they do – people don't realize it until they're involved, but it's pretty impressive. Again, they have a mandate to handle the files that they have but to take in as many files as they can handle.

Right now it would be interesting to note, they have roughly 949 files active or pursuing right now. Whether it's the guardianship of the finance of a person with a disability. There are eight matters that involve the *Adult Protection Act*, *Enduring Powers of Attorney Act*, administration of a deceased person's estates act – that's the one, primarily, I have an idea of what they do every day; continuous trust; guardianship of the finances of a minor.

There are currently 300 of those files ongoing right now where they're entitled to receive a monetary sum, usually coming from some kind of court-awarded damages. You might have somebody involved in a personal injury and they're awarded a sum of money. The Trustee makes sure that that money is there when they reach the age of majority. It's used for their well-being and protected for them so that when they reach the age of majority, they will be receiving something.

The *Life Insurance Act*, there are files, guardianship of finances of a minor in the continuous custody of a manager, the *Trustee Act*, *Survival of Actions Act*, there's guardian ad litem – there's a whole number of these files that are ongoing at any point.

What I'll do is I'll step now into what is the purpose of this piece of legislation, of this bill that we're bringing forward, that will amend the *Public Trustee Act, 2009*. I have just four points listed here. This bill will clarify that any orders issued by the court, pursuant to paragraph 4(2)(k) – so paragraph 4(2)(k) is the relevant part of that bill that we keep coming back to and those are the ones where you can order that their services be rendered – be limited to Trustee duties, financial and property matters.

Secondly, “provide that a judge shall not appoint the public trustee unless the public trustee is given an opportunity to make representation regarding the appointment or the public trustee consents to the appointment; provide that the public trustee is not required to act or to accept an appointment by reason only of being empowered or authorized to do so; and allow the public trustee to apply to court to rescind or vary the terms of an appointment where the public trustee has not been given a reasonable opportunity to make representations regarding the appointment or where the public trustee has not consented to the appointment.”

You can see where this has come from. In many cases, the Public Trustee's office sits there and they are sent an order from the court for which they literally have had no idea about its existence until it shows up on their doorstep. They have had no input; they had no idea of the facts involved. Up to this point they've taken those files, but in many cases they are forced to go to court in order to get away from the files for which they are not equipped to handle, they're not mandated to handle or they're not supposed to handle. I don't want to say that they don't have the ability to handle, that would seem insulting, but it's beyond the scope of what they want to handle.

I would point out that this comes here today on the request of the Public Trustee. This is not something where we proactively said this is something we're going to do, this is where we've encouraged entities to come forward. We're always looking forward to legislative change that will improve legislation or processes. The Public Trustee came forward and said you think about it, these matters go to court, the courts make an order – and it's not casting any blame on judges either; they're only

following the legislation that's there. But there's an order granted for which it may fall outside the scope – and this has happened in the past – of what the Public Trustee is supposed to do.

The Public Trustee is supposed to look after the financial well-being of its clients. There have been matters in the past where matters and orders have gone to them that they end up having to get away from later through a pretty encumbering process – it's cumbersome – a process that they had to follow. In some cases, they've been requested to take on matters that do not fall within the financial well-being; it goes more into a policy direction. Again, not something that they are mandated to handle. It's hard to get into these matters because they would all be court matters for which we cannot comment.

But it seems to, on its face, even if you don't have any background here in these types of matters, for a person, the Public Trustee and that office, to have some say in the matters that come their way. That would seem pretty sensible, on its face, for them to be able to show up. The reality is that this will not change the vast majority of matters that come to that office that fall under their direction.

What it will do is allow them to have some say prior to it showing up. In some cases, they will be able to contribute and say maybe we can structure the order – or vary it in this case. You don't want to see orders being rescinded. This is why I think you should have the ability to step in prior to the order being granted. But what we want to see is the ability to contribute to these matters so that, at the end of the day, what's most important here is that the estate, the financial well-being is looked after by the Public Trustee. That's all the Public Trustee absolutely wants.

I've already spoken, again, about where they're located, the number of files, some of the duties that they handle. So a couple of the amendments here. Right now, the act has absolutely no requirement to notify the Public Trustee. In this case, we're adding a provision where a notification when the Public Trustee is being requested, we're adding that to the legislation.

To me, that seems fairly standard. It's not something that would've dealt with or would've recognized or been aware, but you think about it, when you hear the Public Trustee talking about in many cases they'll hear about matters that are coming out of courts and then they find out about it the same time as we do. They didn't even realize that they had been asked to be involved. There's no notice. There's no duty to let them know we want the Public Trustee to be involved here.

They don't know until after the court order has been made. So if they come up with a concern – maybe they have a jurisdictional concern. Maybe they are able to work on – perhaps there's another family member that has the ability to perform the duties who are better suited. The only recourse that they have is to appeal the court order. To me, that's a process that if we can avoid that and allow the Trustee to be involved prior to that, that's improving the process for absolutely everybody involved.

Again, the structure of this is not set out so that the Trustee can refuse anything. That's absolutely not the purpose of it. Nor is that what the Public Trustee wants or intended. It's allowing the Trustee to make representation before the court prior to the order being granted.

Going to the next section, paragraph 4(2)(k), which we're doing a clarification. Again, the legislative duties that the Trustee may perform contemplate trustee duties related to a state, financial and property. It allows for the proper and solid management and the financial well-being of these estates.

On some cases, it's come down to – and, again, without notice to the Trustee. The Trustee finds out after the fact that they have been ordered to perform duties which fall outside the scope of their duty, the scope of the act and relate in many cases to personal care decisions. This is not something they have been asked to do, it's not something they have contemplated doing, not something they should be doing. So what we're doing is changing the act to reflect the original purpose of their duties.

In many cases, the files they have taken on, they will manage them. They don't have the budget, they don't have the training and they don't have

the experience. In many cases, they have to go to other departments, like CSSD or to a health authority, and ask them for help in dealing with these files.

When we talk about health care, when we talk about place of residence, when we talk about nutrition, things like that, it's not really appropriate for the staff of this office to handle these matters. Their expertise comes down to financial matters, comes down to property matters. That's what we're changing here, asking for a clarification of.

There are, I would point out, various other pieces of legislation that have come from this House that can handle these types of matters more adequately: *Advance Health Care Directives Act*; *Adult Protection Act*; the *Judicature Act*; *Mentally Disabled Persons' Estates Act*; *Children, Youth and Families Act*. There are other pieces of legislation that can handle those matters. The Public Trustee is not the entity that should handle it. There are other means for these people to have their matters dealt with, and properly, I would submit, Mr. Speaker.

On that note, just an opportunity to stand here today and to speak to something that we don't regularly hear about when we talk about the Trustee's office. I know from staff that provided the briefing, many of the Members that took the opportunity to have the briefing had a lot of good questions. Some did not have that background.

I would suggest that if anybody ever wants to learn about this, I know the Public Trustee himself, Mr. Goodland, would be more than happy to educate Members on the importance of this, because it's information – I would point out – that comes back to us.

In many cases as MHAs, especially in rural areas, people come to talk to us about these types of things. It's one more avenue that we can point people out that will be for their betterment or the betterment of their family. Again, there's an educational side to this. We're more than happy to facilitate.

On that note, I will take my seat. I look forward to the Committee stage and to comments from my colleagues.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Yes, I can say that during the briefing we had lengthy discussion. There were great questions, first of all, about the role of the Public Trustee. We were pleased to be invited to meet with the Public Trustee to further discuss that role. I know myself and others intend to take the Public Trustee up on that offer and really appreciated that co-operation, that spirit of education that was put out there.

Just looking at the role of the Public Trustee, I'd like to speak a few minutes about that, Mr. Speaker. First of all, when we look at the act itself, the Public Trustee Act was passed in 2009 and proclaimed into force in 2011. Prior to that, the function was performed by the registrar of the court. Ours, actually, was the only court in Canada where registrars served that function. That's interesting information.

These functions include signing property deeds on a person's behalf when separating spouses are in conflict. They also include serving as a last resort, as the minister had referenced, when there's no one there to administer an estate. Also, include serving as a guardian for a minor who has received monies from the court until the child is of age. That's the type of work and the functions that are involved. Surely, when we look at that, it must be a fascinating office to work in.

We were also provided with additional information which we had requested by officials, who were very quick to respond and very co-operative with us. They provided additional information about, for example, the files that are in existence within the Public Trustee's office.

As the minister has indicated, there are actually 949 active files and there are approximately 14 different categories. This office is responsible for the client-owned funds, assets and investments contained within those files. It's interesting to know that it totals just under \$73 million.

The files are managed and processed by the Public Trustee and eight estates officers who are supported by two accounting positions. It's a relatively small group, Mr. Speaker, who have to manage almost a thousand active files. That's pretty impressive, I would say.

The Auditor General also performs an annual audit of the files and all the major transactions. Everything, of course, is managed according to exacting standards, as it must be when other people's money is being administered in this fashion.

As the minister had pointed out, the particular types – there are numerous file types that are involved. For example, the main four categories would be: the guardianship of the finances of adults with mental health disabilities. There are over 216 files in that category. Then we have about 222 files involving administration of deceased persons' estates; 300 files are guardianship of the finances of a minor, and then another 123 active files with respect to *Survival of Actions Act*. So those four categories, in and of themselves, comprise a substantial number of the 949 active files.

The Office of the Public Trustee is more than willing to highlight the work it does, and we really appreciated that willingness and that co-operation. It's not just to MHAs, but also to the public.

When we requested what type of education is provided to the public with respect to what the Public Trustee does, the office indicated they've provided briefings to eight or nine different organizations: the Seniors Resource Centre, the geriatric psychiatric clinic, provincial social workers, Eastern Health social workers, Western Health social workers, the Law Society continuing legal education and Justice lawyers continuing legal education.

So we can see there's also a genuine and deliberate effort here to educate the public. I would submit, it's important for all of us to be more aware that these bases are being covered and also what the office does not do. Sometimes the office can also help people navigate the system, pointing them in the right direction if the work is done by others.

Also, what was interesting to note from the briefing is there are costs, of course, associated with running the office, but the office may also receive a portion of the estates they administer as a fee. Those monies may be returned to the Treasury of the province. The officials there work to minimize the amount of money taken from estates and to secure the value of the estate they are administering, all to protect and advance the best interests of the people they serve.

Mr. Speaker, so that's sort of a background and just some further understanding of what the role of the Public Trustee is.

With respect to the bill, the bill is fairly straightforward. It amends the *Public Trustee Act, 2009* really to accomplish two things. One, better defining the duties of the office; and two, requiring the Public Trustee be informed of proceedings involving the office.

I'll speak for just a couple of moments about better defining the duties. We see that section 4 of the current act list the powers and duties of the Public Trustee. The final one listed, which is paragraph (k), is a catch-all. It currently states that the Public Trustee may "act in another capacity and do other acts, matters and things that the public trustee is authorized or required to do by order of a judge."

We were told in the briefing, the current Public Trustee, Mr. John Goodland – who appears to be a very capable and incredible individual who's ready, willing and able to go above and beyond the call of duty. We were told some of the things the office does with its relatively small staff. When we look at this, from things like cleaning up a dwelling after a person without a parent/relative has died, cataloguing the possessions, getting the house ready for market, doing investigative work to track down possible relatives, securing the financial estate of the

person in a separate account that can be independently audited.

This catch-all section ought to be limited to the scope of things the office is actually equipped to do, so they are not ordered to do something that is outside the bounds of their capacity and expertise. That makes sense, Mr. Speaker.

The first amendment replaces that catch-all paragraph with one that simply reads: “perform other functions relating to financial or property matters that the public trustee is authorized or required to do by order of a judge.” So that, in my submission, would be a reasonable amendment to the current act.

The second amendment requiring the Public Trustee be informed of proceedings involving the office. Mr. Speaker, this, in essence, means notice. It means notice.

What happened before the act did not require the Office of the Public Trustee to be notified about proceedings that would eventually end up in the hands of their office. They should be involved right from the outset, not just so they are aware of what they’re needed to do but so they will be able to inform the decision to involve them. This bill adds three new subsections to the act to accomplish that purpose.

When we look at the Explanatory Notes in the bill, they describe what those three subsections will do. The bill will “provide that a judge shall not appoint the public trustee unless the public trustee is given an opportunity” to be heard “to make representations regarding the appointment or the public trustee consents to the appointment ...” That makes sense.

The bill will “provide that the public trustee is not required to act or to accept an appointment by reason only of being empowered or authorized to do so” That gives discretion to the Public Trustee.

The bill will also, finally “allow the public trustee to apply to court to rescind or vary the terms of an appointment where the public trustee has not been given a reasonable opportunity to make representations regarding the appointment or where the public trustee has not consented

...” Mr. Speaker, in summary, these appear to be reasonable changes to us, to this legislation.

We were told that under the current protocols, the office might not learn that a matter is being sent to them until well after the decision to do so has been made. They need to know, Mr. Speaker. They need to know right from the start what work is coming their way and be able to inform the decision to send it there.

They need to be kept in the loop. They should not be required to do work that is beyond the scope of their mandate, beyond the scope of their expertise and resources. If that scope is expected to expand, they ought to be afforded the extra resources to do that extra work. That only makes good sense, Mr. Speaker.

For those reasons, we support this bill. It’s reasonable, it makes good practical sense and, therefore, we support it.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

As normal practice, I do like to be able to record my vote in *Hansard*. I will be supporting Bill 11, An Act to Amend the Public Trustee Act.

I’m not going to repeat everything that’s been said. Obviously, the Public Trustee has an important role to play in dealing with any number of financial matters and property matters.

What we have been told in viewing the bill, really what we’re doing is we’re putting in legislation provisions so that things that perhaps are not best dealt with by the Public Trustee, would not be directed in the Public Trustee’s direction. Also, if there are things that are going to be directed to the Public Trustee, that the Public Trustee is aware of it and has an opportunity to make representation at any particular hearing to be able to speak to it and determine if, indeed, it would be that office that could deal with it in the best fashion.

So, again, as my colleague just said, it makes good sense. There is no reason why I wouldn't support it, so that's what I'll be doing.

Thank you.

MR. SPEAKER: Seeing no further speakers, is the House ready for the question?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Public Trustee Act, 2009. (Bill 11)

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

When shall the bill be referred to a Committee of the Whole?

MS. COADY: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Public Trustee Act, 2009," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 11)

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

MS. COADY: Thank you, Mr. Speaker.

I move, seconded by the Minister of Transportation and Works, that the House resolve itself into a Committee of the Whole to consider Bill 11.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the bill.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Bennett): Order, please!

We are now considering Bill 11, An Act To Amend The Public Trustee Act, 2009.

A bill, "An Act To Amend The Public Trustee Act, 2009." (Bill 11)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Public Trustee Act, 2009.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

CHAIR: The Chair recognizes the Government House Leader.

MS. COADY: Thank you, Mr. Chair.

I move the Committee rise and report Bill 11.

CHAIR: The motion is that the Committee rise and report Bill 11 without amendment.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

MR. SPEAKER (Reid): Order, please!

The hon. the Member for Lewisporte - Twillingate.

MR. BENNETT: Mr. Speaker, the Committee of the Whole have considered the matters to

them referred and directed me to report Bill 11 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole has reported that the Committee has considered the matters to them referred and directed him to report Bill 11 carried without amendment.

When shall the report be received?

MS. COADY: Now.

MR. SPEAKER: Now.

When shall the bill be read a third time?

MS. COADY: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

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

MS. COADY: Thank you, Mr. Speaker.

I move, seconded by the Minister of Justice and Public Safety, that the House resolve into a Committee of the Whole to consider Bill 17.

MR. SPEAKER: It is moved and seconded that this House resolve itself into a Committee of the Whole to consider Bill 17.

All in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All against, 'nay.'

Carried.

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

Committee of the Whole

CHAIR (Bennett): Order, please!

We're now considering Bill 17, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs.

A bill, "An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs." (Bill 17)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes Member for Harbour Main.

MS. CONWAY OTTENHEIMER: This legislation, if proclaimed, would lead to litigation. Similar litigation over tobacco health care cost recovery has taken a very long time. I believe that process started in 2011 with the proclamation of the act and the filing of a statement of claim. Almost nine years later that process is still not resolved. We were told this opioid damages legislation follows the example and route of the tobacco legislation.

How long does the government expect litigation for opioid health care cost recovery to take before it's finally resolved?

CHAIR: The Chair recognizes the Minister of Justice and Public Safety.

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

It's a good question. There's absolutely no timeline whatsoever able to be placed on this. A lot of the factors are out of our control. The fact that we are dealing with not just a national class action, but we're dealing with the events that are going on the States, the bankruptcy proceeding that's ongoing. So it would be silly of me to put a date on it.

What I would point out, though, is my opinion. So when you look at tobacco, which actually started well before 2011 – that's when the act was brought in, but for years before that there was work ongoing within the department, the retainer of a local firm, of an international firm. Then we had the act itself, and it's been eight, nine years since that time.

I do think that this one will proceed quicker just because of the experience that's been gained since that time when you're talking about these huge national and international acts. I think the experienced gained not just by the department, but by everybody involved – provinces, states as well – I think you will see quicker action.

But that being said, when I say quick, I don't mean quick as in – and I'm speaking not, again, to the Member opposite who knows this, but to anybody that's watching. We're not talking quick as in months, we're talking quick as in years as opposed to decades, hopefully.

Thank you.

CHAIR: The Chair recognizes the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: This legislation gives government power to contract out of prior agreements. The government made a contract which it now thinks is inconvenient. Why did Newfoundland and Labrador enter into a bad bargain over health care cost recovery in the class actions on behalf of addicted individuals?

CHAIR: The hon. the Minister of Justice and Public Safety.

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

Perhaps what I can do – and again, I apologize, I feel somewhat like the closer that comes into a game in the ninth inning to close off the game. I can't say I've been fully a part of this and I appreciate my colleagues who have taken this upon themselves. What I would ask is maybe if my colleague could elaborate a little bit on the question here, I'll do my best to provide a better answer.

Thank you.

CHAIR: The Member for Harbour Main.

MS. CONWAY OTTENHEIMER: The legislation, specifically section 12(2), gives the power to dissolve prior agreements. We're wondering is the minister concerned about what message that this legislation gives to others who

contract with the government, the chilling effect that this may have on others.

CHAIR: The Chair recognizes the Minister of Justice and Public Safety.

MR. A. PARSONS: Thank you, Mr. Chair, and I appreciate the follow-up from my colleague.

What I would say is that the primary concern that we as a government have, and I think that's shared by absolutely everybody here, is that there's undoubtedly been a devastating effect on this province and on every province from the effect of opioid misuse across this country and across this continent. The fact is that we as a government, we as a province want to take absolutely any step necessary to recover on behalf of those companies.

This is not a simple case of a product that had a negative effect after, this is a product and this is a group of companies that have taken heinous action, reprehensible action to harm individuals, that knew of what the effects were going to be, knew of what the impacts were going to be. Now what we're dealing with is not just people that have been impacted and have lost their lives, we've talked about tragedies all across the United States and across Canada. The interesting thing is that we don't see as much of the impact over in Europe. They don't have the same epidemic and crisis that we have here.

I get what the Member is saying and don't take this the wrong way, it's a good question. But when you speak about the cost that we have paid out here, taxpayers have paid because these individuals and these companies, of which there are roughly 40 – and I point out the Sackler family and Purdue Pharma primarily as the main ones that you see the attention on – the fact is we will do what's necessary to recover in this case.

Again, the other effect is that one of the things that comes from us taking this action is we're putting the word out to anybody that wants to undertake this. Whether it's tobacco, whether it's opioids or whether it's anything that can have a negative impact on our people, you can rest assured we will do what's necessary to make sure that your wrong is righted.

Thank you.

CHAIR: The Chair recognizes the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: Across Canada it appears that there are going to be multiple processes, multiple cases. To what degree are jurisdictions coordinating their efforts and what process is in the best interests of the people of Newfoundland and Labrador to ensure that they are fairly compensated for damages?

CHAIR: The Minister of Justice and Public Safety.

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

Whenever you're dealing with something that is of a national class action, there's the team player side, but at the same time we want to make sure we do what's best for Newfoundland and Labrador.

What I can say is we actually hosted – so this has been launched and initiated by British Columbia. It was heavily discussed at a federal, provincial, territorial meeting that we held here in St. John's last November, at which time they talked about what they were going to be doing and they were hoping that provinces would join in.

What I can say is we're actually amongst the leaders in this country. I think we're the fourth jurisdiction to launch this type of legislation. What I can say is there has been working group meetings held on a regular basis by teleconference and in person. We are fully involved, fully staffed and have people not – again, not just from Justice but from the Department of Health, and I believe Finance is actually going to be involved going forward as well. Because one of the things that we point out when we talk about the fair representation is the quantification of the damages here.

What I will say – and my experience is learning and listening to what we've done in tobacco – is there's a lot of work left to be done in terms of the quantification. There will be experts that are retained by the lawyers to come in and look at, how has this impacted us?

We look at MCP billings; we look at a whole range of things that I would say are much

beyond my ability to perhaps comprehend or to calculate, but we will be doing what we can to make sure that any costs we have incurred specifically, as well as when we get outside of the actual specific costs as well – there's a lot to be taken in here, but there's been a lot of collaboration.

What I will say is we've worked with – I've spoken to the AG in British Columbia. We've talked to the other jurisdictions. Some are a little bit behind. We know Saskatchewan themselves have had – outside of their government, they've had people come forward with their own claims.

What we're doing here, the actions we've undertaken so far both by announcing our intention to join the class action, by announcing this piece of legislation is to put everybody at notice on the steps we are willing to take in order to proceed and to protect the interests that we have in a matter like this.

CHAIR: The hon. the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: The Minister of Justice and Public Safety referenced the tobacco litigation. We have information that was provided from his department that since 2002 the provincial government has spent approximately \$850,000 on litigation, specifically regarding tobacco litigation.

What is the anticipated cost of this particular litigation for the Province of Newfoundland and Labrador?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Again, very early on. So, hard to tell.

There's just under a million spent in over a decade since the statement of claim was launched. Again, lawyers were retained prior to that, both the provincial firm as well as the international firm based out of Independence, Missouri.

Right now, we're early on. What I will say is this, though, part of this going forward is the cost that we have to undertake, that we have to

handle because we're taking part in this action, similar to any of these cases, we're going to want to make sure that we get it from the people responsible, which are Purdue Pharma, the Sackler family and all them. They're the ones that should be paying the cost for us participating in this.

Thank you.

CHAIR: The hon. the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: Is it the government's intention that whatever process it follows will lead to direct compensation for individuals and also compensation for the province?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: No, Mr. Chair, there hasn't been any discussion as to direct compensation to individuals.

Right now, we're talking about a health care recovery. So the money that's been spent by the taxpayers of this province, by our Treasury, by our Health Department, by our health boards, the money that's been spent to deal with the harm that has been caused by the opioid addiction.

I look at the money that's been spent by the Department of Health, outside of this, but when we talk about addiction in general. The Department of Health and their staff over the years, all across this province there's been a significant contribution.

There are different sides to this, what we've had to spend to deal with addiction generally, but then primarily, when we look at the specifics here, they will be able to figure it out using quantitative analysis that's done – I would suggest would be led by the Department of Health, using experts that are retained by our lawyers. Right now, it's about recovering those costs to the province.

Again, very early stages here, and we'll see what goes on elsewhere, but that's my understanding as of this time.

CHAIR: The Chair recognizes the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: We note that the bill before us is not identical in structure and content to the BC law. Some of the provisions are dealt with differently. Some are split among different sections, some of the wording is different; yet, it is very similar.

Is the intent that our bill would essentially mirror the BC legislation in its effect?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Yes, thank you, Mr. Chair.

Again, I wouldn't be able to – but I can undertake to provide this. I'm sure there was a jurisdictional analysis done of the legislation that currently exists in British Columbia, I believe, Alberta, Saskatchewan. In fact, I've learned that Alberta just passed their legislation and Saskatchewan's passed first reading; Ontario's is at second reading. Ours is extremely similar to theirs. It may have some minor differences.

What I would do is discuss with Leg. Counsel, as well as our staff, to see what the differences were. Some might be minor, but I don't think there are any huge structural differences. Every one has the same thing, which is let's protect our province and our ability to take action against these companies to recover damages caused by these various wrongdoers.

CHAIR: The hon. the Member for Harbour Main,

MS. CONWAY OTTENHEIMER: With respect to the BC act, you may have to obtain information on it, but it does list many drugs in the Schedule of the act and allows others to be added by regulation. Our bill has no schedule. Every drug will be listed in the regulations, which are not here.

Will every drug that BC lists be included in this province's regulations?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Again, it might be a question that's more appropriate for my colleague.

What I would state is it's hard for me to say definitively what drugs should be covered in BC and what should be covered here, but what we can deal with are those individuals in the additions field and within the health boards who can talk about the addictions issues and what is the different opioid that is being used in causing the problem here. I would assume they're all going to be similar, but in some cases different jurisdictions may have ones that we have not seen here and there may be other specific components that I'm not aware of.

I'll toss it over to my colleague, he might be able to provide a bit better answer.

What I will say, though, is at the end of the day this is meant to go at a number of different manufactures, a number of different suppliers. When it comes to opioids, when we get into – I don't know if there's a difference between the generic names and the prescription names, but I want to make sure we are covered when it comes to any harm that has been done to us by these manufacturers or suppliers.

CHAIR: The Chair recognizes the hon. the Minister of Health and Community Services.

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

Our Prescription Monitoring Program is flexible in the sense that we can add scheduled drugs as they come online through regulation. In actual fact, we do actually have tramadol – if I remember correctly – on ours, which is not a universal finding across the country.

BC does have different drugs on the formulary as controlled and scheduled drugs, compared with us. For example, we don't actually have heroin on our formulary. They do, for other reasons.

So it's an attempt for us to be able to recognize what may happen over the next five years in terms of drugs of opioid class of addictive potential that we're not aware of at the moment.

CHAIR: The hon. the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: My question with respect to the schedule – I guess I need clarification about that. Our bill has no schedule, and I'm wondering why not include a schedule like the BC act does so the names of the principal opioid drugs are clearly set out in the legislation.

I'm wondering, aren't we talking about the exact same drugs that BC is talking about?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: All I can say at this stage is we're still corresponding with staff here. We're still in the process of doing a schedule.

It's a change between perhaps the legislation BC has, but I can say here to this House that the ultimate impact is that we want to make sure that every drug is covered, whether it's in a schedule within or in the regulations and the schedule outside, it doesn't matter to me per se. I don't think it impacts our ability to recover from the manufactures and suppliers.

CHAIR: The Chair recognizes the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: Thank you.

The bill says an action is not barred under the *Limitations Act*, even if it was already dismissed by a court under the terms of the *Limitations Act* once before. Is the government confident this will stand up to legal challenge?

CHAIR: The Minister of Justice and Public Safety.

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

That's a very good question. What I would say is this: I trust very much in the staff we have in the department. They're very bright, competent individuals who spent a lot of time working on this and have had the advantage and the ability to work with our counterparts across the country. What I'm going to say is I trust in them

and that this will stand any scrutiny that comes forward.

What we're hoping for in this situation is that the wrongdoers in this case will probably concentrate a little bit more on the wrong that they've done and work with us on making sure that there's recovery from the drugs that they produce and that they supply to people all over this country.

Thank you.

CHAIR: The Chair recognizes the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: Thank you.

Getting back to the BC act, it refers to prior agreements that might have been finalized up until its act receives Royal Assent. Our own bill refers to prior agreements that might be finalized up until this act – quote – comes into force, which is the date it is proclaimed by the Lieutenant-Governor in Council.

The BC act came into force on the same date it received Royal Assent. By contrast, our law could presumably sit on the books unproclaimed long after it receives Royal Assent.

Would the effect of having the provision sitting there on the books make it difficult or impossible after Royal Assent to move toward finalizing a negotiated settlement or agreement?

CHAIR: The Minister of Justice and Public Safety.

MR. A. PARSONS: No, I don't believe that would be the case. Again, British Columbia here has been the leader in this undoubtedly. They've drafted the test legislation, we'll say. They're the ones that have led the charge and I have to give them full credit for doing so. In our case, there's no absolute need to move forward with that yet. We can still preserve our timelines there.

The fact that we're actually here in this House and having this debate, having these questions, having this commentary is sending a very strong message to all of them. The fact that we're having this back and forth, I think, shows the

significance and the importance of this piece of legislation. That's what the companies, I think, need to recognize.

I have no concerns that we'll be impacted in any negative way. I'm very confident in the fact that I know other jurisdictions are watching this debate right now, they're watching the Member opposite asking these questions and knowing that we are having a very good, strong debate, but everybody has the same thing here. I don't think anybody is going to go against the legislation.

They listen to the questions that are being asked, they're listening to the answers I'm hopefully trying to provide and knowing that we have a lot of people in this building that are working together on this, working with our counterparts across the country, and knowing that we all have the same intention which, which is to proceed against these wrongdoers to get after what they've caused, the damage that they've caused.

Thank you.

CHAIR: The hon. the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: If this bill is used and it works – hopefully – and compensation for damages – hopefully – comes to the province, how will that money be used?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: It will all go solely to the Department of Justice.

I'm kidding, I'm joking.

SOME HON. MEMBERS: Oh, oh!

MR. A. PARSONS: I'm joking. So, once in a while, you have to be facetious.

That's obviously very early on for me to talk about that. There are a number of partners at play here. But the main two I would point out would be, obviously, the Department of Health, because they're the ones that are dealing head-on with this. They would have the stats on this; they would see where the monies are being

expended. So I can't even begin to answer exactly how it would go in place. Obviously, Finance would have a role here. There are a lot of conversations.

When it comes to legislation like this in cases like this, I would say it's too early to count the money yet. There's a lot of work to be done, but I'm confident by moving forward with this legislation we're enhancing our position to be able to receive on that for which we are due.

Thank you.

CHAIR: The hon. the Member for Harbour Main.

MS. CONWAY OTTENHEIMER: My final question: When will the regulations be seen?

CHAIR: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: It's a good question for which I do not have an answer. What I can provide the Member with is I'm more than willing to share that information as it becomes available. I certainly welcome if the Member has questions or wants to check in on that. We're always happy to answer and I will do my best to undertake to provide that.

I don't want to put too much pressure on the staff who are doing this. I can't say whether it's a day, a week or a month. What I will say is that they're working diligently on it, and I'll try my best to provide that information as it becomes available.

CHAIR: Seeing no other questions, shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 15 inclusive.

CHAIR: Shall clauses 2 through 15 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 15 carried.

CLERK: Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

CHAIR: The Chair recognizes the Government House Leader.

MS. COADY: Thank you, Mr. Chair.

I move the Committee rise and report Bill 17.

CHAIR: The motion is that the Committee rise and report Bill 17.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

MR. SPEAKER (Reid): Order, please!

The hon. the Member for Lewisporte - Twillingate.

MR. BENNETT: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 17 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and has directed him to report Bill 17 without amendment.

When shall the report be received?

MS. COADY: Now.

MR. SPEAKER: When shall the bill be read a third time?

MS. COADY: Now.

MR. SPEAKER: Now.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

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

MS. COADY: Mr. Speaker, third reading of Bill 17.

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

MS. COADY: Thank you, Mr. Speaker.

I move, seconded by the hon. Minister of Justice and Public Safety that Bill 17, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs, be now read a third time.

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

Is the House ready for the question?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs. (Bill 17)

MR. SPEAKER: The bill has now been 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 Provide For Damages And Recovery Of Opioid Related Health Care Costs," read a third time, ordered passed and its title be as on the Order Paper. (Bill 17)

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

MS. COADY: Thank you, Mr. Speaker.

I'm looking for leave – I believe I have it – on the resolution for the Member for St. Barbe - L'Anse aux Meadows, MHA Mitchelmore. Today, I put in notice, seconded by the Minister of Transportation and Works, that I will on

tomorrow move the following motion. I'm asking for leave to begin the debate this evening.

MR. SPEAKER: Does the Government House Leader have leave?

AN HON. MEMBER: Leave.

MR. SPEAKER: Leave has been granted.

The hon. the Government House Leader.

MS. COADY: Thank you, Mr. Speaker.

I appreciate my colleagues giving leave to get started on this very important discussion, Mr. Speaker.

Today I move:

WHEREAS the Commissioner for Legislative Standards recommended in the *Mitchelmore Report* dated November 13, 2019, that this hon. House should reprimand the Member for St. Barbe - L'Anse aux Meadows in accordance with paragraph 39(a) of the *House of Assembly Accountability, Integrity and Administration Act*; and

WHEREAS the practice in this hon. House in dealing with recommendations under paragraph 39(a) of the act requires Members to apologize to this Assembly;

THEREFORE BE IT RESOLVED that this House of Assembly concurs in the recommendation of the Commissioner for Legislative Standards and asks that the Member for St. Barbe - L'Anse aux Meadows stand in his place and apologize to this Assembly.

Mr. Speaker, I want to start today by saying thank you to the Commissioner for Legislative Standards and to the – I'm being told I need a seconder of that. It's going to be seconded by the Minister of Health and Community Services.

Thank you.

Mr. Speaker, I want to begin my remarks today by saying a very special thank you to the Commissioner for Legislative Standards for his deliberations –

MR. SPEAKER: I just want to remind the Table Officers to start the clock.

The hon. the Government House Leader.

MS. COADY: I'll try again – and the Citizens' Representative for their deliberations and their work in this regard. They are independent of this House of Assembly, speak to this House of Assembly and report to this House of Assembly – not to government but to the House of Assembly. We appreciate the efforts they make and the deliberations that they have.

Mr. Speaker, I remind the people of this hon. House and I remind the people of the province that their deliberations are from an outside view and we respect that. We respect the fact that they do have an outside perspective.

I will say that we're going to be dealing with matters that involve human resources. I'm going to ask this hon. House to be respectful of the fact that there are impacts from a human resource perspective here, from people outside this Legislature, for civil servants in this province, Mr. Speaker. I want to try and be respectful of the fact that our public service does incredibly good work for the people of the province, and their efforts are always appreciated, Mr. Speaker.

I know Members in this hon. House will be sensitive to the fact that we're dealing with a human resource matter and there are individuals involved that are outside this Legislature. So I will remind everyone of that, Mr. Speaker. I will also say that I am cognizant that this is a very challenging issue to deal with in that many people are following this and have been following this for quite some time, and there has been a lot of media around this issue over the last 24, 48 hours.

I just want to speak for a moment, Mr. Speaker, on parliamentary privilege. Yesterday, I did see some of the commentary in the public about the Government House Leader or government is trying to hide the report. Nothing could be further from the truth.

Yesterday, Mr. Speaker, I did point out that a privilege of this House was breached – of this House – and I had unanimous support in sending

it to Privileges and Elections for review and comment. We all have to be cognizant – and I know Members in this House are cognizant – of the fact that there is such a thing as parliamentary privilege and there is recourse when that is not adhered to and remembered.

Mr. Speaker, I do say to those that had some negative speak, especially on social media last night, that that's important for this House to have those deliberations, to have those reports. I thought the Member for Mount Pearl - Southlands did an admirable job yesterday in really summarizing why it was so important to this House to have the materials given to the Members of this House and that they have a chance to have a debate about them before, of course, they are engaged elsewhere.

Parliamentary privilege is not an effort to ensure that matters to it referred are not made public. In fact, this is a public House. We have public galleries; it's being recorded. It's being seen across the province and, perhaps, around the world, the deliberations that we have here. It's not a matter of not wanting this report to have the public's view on it, it's more of a matter of how we can have confidence in each other and ensuring that we could have good discussions as we bring this forward.

So I just want to mention that, Mr. Speaker, because I think it's important for the public to realize what parliamentary privilege is. Much has been written about parliamentary privilege over the years. As a matter of fact, there is a very thick book, O'Brien and Bosc, that talks about and reviews why that is so important. I won't belabour the point, Mr. Speaker, but I will say I think it's important that all of us sent that for review and to understand that we have to have confidence in each other.

Mr. Speaker, I will say that I want to start today by saying something that – I've listened over the last little while to some of the deliberations and discussions around this report and I want to start focusing on the facts of the matter. I want to start by saying that the Member and the minister responsible, according to the clerk of the Executive Council – and let me describe for the people that are listening here.

The clerk of the Executive Council is the senior most civil servant in our province who has been in multiple governments. She didn't begin her long journey in the civil service with a Liberal government nor did she – she was there through successive Liberal and PC governments. So she's had a long and, I would say, illustrious career in the civil service. So I'm going to rely on her experience and knowledge of the facts of this matter.

For those who are interested, her letter, of course, that was sent to the Citizens' Representative, is found in the documentation that was tabled yesterday, but I do rely upon her and her advisors, because there are a number. I'm going to refer back and forth between a number of different areas in the report. For those who are trying to follow along or listen along, I'll try and use pages so that they can do so.

I'm going to refer to page 20, and I'm going to quote from it, actually, Mr. Speaker, if I'm permitted. This is the Commissioner for Legislative Standards in his report. He says: "There have been differing opinions from the Clerk of the Executive Council, the Citizens Representative and legal counsel for" – the minister – "as to the nature of the appointment of" – I'll say her name – "Ms. Foote." It's very public, but I'm going to start saying: the employee in question. "Accordingly, the mitigating factor in determining the appropriate penalty is that there are a number of differing opinions as to what was the proper procedure." So clearly, there is some discourse on proper procedure.

The Commissioner for Legislative Standards takes that into account, Mr. Speaker. He takes it into account that there are differing opinions between the clerk of the Executive Council – and again, I'm going to say to the Members opposite and to the people of the province, the clerk of the Executive Council is non-political. She has nothing to be gained by being political. She could be clerk under a Liberal administration; she could be clerk under any other administration. So I say that she is the unbiased opinion of the civil service and of government.

So there has been some differing of opinion. But I will say, Mr. Speaker, and I'm going to draw

some of my remarks to her remarks now on this report, because I think it's important to put it in context and put facts behind some of the hyperbole that we've been hearing.

The minister responsible and the person who was responsible for The Rooms at the time did not create this practice. The practice of moving individuals across government is long standing. I asked the clerk how long-standing is long-standing, and the response was for as long as anyone can remember in Cabinet Secretariat, which was about 30-plus years.

I want to say that and I want to draw that to attention that there are human resource practices within government that an individual who occupies an executive-level position in government is subsequently unilaterally moved to another executive-level position or of otherwise. So I want to draw your attention to that to say there are long-standing human resource practices that are based both in policy and common law, and there are multiple legal references here, that has been relied on by governments over time, and that not just this government, but past administrations. I think it's very important that we recognize, and indeed the Premier spoke to it today, in Question Period, and he said what the report really emphasizes is that a full and thorough review of those practices of 30 years are required. I applaud the move to have someone engaged to do just that.

We need to look at jurisdictions across the country to determine whether the practices – again, I'm only sticking to facts; I don't want to escalate it at this point. What I want to say is the practices of government, of moving executive from one position to another position and the long-standing view that benefits and salaries be maintained despite movement, of course, across – I'm going to call it the public service.

You have to remember that there are 40,000 public servants in this province. I want us all to reflect for a moment that we are in a position, an executive-level position, in government and you have been asked to perform a responsibility – and multiple times this happens – in another area. I remember when the former clerk was asked to help with housing. The former clerk said yes, I'll move over. I'm going to do a piece of work in housing. I'm going to do an

incredibly, good, important job, because we were dealing with a lot of concerns around housing and homelessness. The clerk was moved to go head up that entity and do a large piece of work in that entity, and she maintained her salary and benefits.

It's an important reminder to us all that there are individuals involved here and moving people around does allow us to have professional development. It allows us to ensure that they have succession opportunities. Sometimes it really does groom someone for other opportunities within government.

We're talking about the civil service, the public service here, Mr. Speaker. I want to kind of lay out some of those facts. So the clerk of the Executive Council, this non-partisan, senior civil servant has said – I'm going to quote here and this is in the documentation, but I wanted to highlight it. "The compensation for" the employee that I'd mentioned "was maintained to minimize the impact on her terms of employment resulting from her engagement at The Rooms." This is not government saying this, Mr. Speaker; this is the most senior, civil servant. "This is consistent with the approach taken by government when moving executive from one position to another and is in accordance with legal advice. While the Minister is accountable for spending in his area of responsibility, the rationale provided for maintaining" the employee's "salary and benefits is in accordance with policy and practice of government and is intended to mitigate potential legal claims. The Minister relies on these policies and practices and advice of officials to confirm that actions are in accordance with the details of the applicable policies and practices." That's important, Mr. Speaker. I'm going to say that that's important.

"A competition or position description was not required" – this is quoting from the clerk – "in order to engage" this employee "on a contract. Engagement of contractual employees is within the policies approved by Treasury Board and is exempt from the PSC Act." It's important.

So I heard some things today that kind of made some – it's an important issue and I believe that there have been errors made. I'm not suggesting that errors have not been made, Mr. Speaker. I

know that the Member for St. Barbe - L'Anse aux Meadows has already acknowledged that he will apologize to those errors. But the practice is long standing of moving executive around.

I want to also note that: "The budget allocations for the vacant permanent director positions at The Rooms are currently being used to fund" – and there are two contractual positions. "This is common practice in the public service when trying to meet the operational needs of departments. It does not amount to an elimination or a reclassification of the director positions. In addition, the classification of the director position was not impacted by the contractual position and the fact that the CEO of The Rooms made a substantially similar request to facilitate the engagement of" another employee "in a contractual position is indicative that operational needs can be met in a variety of ways and still be in accordance with policy."

I'm going to quote again. This is the clerk: "In my opinion, the information provided above demonstrates that the Minister did not support any actions that deviate from government policies and practices." Did not deviate from government policy or practices. This is the opinion of the clerk of the Executive Council.

Now, Mr. Speaker, there has been much said about the creation of executive roles, and I do want to address that – I'm not addressing it. The clerk has addressed it in her note and I'm bringing it to the Members' attention and to the public's attention.

The clerk says: "The Board of Directors may have thought they were approving the creation of executive roles however; the Board does not have the authority to create executive positions as these positions are created by statute or by the Lieutenant-Governor in Council and confirmed by an Order in Council. There is no Order in Council required for the creation or appointment to a contractual position."

So the clerk is laying out – and this is on her behest – the concerns around the report. She also says, roughly in the same period of time, that there was a creation of another contractual position.

“This contractual position is funded through the permanent position of Director, Provincial Museum ...” This is another executive director position, and there was “a promotional increase” – in that regard – “and a retained director level benefits” by that contractual position.

So, Mr. Speaker, I’m going to try and just relate back to those two reports. The Commissioner for Legislative Standards accepted the report that was done by the Citizens’ Representative. Based on the Citizens’ Representative report – again, I will note that the Commissioner for Legislative Standards does note, and I draw your attention to page 20: there are differing opinions between the clerk, the Citizens’ Rep and legal counsel for the minister as to the nature of the appointment to Ms. Foote.

Now, the Commissioner for Legislative Standards says he’s going to base his decision on whether or not there was a breach, on the Citizens’ Representative report. Because he’s not going to re-adjudicate – and that’s not his role – the Citizens’ Representative report.

He has recommended, Mr. Speaker, that the minister “be reprimanded in accordance with s.39(a) of the Act.” Now, I think that’s important to note what 39(a) is. I’m looking it up now, Mr. Speaker, just so that I have it before us; lots of As in this report. It’s a very lengthy report.

AN HON. MEMBER: Page 19.

MS. COADY: Page 19. Thank you. I knew it was close.

What does section 39 of the act say? I’m going to quote it so that people are all aware.

“Where the commissioner determines that a member has failed to fulfil an obligation” – now in this case it was based on the Citizens’ Representative report – “under the code of conduct, he or she may recommend in the report under section 38 (a) that the member be reprimanded; (b) that the member make restitution or pay compensation; (c) that the member be suspended from the House of Assembly, with or without pay, for a period specified in the report; or (d) that the member’s seat be declared vacant.”

Now, Mr. Speaker, we all respect – I’m assuming we all, I’m pretty sure we all respect – the Commissioner for Legislative Standards who has adjudicated the reports. He does note there are differing opinions, but based on the Citizens’ Representative report he said I recommend 39(a). That’s what he recommended.

I have to say, Mr. Speaker, that is his view. That is his view, his point, the Commissioner for Legislative Standards. In this House, when we reprimanded – and this has been long-standing, I think over multiple years, that when 39(a) of the act, when the Legislative Commissioner comes in with that reprimand, the House has adjudicated that they concur in their report. That has happened in all reports of the Commissioner for Legislative Standards and that the reprimand be an apology.

I’m going to explain to the people of the province, that is why in the motion this afternoon – why that motion is as it is, Mr. Speaker.

So I will say that there have been a lot of lessons learned, I think, throughout this entire process in the last couple of days. I sit as a Member of the Management Commission, so we had the report prior because, of course, of our nature, it flows through the Management Commission, through the Speaker, to this House. I will say, most people have only received it within the last 24-plus hours. So the review of that report – I ask people to deliberate, and I draw people’s attention to what the clerk of the Executive Council says.

I draw attention – there are things that can be improved on in every process, I believe that, and here are the lessons learned in this one. We really should as a government, and on behalf of the people of Newfoundland and Labrador, review that long-standing practice; multiple governments, multiple decades, Mr. Speaker, that this movement has occurred.

I support a cold eyes view of how those movements are made. I do respect legal counsel, of course, who has said that this is the right and proper way to do it. I do respect that it is a long-standing process, and for good reason.

I'm going to say all of us here have worked in various places. If I, as an individual, were making \$10 and I was being asked to move over to another position and that position was not valued at \$10, I would expect to keep my salary and my benefits – I'm speaking as an individual – if it was in the same organization. Unless you were being demoted or something of that nature, but that's not the case here.

Mr. Speaker, the process around the staffing actions and how the staffing action occurs, how executives are moved around the organization – and, again, 40,000 employees we're talking about now – that should all be reviewed, there's no doubt.

I'm going to go back to what the clerk of the Executive Council says. In her opinion – I'm going to take up the report again – the information provided demonstrates the minister did not support any actions that deviate from government policy and practice. That's why I'm supportive of questioning the government policies and practice. That's multiple governments.

I want people of the province and in this House to consider those facts. We have an employee that was a deputy minister equivalent within government, who was moved from that position on a contract to another position within our civil service, and they maintained their salary and benefits to provide a service to one of the entities of government.

Now, Mr. Speaker, mistakes have been made, and we have to own up to those mistakes, but I really wanted to focus on the practice of multiple years in government of how this could occur. I want to focus on the fact that this government is making changes, or will make changes, based on a review of how we might be able to move forward.

I will say this, Mr. Speaker: This government has been focused – I guess is the word. I want to say diligent but I use that word too often. I know there was much laughter today when we talked about taking the politics out of pavement, taking the politics out of appointments, but there has been a legitimate focus by this government to try and do that.

I don't find that a funny matter. It is a challenge. That's why we implemented the Independent Appointments Commission; that's why there's a five-year Roads Plan and multiple discussions with stakeholders around that plan. That's why those two things have been done.

Mr. Speaker, if this government wasn't trying to do that, we didn't have to try and implement those things. Previous governments didn't do that. It was this government that did that. So I'm being sincere when I say there is a legitimate attempt to try and do that. We're not perfect, Mr. Speaker. We all know that. Mistakes do get made on occasion, but there's an effort toward that end.

Mr. Speaker, all I can say is that government will review the process of how executive members are moved. The minister has indicated that he will apologize for any errors that were made or wording that was not quite accurate or was questionable from outside perspective. We have said that we will continue to work towards taking politics out of what I'm going to call the mechanisms of government. We're doing it with transportation; we're doing it with appointments; let's continue.

I'm not just talking about this particular government today. If there's a government tomorrow that's different than this government, Mr. Speaker, I hope they continue to do that. I think the people of the province expect us to do that. We are in a new era. This is a new era of political discourse, and rightly so. Decorum has to be better. We have to be better towards each other. We have to work collaboratively. All of those things are important and I believe we're getting to a better place in society, a much better place in society when we do those things.

My appeal to this House today is to stay to the facts, to understand the process, to accept that errors were made and to move towards ensuring that we consider the process is long standing – I've said that multiple times, I know, because I want people to understand this isn't something that this government invented. This is long-standing practice of government. Let's look at how we can better things. That's what this House is designed to do. How can we improve things? There's a sincere effort, a sincere attempt to improve things.

Are there lessons learned, Mr. Speaker? Without a doubt. Are there challenges to some of the things that have happened? Absolutely. But, Mr. Speaker, we are now at a point of shining a light on a process that may need to be changed – I would expect will be changed, and that’s not a bad thing. That’s what good discourse gets us.

I implore upon the people in this House to respect the fact that there are human beings, human resource issues outside of this House here, and I ask for that. I ask for people to reflect on the facts of movement and the place where we’re going to get is going to be better.

Before I sit, Mr. Speaker, I have been reminded and thankfully, even despite the handwriting, that I have to move Motion 3, to move pursuant to Standing Order 11(1) that the House not adjourn at 5:30 o’clock on Tuesday, December 3, 2019, and that is seconded by the Minister of Health and Community Services.

On that, Mr. Speaker, I will take my seat.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before we go to the Leader of the Opposition, we have to vote on the motion made by the hon. Government House Leader.

The motion is that we extend the hours.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Leader of the Official Opposition.

MR. CROSBIE: Thank you, Mr. Speaker.

As all hon. Members are aware, we came through an election campaign but six, seven months ago, general election. For our side of the House, the PC caucus, the PC Party of Newfoundland and Labrador, we campaigned on the themes jobs and hope, honest leadership and an affordable future.

Mr. Speaker, those themes of jobs and hope, honest leadership and affordable future remain as valid now as they were during the election campaign those few short months ago. In particular, the theme of honest leadership is in play and at stake in the present debate and arises out of the report which is before us all for consideration and debate, the *Mitchelmore Report*, November 13, 2019.

So, Mr. Speaker, honest leadership – we’re all familiar, those of us, perhaps many of us, watch CNN, perhaps we watch other channels, it’s hard to get away from the saturation effect of the Trump era on the TV waves, and we’ve probably seen the present president of the United States giving his rally speeches. And we’ve noticed behind him is a Greek chorus now of individuals wearing T-shirts. These T-shirts say, in bold letters, on the Greek chorus, the T-shirts say: Read the transcript. They say: Read the transcript.

Well, why would they say read the transcript? Because according to all the learned commentary if you read the transcript, the indictment of the president or his impeachment is contained in the transcript? Well, why would the T-shirts say read the transcript? It’s because in his own certain sinister way, the President of the United States is quite brilliant in his communications efforts because he knows that his base will not read the transcript. They will never read the transcript, therefore they will never see through to the truth of the matter, which is that the indictment and the reason to impeach the President of the United States is, in fact, in that jury transcript.

Mr. Speaker, likewise, this report. Because anybody who reads this report will be forced to recognize the gravity of the transgressions that the minister and Member of this House involved has committed against the Code of Conduct that binds us all and, indeed, against his responsibilities as a minister of the Crown in a government which might wish to represent itself to the people of the province as a government which acts with integrity.

I mentioned the Trump T-shirts because it might be that my friends opposite would like to get T-shirts of their own made up. Those T-shirts could perhaps be emblazoned with the words:

Read the *Mitchelmore Report*. That is why, in fact, Mr. Speaker, because this report is such a solid piece of work and such an indictment of the misconduct of the minister in question and, likewise, such an indictment of the failure of this minister to do the honourable thing and resign his position in Cabinet and, likewise, such an indictment of the failure of the Premier of the province to do the honourable thing and fire the minister out of Cabinet when he failed to bow out of his own accord, that I will read lengthily parts of this report into the record.

This all started, by the way, with a whistle-blower. Again, a similarity with the events down South involving the President of the United States. He is now going through an impeachment process, thanks to a whistle-blower; likewise here. This investigation by the Citizens' Representative started through a complaint made by a whistle-blower who acted, actually, with the assistance of a lawyer – lawyers cost some money – and actual documents were provided. Such was the sense of outrage and righteous indignation on the part of the whistle-blower, which now anyone who reads this report will surely share.

It engaged the services or the investigation of two Officers of the House of Assembly; the first being the Citizens' Representative who did numerous interviews. The text of the interviews or the summaries of the interviews are contained in the pages of the report.

Having only an hour, I will read from the report. This is the Citizens' Representative's office starting at page 24. This has to do with Carla Foote. It's under the title Ms. Carla Foote. In other words, what's going on here is the Citizens' Representative is summarizing the evidence given to him or his investigators by different witnesses. This actually is relevant – we'll see how it's relevant – to the insistence of the Premier as recently as today and the insistence of the minister opposite, whose name appears in the report, that Carla Foote is well qualified for the position to which she was appointed at The Rooms, which is not a communications position but a marketing position.

The Citizens' Representative says: "It is public knowledge that Ms. Carla Foote is the daughter

of Judy Foote, current Lieutenant Governor and a former Liberal cabinet minister. As well, Ms. Foote worked for the Liberal party while it was last in opposition.

"A press release issued by Executive Council on January 14, 2016, announced" amongst other things "that Ms. Foote had been appointed as Associate Secretary of Cabinet (Communications) with Executive Council ..."

Her backgrounder states – and it goes on to detail she served as director of communications in the office of the Official Opposition for three years; 18 years in the communications sector, doesn't say marketing; and strategic communications advice for a variety of sectors, et cetera. It mentions she studied political science at Memorial University but not that she completed a degree program. It mentions she's a former executive member of the Canadian Public Relations Society – nothing, again, to do with marketing.

It goes on to say that "We ... summoned from the Human Resource Secretariat all documentation associated with the recruitment for the position of Director of Marketing and Development with The Rooms ... held in 2016." It was substantial in volume. They gave a summary: "Of note, 77 people applied for the position. The completion of an undergraduate degree in Business or Commerce (equivalences would be considered) was deemed as mandatory." Not mentioned in the résumé of Ms. Foote. "Forty of the candidates held Bachelor degrees, while 21 held Master's ..."

Now it goes on to compare the case set out in *The Joyce Report*. "On October 18, 2018" –

MR. JOYCE: (Inaudible.)

MR. SPEAKER: Order, please!

MR. CROSBIE: Compare it favourable, I should say.

SOME HON. MEMBERS: Oh, oh!

MR. CROSBIE: The Commissioner issued *The Joyce Report*. "In it he found that a Member of the House of Assembly, Edward Joyce, had violated section 10 of the Code of Conduct by

submitting the resume of a friend to a ministerial colleague for a position that was posted pursuant to the *Public Service Commission Act*, and then continued to contact that colleague in attempting to have her influence the outcome of the job competition.”

The purpose of this is that the Citizens’ Rep is being careful to have regard to past precedent.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. CROSBIE: And a finding was entered contrary to the interest of the Member.

It goes on to observe “that the findings of the Commissioner are a factual matter, albeit related to the specific allegations he was investigating. What, if any, weight we should place on those facts will be discussed in the findings section of this report.”

Then, the Citizens’ Representative sets out the law, section 54(1)(e) of the *House of Assembly Accountability, Integrity and Administration Act*, which defines wrongdoing: “‘wrongdoing’, with respect to a member, the speaker, an officer of the House of Assembly and a person employed in the House of Assembly service and the statutory offices, means (i) an act or omission constituting an offence under this Act, (ii) gross mismanagement, including of public money under the stewardship of the commission, in violation or suspected violation of a code of conduct”

I just pause there to note, this is where the expression and the threshold concept of gross mismanagement comes from. It is linked in the definition to public money under the stewardship or under stewardship. It’s linked to the stewardship of public money. That’s gross mismanagement.

It goes on to say: “(iii) failure to disclose information required to be disclosed under this Act, or (iv) knowingly directing or counseling a person to commit a wrongdoing described in subparagraphs”

So the Citizens’ Representative says, I’m at page 25: “The central purpose of this investigation is

to determine whether Minister Mitchelmore committed gross mismanagement in violation or suspected violation of the Code of Conduct with respect to the five allegations outlined in the **Appendices** ... It is important to differentiate the operation of section 54 from ... Section 36” And he goes on in a way that does not directly concern us.

I turn to page 26: “The term ‘gross mismanagement’ is not defined in the Act. The Public Integrity Commissioner of Canada has identified a number of factors to be assessed when determining whether a situation could constitute gross mismanagement. They are:

“the seriousness of the deviation from standards, policies or practices; the functions and responsibilities of the public servant alleged to be responsible for the gross mismanagement; seriousness and willfulness of the acts or omissions in question; the repetitive or systemic nature of the acts; the impact of or potential impact of the mismanagement on the organization’s ability to carry out its mandate; the impact or potential impact on the organization’s employees, clients and the public trust.

“We are prepared to consider these factors when assessing the evidence gathered about Minister Mitchelmore’s conduct related to each of the five allegations.

“... there is only one standard of proof in a civil case and that is proof on a balance of probabilities.”

It goes on then to detail the five allegations. Now, of course, the report spends the most time on the two allegations of the five that it finds to be warranted and substantiated, and in relation to which findings of breach of a Member’s responsibilities under the Code of Conduct are entered.

These are the facts of the ones that concern us. I’m going to skip over to the bottom of page 27, where the Citizens’ Representative says the following: “Minister Mitchelmore has maintained that Ms. Foote was the best qualified candidate for the position and her move was a lateral one, consistent with others within the public service. The validity of each of those

assertions must be assessed against the evidence, legislation, best principles for recruitment, and past practice within the public service.

“Was Ms. Foote the best qualified person for the position? During his interview, Minister Mitchelmore 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 resume of Ms. Foote’s qualifications. We have not been presented with any evidence that other candidates were considered. It is clear that as late as September 21, 2018, the Board of Directors anticipated that The Rooms would conduct a merit-based recruitment and selection process when staffing the organizational structure. No such recruitment occurred for the Executive Director of Marketing and Development. To suggest that Ms. Foote was the best qualified person for this position is to imply that some sort of comparison had been made of the credentials between Ms. Foote and other candidates. If the position had not been reclassified to ‘executive director’, a Public Service Commission competition would have ensued.” – and we’d know the answer; that’s my comment in parenthesis – “The Rooms is subject to the *Public Service Commission Act* and the Executive Director of Marketing and Development recruitment was exempt from the aspects of that Act because generally, positions that are paid under the executive pay plan are exempt from Public Service Commission competitions.

“Was Ms. Foote’s employment at The Rooms a lateral transfer within the executive of government, similar to many others that occur from time to time?”

It’s interesting to read the evisceration of that contention that the Commissioner engages in, because there are other similar contentions being advanced of a nature of red herrings or perhaps liquefied salmon, more to the point.

The Commissioner – might as well enjoy myself.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: Yes, okay. Back to the text.

“To suggest that Ms. Foote was the best qualified person for this position is to imply that some of comparison had been made ... If the position had not been reclassified to ‘executive director’, a Public Service” Commission “competition would have” had to take place.

Was her “employment at the Rooms a lateral transfer ... The first thing to note is that up until September 21, 2018, the Board of Directors had not contemplated that the Director of Marketing” and development “would hold an executive position. The Board did create two executive positions on September 27, 2018, but only after the intervention of Minister Mitchelmore. But for his intervention, we can assume that the Board would have filled the position at a director level.”

So I just jump to the conclusion on this allegation – that’s 29: “we find that the Board of Directors’ stated goal of using the merit principle for 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. There is no evidence that suggests that an analysis of Ms. Foote’s qualifications was assessed in comparison to other potential candidates; therefore, it is impossible to conclude that she was the best qualified person for the position. The move by Ms. Foote to The Rooms was not similar to other lateral transfers...” and so on and so forth.

“In determining whether Minister Mitchelmore’s actions are a gross mismanagement of his Code of Conduct responsibilities or just a breach of that Code, we have considered a number of factors. 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 to an executive position, literally on the same day that the Board of Directors, after considerable work and consultation with the Human Resource Secretariat, had determined it should be a director level; (b) The direction or condoning of the Board of Directors and the CEO to hire Ms. Foote in the absence of a job competition or the provision of a resume, let alone the conduct of a job competition; (c) The said direction to hire

was in contrast to other transfers within the senior executive of government in that it was not supported by an Order-in-Council.”

It notes that very able submissions were made by Minister Mitchelmore’s solicitor. A key theme was “that the hiring of Ms. Foote at The Rooms could not happen without the approval of Mr. Brinton, and that if he or the Board disagreed with the hiring, the fact was not made known to Minister Mitchelmore. With respect, we disagree. We find, much like the directive to rescind the contract of A. B.,” – which is the initials of the person whose employment was terminated to accommodate Ms. Foote – “Mr. Brinton was directed to sign the Request for Staffing Action Form and Ms. Foote’s contract.” He was directed to do it.

“The evidence of not just Mr. Brinton, but the members of the Executive Committee of the Board support that conclusion. We also accept the evidence of the Executive Committee that when faced with this direction from the Minister, they felt compelled to comply....

“We conclude that Minister Mitchelmore’s actions in intervening to facilitate the hire of Ms. Foote at The Rooms not only breached his Code of Conduct, but grossly mismanaged his obligations under that Code. Specifically, we find that Minister Mitchelmore fundamentally mismanaged his obligations pursuant to the following provisions”

The first one is: “The fundamental objectives of his holding public office is to serve his fellow citizens with integrity in order to improve the economic and social conditions of the people of the Province.” Mr. Speaker, if this is our ethical obligation, to do what I just read out, serve our fellow citizens with integrity in order to improve the economic and social conditions of the people of the province – if we’re not here to do that, we should not be here. That is the nature of our duty.

SOME HON. MEMBERS: Hear, hear!

MR. CROSBIE: We should not be serving in Cabinet if we cannot adhere to that primary, fundamental ethical duty.

I’ll pass to the second of the two allegations that were upheld. This is that “Minister Mitchelmore instructed staff to set the salary for the Executive Director of Marketing and Development position to which Ms. Foote was appointed at \$132,000.00, far exceeding the salary provided for in the vacant Director of Marketing and Development position at The Rooms, thereby grossly mismanaging public funds.”

Now, I will go into that, but here I’d just raise the question. We’ll see in more detail that one of the possible sanctions for gross mismanagement and other breaches of the Code of Conduct is an order for restitution be made, or compensation. Why that is relevant and why I remark on that right now is because we’re seeing here gross mismanagement by which the taxpayer of the province is being (inaudible) in excessive expenses to accommodate the irregular and extraordinary directions made by the minister.

I’ll return to the point. The point has to do with gross mismanagement of public funds. “The uncontradicted evidence collected during the investigation supports the following” – this was uncontradicted; it’s not something you can dispute:

“The position of Director of Marketing and Development which existed at The Rooms prior to 2018 commanded a salary of approximately \$80,000.00.

“The contract of employment negotiated by Mr. Brinton with A. B. to act in the Director ... position for an eight-month term provided for an annual salary of \$85,513.

“The position of Director of Marketing and Development approved within the organizational structure of The Rooms by the Board ... contemplated a salary within the HL 24 level That pay range starts at \$76,666 and culminates with a salary of \$107,612. The Board of Directors anticipated that the final classification would be in accordance with applicable Human Resource Secretariat policies.”

It also adds that “A search of the Order-in-Council database ... reveals that on September 28, 2018, the Executive Council appointed a replacement for Ms. Foote in her former position of Associate Secretary to Cabinet

(Communications) effective October 1, 2018. The replacement was paid on the Executive Compensation Plan.” What that’s relevant to is there was no saving of money here.

“Minister Mitchelmore maintained in his interview with us, and through written submissions of his solicitor, that he didn’t dictate the rate of pay for Ms. Foote. Rather, she moved laterally from an executive level position of Associate Secretary to Cabinet reporting to the Premier, to an executive level position at The Rooms and, because it was a lateral move, her salary did not change.

“Section 8 of Minister Mitchelmore’s Code of Conduct requires that he, in performing his official duties, apply public resources prudently. The underlying rationale for this Code requirement was exemplified by former cabinet minister Cathy Bennett, when she stated: **‘The days of having a culture of spending and not being reverent to the public purse are over, and we are expecting all those entities to sharpen their pencils and to go through their operations in a way that is responsible and in a way the people of the Province expect.’**”

Just to be clear that I’m on the same page with you, Mr. Speaker. It’s 32 minutes up there, that tells me how much time I have left to speak. Is that correct, Sir?

MR. SPEAKER: Yes.

MR. CROSBIE: Thank you.

So it goes on, on page 31 to say: “Minister Mitchelmore’s rationale for how Ms. Foote received a salary of \$132,000 at The Rooms does not take into account what transpired. As noted in our Findings ... Ms. Foote’s transfer to The Rooms was different from lateral transfers between line departments. There is ample evidence to suggest that The Rooms could have recruited highly competent candidates for the position of Director of Marketing and Development with compensation allocated in the HL 24 salary range. The Board of Directors, after studying how best to organize its institution, had decided that an HL 24 salary scale was appropriate for the position. The reclassification by the Board of the position on September 27, 2018, was to accommodate the

hire of Ms. Foote. The net effect is that The Rooms are overcompensating for the position of Executive Director of Marketing and Development in the range of \$30-\$40,000 per year. We also note that government didn’t realize any salary savings by keeping Ms. Foote’s former position vacant, as a replacement was appointed for her upon the commencement of her work with The Rooms.

“It may be that Minister Mitchelmore did not directly order the executive pay level for Ms. Foote, though we do note he signed the Request for Staffing Action Form which authorized it. One of the factors listed earlier in this report for assessing gross mismanagement was a review of the functions and responsibilities of the public servant alleged to be responsible for gross mismanagement. Reasonable people would expect the Minister of the Crown to exact strict scrutiny to a request for additional salary expenditures. Indeed, that is nearly universally the case. Here, Minister Mitchelmore either directly authorized the salary level for Ms. Foote through his signature on the Request for Staffing Action Form, and/or acquiesced in her receiving that level of pay. Having done so, we find that Minister Mitchelmore grossly violated his obligations as contained in section 8 of the Code of Conduct.”

Grossly violated his obligations. Now, this is of a financial nature, which has cost the taxpayer of Newfoundland and Labrador significant monies, thrown away, hard-earned tax dollars. Because, as the report says, the net effect was that The Rooms were overcompensating – and I might add, still are – for the position of executive director of marketing and development in the range of \$30,000 to \$40,000 per year.

I think that was a reference to that made by a question from one of my colleagues on this side of the House, from the Third Party earlier today.

Significant monies, which might lead some Members, Mr. Speaker, to question the adequacy of the recommendation made by the Commissioner for Legislative Standards who received this original report from the Citizens’ Representative and then did his function of considering the findings in relation to the Code of Conduct incumbent on us all.

Some of us may well wonder whether reprimand is a sufficient sanction and penalty. Some of us may well wonder whether that's the case. Some of us may well wonder whether an order for restitution, given the findings of this nature which have been accepted, that The Rooms are overcompensating for the position in the range of \$30,000 to \$40,000 a year. Some of us wonder whether an order for restitution is not the appropriate sanction, in addition to anything else.

Conclusion on the findings, page 33: "We conclude that Minister Mitchelmore grossly mismanaged his obligations with respect to the Code of Conduct given his involvement in the appointment of Ms. Foote to The Rooms and the setting, or permitting to be set, her salary at \$132,000."

In the spirit of fairness, I'll go on and read the next paragraph, which says: "We would like to make clear that there was no evidence to suggest that Minister Mitchelmore, in any way, received monetary or other benefit with respect to the matters discussed in this report. Indeed, as evidenced by the media attention which the issue attracted, his reputation may have been harmed." Indeed.

This report, Mr. Speaker, I submit, does nothing to rehabilitate that reputation. In fact, it provides the text for any fair-minded person aware of parliamentary traditions, ministerial responsibility and the idea of honour and respect for the holders of office – it reinforces the perception that the person responsible for the gross mismanagement and the breach of standards of conduct should do the honourable thing and resign from the Cabinet. Not so.

I turn now to page 1 – a convenient place to go – in the report, which is the Executive Summary. Let's just see how the Commissioner for Legislative Standards summarizes his overview of the work done and his findings.

As I said earlier, "This report arises out of a referral by the Speaker of the House of Assembly pursuant to s.58(10) of the **House of Assembly Accountability, Integrity and Administration Act** of two reports prepared by the Citizens' Representative that found violations of the Code of Conduct by Minister

Christopher Mitchelmore that recommended corrective action.

"... my role in this matter was to review the reports provided by the Citizens' Representative and determine what appropriate action is necessary in the circumstances. This was not an appeal or an investigation into the findings and conclusions of the Citizens' Representative, as that entity has express statutory jurisdiction" to make the findings.

"A review of the reports provided by the Citizens' Representative demonstrates that there appears to have been confusion on the process that was followed in the hiring of Ms. Carla Foote at the Rooms Corporation in October 2018. The Minister was of the view that it was a lateral transfer in government, but according to the Clerk of the Executive Council it was not a lateral transfer, but a contractual hire. The Citizens' Representative concluded that the employment contract of Ms. Foote was not in accordance with the **Public Service Commission Act** as the contract was of unlimited duration and not for a specific term, and that if Ms. Foote was going to be transferred to the Rooms a publicly available Order-in-Council was required."

Well, we can see how that might be a little awkward, Mr. Speaker. We can see how that might've been a little awkward when one reflects on who it is that has to sign orders-in-council.

"As a Minister of the Crown," – the Commissioner for Legislative Standards continues – "Minister Mitchelmore bears responsibility for his actions and his participation in the authorization of the hiring of Ms. Foote in a manner that the Citizens' Representative determined was not in compliance with hiring practices which also resulted in the Board of Directors of the Rooms having to amend its organizational structure."

The Commissioner for Legislative Standards goes on to summarize that it was on June 11, 2019, that the Citizens' Representative issued his report. "In this report the Citizens' Representative concluded that Minister Mitchelmore grossly mismanaged his obligations with respect to the Code of Conduct

given his involvement in the appointment of Ms. Carla Foote to the Rooms and the setting, or permitting to be set, her salary at \$132,000.00. Having identified wrongdoing the Citizens' Representative recommended that corrective action be taken. This report was referred to me by the Speaker ... for corrective action on June 13, 2019." Of course, there were, as most of us know, various additional submissions which have prolonged the whole process until now.

A few other findings were emphasized by the Commissioner for Legislative Standards. For example, the fact that no one provided a job description for the executive director position or a résumé of Ms. Foote's qualifications. "We have not been presented with any evidence that other candidates were considered." On the basis of this report, we still don't know what her qualifications were. So it makes it exceedingly difficult for anybody to make the claim that she's qualified for the position she holds.

A reference is made to serious deviations from standard policies and practices. A reference is made to: "The net effect is that The Rooms are overcompensating for the position of Executive Director of Marketing and Development in the range of \$30-\$40,000 per year. We also note that government didn't realize any salary savings by keeping Ms. Foote's former position vacant, as a replacement was appointed for her upon commencement of her work with The Rooms."

These are earlier findings of the Citizens' Representative, but these are being emphasized now by the Commissioner for Legislative Standards.

"Here, Minister Mitchelmore either directly authorized the salary level for Ms. Foote through his signature on the Request for Staffing Action Form, and/or acquiesced in her receiving that level of pay. Having done so, we find that Minister Mitchelmore grossly violated his obligations as contained in section 8 of the Code of Conduct."

It's instructive as well, to any motivated person, to go through the balance of the reasoning in this report, the report of the Commissioner for Legislative Standards, to see how carefully it was – the various argumentations that were advanced in the defence of what Minister

Mitchelmore did were swept away and firmly put in their place as unpersuasive.

The reference is made to the expectation that a minister of the Crown should exact strict scrutiny to a request for additional salary expenditure, and the finding of gross violation of obligations as contained in section 8 of the Code of Conduct.

The language is that of: grossly violating obligations contained in section 8 of the Code of Conduct. What that means is by squandering public resources, by squandering taxpayer money, Mr. Speaker, that's the gross violation. That's gross mismanagement, the squandering of public resources.

So what it leads us to, in view of the fact the minister has indicated that it is his decision not to offer his resignation, which many would consider to be demanded by the occasion and by the findings. We saw a recent example of a minister leaving Cabinet who had no such investigation done. It was in the context of unfortunate remarks and the minister, realizing that the remarks were unacceptable to his constituents and a large section of the public, did the honourable thing and stepped out of Cabinet.

This is a significant remove from that kind of event, in that there's been now a full investigation with copious findings, findings of gross mismanagement, of squandering of taxpayers' dollars, yet the minister concerned has the face to face this House and say he's not resigning. On top of that, the Premier backs him up on this.

The stamp of this government with this event, Mr. Speaker, has become gross mismanagement. That is the stamp and the hallmark of this government: gross mismanagement and absence of integrity in the conduct of government. Gross mismanagement and the absence of integrity in the conduct of government has now become the stamp of this government.

To go back to the themes that we on this side of the House in the PC Party campaigned on, honest leadership was certainly one of them. What we're seeing here today is the opposite of honest leadership. In the highest counsels of this province, at the highest level of officialdom, we

are seeing impunity masquerading as government, impunity masquerading as good government.

We on this side of the House – there's been discussion, for example, of collaboration. We want to see the government succeed, we want to assist the government in delivering good government to the public of this province, but we have to be given the tools to assist the government to do that.

For example, in the budgetary process there is a proposal mentioned in budget documents from months ago to reduce expenditures by \$617 million. When we asked to see the details of that, so that we can be of use to the government in the budgetary process and collaborate with it for the good of the province and deliver good government to the people, we are refused access to the information. Collaboration is a two-way street.

Mr. Speaker, as we have sat in the House since the election, we have seen the sorry spectacle of the government developing deep fissures and fault lines, losing ministers, failing in its duty to provide good government to the people of the province and refusing the hand of friendship and collaboration extended across the aisle and, instead, carrying on in its way and its same old errors and now, compounding these errors of honest leadership, by refusing all the best traditions of parliamentary practice and ministerial responsibility, which ought to have resulted today in the tendered resignation of this minister, and failing that in the demand by his Premier that he resign. This is the pass we're in.

We wish the government to succeed in the interests of the people of Newfoundland and Labrador but, as time goes by, the confidence of the public is ebbing and waning as is the confidence of this side of the House in the government. Eventually, as we all know, the lifespan of a minority government is limited. It's not four years. We are fast hurdling toward that point in time when there will be a matter of confidence arise and the government will be voted out of office.

That's not now. When that will be, I cannot say. Nobody can say, but we can all see that moment coming, Mr. Speaker.

Thank you for your attention to my remarks.

SOME HON. MEMBERS: Hear, hear!

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

MS. COADY: Thank you, Mr. Speaker.

Noting the hour, I suggest we recess for a half an hour. So if we can come back, say, 6 o'clock to resume, that will give our Table Officers an opportunity to ensure we're prepared for this evening and for Members to have a moment of refreshment. We'll be back in the House for 6 o'clock. I believe I have the understanding of the House for that, if that's okay.

MR. SPEAKER: Does the minister have leave of the House that we recess till 6 o'clock?

AN HON. MEMBER: Leave.

MR. SPEAKER: This House is recessed until 6 o'clock.