



Province of Newfoundland and Labrador

FORTY-NINTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLIX

FIRST SESSION

Number 16

HANSARD

Speaker: Honourable Scott Reid, MHA

Tuesday

November 12, 2019

The House met at 1:30 p.m.

MR. SPEAKER (Reid): Are the House Leaders ready? Yes? Opposition House Leader ready? Okay. Good.

Admit strangers.

Order, please!

Today in the Speaker's gallery, I'm pleased to welcome from the Howling Huskies Special Olympics Team, Susan Lamond and her son, Michael; along with the wife of the MHA for Lake Melville, Caroline Hong.

The Lamonds will be the subject of a Member's statement this afternoon.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: In the public gallery today, I would like to welcome Ms. O'Brien's grade eight class from Amalgamated Academy in Bay Roberts.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker, and I stand on a point of privilege.

Mr. Speaker, I've given advance written notice to the Speaker, as required.

This is the earliest opportunity for me to raise on a point of privilege. Although it involves remarks that were made in the House of Assembly the last sitting day, Thursday, it was necessary to first read the *Hansard* and view the video proceedings to confirm what had transpired. The *Hansard* was still in partially-edited form on Thursday, and the video proceedings were not available for viewing until after the House had adjourned on Thursday.

I'm asking the Speaker to rule that there is either a prima facie case of breach of privilege or, failing that, contempt of the House, or both.

The bar for establishing a breach of privacy is higher than the bar for establishing contempt. I

contend that the behaviour in question exceeds both bars.

As the House of Commons Compendium of Rules and Procedure states: "Parliamentary" procedures "refers to the rights and immunities that are deemed necessary for the House ..., as an institution, and its members, as representatives of the electorate, to fulfil their functions. It also refers to the powers possessed by the House to protect itself, its members and its procedures from undue interference so that they can carry out effectively their principal functions which are to legislate, deliberate and hold the government to account."

One of the privileges of Members is freedom of speech. But this privilege is not absolute. A Member cannot call another Member a liar, an idiot or a traitor. A Member shall not be able to call another Member a criminal or a racist either, or to imply it. In fact, terms like crook and Nazi have been ruled unparliamentary.

As is stated, "Members must be able to fulfill their parliamentary duties without undue obstruction, interference or intimidation."

To elaborate, it's stated: It is impossible for "... all incidents which might be interpreted as matters of obstruction, interference or intimidation, by either physical or non-physical means. However, some matters that have been found to be prima facie include ... the damaging of a member's reputation"

In the House on Thursday, November 7, 2019, the Minister of Fisheries and Land Resources said this about the Member for Mount Pearl North: "I'm sure, Mr. Speaker, some in this House, somewhere, might appreciate his active defence of poaching. Dispatching animals, hunting animals at night is a violation of the *Wild Life Act* and has been for a very, very long time.

So, I'm not sure who the hon. Member for Mount Pearl North is referring to, but if he has any evidence, any information about poachers and poaching activity, which he seems to be endorsing, he should report it to the authorities. Then again, maybe this hon. Member is not always on the side of the law himself. I don't know, but what I can say is that he really needs

to be more cautious and careful about hunting at night.”

A few minutes later, the minister said this about the Member for St. John’s Centre: “What I have found a consistent practice from this hon. Member, which I disagree with, is that he continues to marginalize. He has never phoned Chief Mi’sel Joe. I just got off the line with Chief Mi’sel Joe, just about an hour ago. I have had several conversations with him. What I’ll say is that that hon. Member right there has never, ever picked up the phone to phone him to ask any questions. I’ve been down to Conne River, I’ve been down to the First Nation and spoken to him several times.

“What I’ve constantly found from this hon. Member – and it is a pattern of behaviour ... A pattern of behaviour of marginalization of Indigenous, and I will speak to that.”

The clear implication of this statement about the Member for Mount Pearl North is that he may be a criminal. The clear implication of the statement made about the Member for St. John’s Centre is that he is a racist.

This conclusion is not mine alone. It is a conclusion shared by a great many Members of the House, and a conclusion that has become a topic of discussion in coverage by the news media and among the general public.

When challenged on his words, the minister did not withdraw them or temper them or apologize for the damage that was clearly caused by them. Instead, he doubled down.

To state or imply in this House that other Members are criminals or racists is not only unparliamentary, it is damaging to the Members’ reputations. The damage a Member’s reputation has been ruled to breach that Member’s privileges. It is also contemptuous of this House.

“Contempt of Parliament refers to any action which, though not a breach of a specific privilege: tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands

or libels upon itself, its members, or its officers. While all breaches of” privacy “are a contempt of the House, but not all instances of contempt are necessarily breaches of privilege.”

Exactly a year ago, this House voted to discipline two Members who had been Ministers of the Crown. At the same time, the House engaged in a vigorous discussion about the need to raise the bar on the standards of behaviour acceptable by Members within this Chamber. We decided collectively to hold ourselves and one another to a higher standard by agreeing not to tolerate behaviour that is bullying or harassing in nature.

Let me quote from statements the Premier made during this debate here in the House on November 6, 2018, almost exactly a year ago. Memories fade, so let us hear the words – because they will help us establish what the new standard of conduct for Members should be and was accepted to be. Any breach of this standard, given our collective decision, would be contemptuous of this House. Let’s remember that.

Here’s what the Premier had said. We had agreed at the time these were very valuable statements and would serve a very good process in ensuring that we got to a point where this House would act in a respectful manner.

“While such an ordeal must never be allowed to happen again, neither should people have suffered in vain. We owe it to ourselves to come forward, to all Members of this House and to the people of Newfoundland and Labrador, to heed the painful lessons of this experience and to use those lessons to set us on a course to establish a new higher standard for dealing with bullying and harassment in provincial politics. And believe me, Mr. Speaker, people are watching.” These are the Premier’s quotes.

I’ll go on to quote a number of other things that were quoted in the House by the Premier: “... we need to get it right. And I make this pledge today that we will get it right. When I say we, I mean all Members of this House. If ever there was an issue for which we must come together and set aside party politics, this is it. We owe that to the people of our province. We owe that to young people. We owe that to the very young

people in our province; and, in particular, we owe it to women in our province.”

Another quote, Mr. Speaker: “We must send a clear and unmistakable message that this House of Assembly is a safe place for them to” encourage and “to engage in public life. Of course, the best message that we can send is to conduct ourselves in ways that will preclude the need to file harassment or bullying complaints in the first place”

Also quoted he said: “It is my view and firm belief, as representatives of the people of this province, we must be held to a higher standard, and we must rise to a higher standard.

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

“Even in the heat of political persuasion, we must be respectful and ever mindful that diminishing another person to elevate one’s own position is not acceptable and will not be tolerated....

“Matters of harassment and bullying inherently flow for an imbalance of power. The offender must be accountable and accept responsibility for those words or actions. Acknowledgement, the hurt it’s caused and can demonstrate, not just by their words but also by their actions, a willingness to address the needs of the person or the persons” has to be first and foremost.

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

These are all quotes from the Premier of today, of which every Member in this House of Assembly agreed to and realized that we can move forward if we did indeed adopt these and institute those. These are all direct quotes from the Premier and we all concurred. Remember again that contempt is defined as an offence against the authority or dignity of the House,

such as disobedience of its legitimate commands.”

Our House has commanded a higher standard of behaviour that respects other Members and does not harass or bully them. Disobedience of the legislative commands of the House is contempt. It is not acceptable for one Member to describe other Members as criminals or racists in this Chamber. It is clearly bullying. It is clearly harassment. It is clearly damaging to Members’ reputation and therefore a breach of their privileges. It is clearly damaging to the reputation of all of us collectively and to our ability to do our work properly.

It creates an atmosphere of intimidation which is also a breach of our collective privileges. It deters good people from seeking public office. It is contemptuous of the House and disobedience of the decision we made a year ago to raise the standards of behaviour we will tolerate. It is unparliamentary and a breach of the Orders. It is all of those things. It must not be tolerated. As the Premier himself stated: “The offender must be accountable and accept responsibility for those words or actions.”

Therefore, if the Speaker rules that this is indeed a prima facie case of breach of privileges or a case of contempt, then I give notice of the following motion which a point of privilege requires:

BE IT RESOLVED that the House of Assembly finds the behaviour of the Member for Corner Brook has damaged the reputation of two Members of the House and has therefore breached their privileges, and is contemptuous of the House and of its Members and disobedient of the higher standards of conduct that the House commands all Members throughout its deliberations in 2018.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall withdraw it completely and without equivocation his offensive statements with respect to the Member for Mount Pearl North and the Member for St. John’s Centre.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall apologize verbally and in writing to these two Members and to the House

collectively for engaging in behaviour that was of a bullying and harassing nature in contempt of the House.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall be required to take an additional 20 hours of anti-harassment sensitivity training, which shall be arranged and scheduled by staff of the House of Assembly and which shall be paid for by the salary of the Member for Corner Brook.

Mr. Speaker, this is the noted outline that I stand on a point of privilege.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

The hon. the Minister of Fisheries and Land Resources.

MR. BYRNE: Thank you very much, Mr. Speaker, and thank you to the hon. Member for his intervention.

I will speak to the form of a point of privilege. It is the custom of this House that two tests must be met in order to establish a *prima facie* case, Mr. Speaker.

I will refer to O'Brien and Bosc, from their lengthy treatises on House procedure. I was very delighted to have received this copy of the *House of Commons Procedure and Practice* from Madam O'Brien when she was clerk. She gave me this copy herself and I'll read from it in the House:

"A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a *prima facie* case of breach of privilege has been made and, second, that the matter must be raised at the earliest opportunity." If the Speaker feels that "these two conditions have been met, then the Speaker informs the House that, in his or her opinion, this matter is entitled to take precedence over the notices of motion and the Orders of the Day standing on the *Order Paper*. The Speaker's ruling does not extend to deciding whether a breach of privilege has in fact been

committed" This is a matter "which can only be decided by the House itself."

The timing, of course, Mr. Speaker, according to our practices and to the rules of the House, includes the matter of timing. I'm not particularly hung up on this one, but I will point out that on Thursday in the last sitting in the House, the Member who just previously spoke rose on a point of order on this very topic related to the discussions or the debate or the exchange between myself and the Member for Mount Pearl North.

He said – and I quote: Mr. Speaker, a point of order. To which you replied: We'll wait until after Question Period to deal with the point of order. Then you referred the matter – gave the opportunity to speak back to the Member for Mount Pearl North. Mr. Speaker, that would identify that there was an awareness that there was an issue that could be brought before the House in the Member's point of view, and that you instructed him to raise the matter, in whatever form he so chose, to raise it immediately after Question Period.

We all have rights and privileges in this House and, of course, one of the first privileges and rights that we all have is to have matters raised in a timely matter. While I respect that the hon. Member did suggest that he did not have opportune time to raise it at the following of the House, or the following of Question Period, you did indeed instruct him to raise the matter following Question Period and he did not. It is now several days later and this is a matter for you to decide. My position would be that it has not been raised in a timely matter as per the requirements of our Standing Orders and the practices of the House, so I'll leave this aside.

The scope of the issues which the hon. Member has raised is twofold. It's a broad scope. It's one pertaining to the debate and the exchange between myself and the Member for Mount Pearl North, as well as a debate and exchange between the Member for St. John's Centre.

In determining whether or not there has been a slur or a matter which is a breach of privilege because of a characterization of an hon. Member, I will simply recite the specifics of the exchange as recorded by *Hansard*. Mr. Speaker,

in so doing it is a matter of practice that this House honour that Canada is a country of the rule of law. The rule of law is what defines us and the rules of this House are what help define the House.

Mr. Speaker, the hon. Member, his subject matter when he raised this point for the Member for Mount Pearl North, was he took exception to the notion that prior to 2016 farmers could apply for and receive permits to hunt big game animals, moose, in particular, that were predated on their fields. They could do so day or night, which would be a correct interpretation of the policy and the rules that were in place prior to 2016.

In 2016 there was a change, which did not allow farmers to be eligible for a permit to hunt nuisance animals at night. It is a matter of the *Wild Life Act* regulations, 42(1) I think it is, that specifically states that the hunting of moose, of big game animals, at night is illegal.

When the hon. Member said – and I'll quote, Mr. Speaker, from the *Hansard*, from the transcript that I have, the hon. Member for Mount Pearl North: "While the minister may highlight some areas of concern, I'd also like to point out that people hunt moose day and night" That would suggest a normalization of an illegal act. It's not something I can condone as minister responsible for the *Wild Life Act*.

He further went on to say: "... a bullet goes just as far in the day as it does in the night." Now, I would take exception to that because, of course, while he's factually correct, a bullet does go as far in the day as it does in the night. The direction in which it goes may not necessarily be in the full control of the user of the high-powered rifle or the firearm.

One of the issues around night hunting, in addition to being an unfair practice for the purposes of big game hunting for true sportsmen, is that firing a high-powered rifle at night can result in a very, very serious consequence, an unintended consequence. It is a significant safety issue, which I think any reasonable person can reflect on.

Firing a high-powered rifle at night, the precision of and accuracy, the aim of the high-

powered rifle is questionable. It's why there are avenues that are still available to farmers in this province to be able to dispatch nuisance animals on their farms at night. It's by calling a conservation officer and asking the conservation officer between a half an hour after sunset and a half an hour before sunrise – I believe that's the precise wording of the *Wild Life Regulations*.

Hunting is illegal, but a conservation officer who is granted authority to do so under the act, under the statutes and the regulations, can indeed intercede on behalf of an injured farmer, a farmer who is facing a nuisance moose. That method, by the way, Mr. Speaker, has been employed 14 times this year. Farmers have called conservation officers and have sought support and assistance on that.

So, I will raise this from the context of, the hon. Member did say that people hunt moose day and night – that seems like a normalization to me – that a bullet goes as far in the day as it does in the night – that seems like a normalization to me of an illegal behaviour.

It further goes on to say – and I'll point this out from the integrity – the support for the rule of law. There is a reference that I took particular exception to, which I didn't give full voice to at the time, where the hon. Member for Mount Pearl North says, expressing his frustration: "Finally, one time he called the conservation officers" – this is the Member for Mount Pearl North; I'm referring to *Hansard*. "Finally, one time he called the conservation officers" – referring to a farmer – "they showed up without a gun, only to leave the farmer with his own devise.... Give me the same gratitude as him, Sir. Only to leave the farmer to his own devise to take care of that moose, while the conservation officers hid in the woods only to come out and arrest him."

Now, Mr. Speaker, I'm very concerned about this because conservation officers, peace officers have a responsibility to uphold the law. They have a sworn duty that when the law is being broken, that they enforce the law and they enact an arrest or issue a summons or appropriate warrant.

Mr. Speaker, from the language that we see on its face, it would appear that there's a criticism

coming to peace officers, conservation officers that are within my department, who I hold a sacred duty to support. It would appear that the Member for Mount Pearl North is criticizing peace officers for doing their jobs.

I don't think this is an appropriate way to address the jobs of peace officers on the floor of this House. Selectively choosing when they should or should not enforce the laws of Canada and the laws of Newfoundland and Labrador is not a matter for debate of this House. They should always enforce the laws of Canada and the laws of this province, no matter what the circumstances are and it should not be subject to the vagaries of a debate. That, Mr. Speaker, is my point on this particular scope.

I would further point out that when the Member was speaking, he also said – the Member for Mount Pearl North – when he referred to this, he says and I quote: “I've become partially aware of the situation where a farmer called the conservation officer several times.” I'll repeat: “I've become partially aware of a situation where a farmer called the conservation officer”

This is referring to the incident where, allegedly, because I'm not going to confirm or deny operational details of an enforcement action on the floor of this House, as the Minister of Fisheries and Land Resources, the Member openly stated that he was not in clear understanding of the full facts. “I've become partially aware of a situation ...” and yet he went on to say “he called the conservation officers, they showed up without a gun, only to leave the farmer with his own devise.... Give me the same gratitude as him, Sir. Only to leave the farmer to his own devise to take care of that moose, while the conservation officers hid in the woods only to come out and arrest him.”

Mr. Speaker, there's a certain continuity to the narrative here that would suggest there might be some concerns that would be expressed, and so, at one point in time, earlier in the conversation, I will say, said: “... I'm not sure who the hon. Member for Mount Pearl North is referring to, but if he has any evidence, any information about poachers or poaching activity, which he seems to be endorsing ...” because as I say – no, Mr. Speaker, I have a lot – this is – the scope of

this is very significant: “... which he seems to be endorsing, he should report it to the authorities. Then again, maybe this hon. Member is not always on the side of the law himself.” Because he's normalizing what we all understand to be illegal.

Mr. Speaker, I will have no trouble withdrawing: “Then again, maybe this hon. Member is not always on the side of the law ...” because in reflection, all hon. Members have honour and should be endorsed, but I would respect that suggesting that conservation officers should subjectively and arbitrarily enforce the laws of Canada, that's not something for consideration by this House.

The second thing I'd say is the normalization of illegal activity, by saying that we hunt moose day and night, that a bullet travels as far during the day as it does during the night, that he has partial information and criticizing a peace officer for doing their job, that's one issue.

So, I'll say that and say that I think my words were within bounds because I said “may.” I did not make a direct acquisition, but I reflect that in the spirit of this House we have a responsibility to treat all hon. Members with that honour. I will respectfully withdraw the statement that “maybe this hon. Member is not always on the side of the law himself.” I withdraw that.

The second issue, Mr. Speaker, which is, I think, more significant – well, it's very significant because the scope of the hon. Member's point of privilege included my exchange with the Member for St. John's Centre. This has been an ongoing issue since a serious issue that unfolded with salmon farming on the South Coast. I've made the point that it goes actually much further and deeper than that. There was a serious incident not long ago where a significant salmon mortality event occurred where 2.6 million fish perished due to various circumstances which are currently under investigation.

It's really, really important that, while the House generates a position, while individual Members and individual parties and individual leaders generate a position on this, that all of those who are involved in the discussion that have a direct role to play, that they be included in that discussion.

Well, that's true for Indigenous people. That's very true for First Nations. It's very true for leaders and elders of First Nations to be included in that conversation. I have been frustrated by the fact that First Nations have not been included in the mainstream of that conversation, as the leaders and elders of the First Nations themselves have informed me, that they have been excluded, except for the government, except for myself as Minister of Fisheries and Land Resources and the Member for Fortune Bay - Cape La Hune, there has been no direct contact with First Nations.

The institutions which we rely on such as oversight bodies, the media – very important institutions – regrettably there has been no direct contact or minimal contact with First Nations on this issue. I think that's very regrettable because First Nations, Indigenous leaders and elders have huge capacity to offer here. Not only do they have very, very specific, very rightful – we hold a duty to them; we hold a duty to consult. The honour of the Crown is within our hands and we must consult with them.

There has been next to zero consultation, regrettably, outside of the government and select Members of the House. As well, the companies have engaged in large measure. So I have argued for several weeks that before positions – significant positions, consequential positions – are taken on how fish farming should be conducted, what are the expectations, what's the way forward, that First Nations and First Nation leaders and elders should be included in that conversation.

I'm very proud that I have, I've lived to my own words. But then it met with significant negativity that I would suggest that the hon. Member for St. John's Centre, who holds very strong views – and I admire him for that – would not include conversations with Indigenous leaders and First Nations in part of his formation as he solidified his own positions on this.

It became very clear to me that those discussions had not occurred and I'm not sure they're going to occur. I hope they do. Then it became very clear that there have been instances in the past where respect for First Nations has not always been in keeping. Mr. Speaker, this is what I have raised time and time again, so this is a material

point to your consideration of a point of privilege.

I have raised it that I am aware that the organizations that the Member for St. John's Centre has been involved in, members of that organization have committed racist words, slurs against Indigenous people and that I took concern about that. I raised the point of when they were said and it suggested that these two points in time may be connected by the fact that the individual who made those slurs, while it was suggested that he was removed from the organization, the evidence actually suggested the contrary. And these are all points that I've said publicly. So this is not any new information that I'm exposing on the floor of the House of Assembly.

In the continuum of time between the current and the past, there has been a pattern of behaviour which I find very disturbing, and that is that some of the same individuals who committed those slurs were actually continuing to stay in their original roles, or at least complementary roles – separate but complementary. In other words, they were still engaged in sitting at tables with Indigenous leaders and elders consulting on salmon management, while it was never revealed that they had said racial slurs and may have certain attitudes towards Indigenous people that would not reflect what we would expect or allow.

When someone sits at table with Indigenous leaders, when they're talking about how their rights, their privileges, their opportunities may be impacted, one would expect that all those who sit at that table would come with an open mind, a fair mind and one without biases.

So, Mr. Speaker, in the continuum of time I have said that there is a pattern of behaviour as I stitch this together. And I drew that out. Then, of course, on Friday there was a decision that was taken by the Leaders of the Progressive Conservative Party and the New Democratic Party to address much what the hon. Member is saying today. And it was said that I had become unhinged, and that I should be quarantined.

Well, that's regretful language as well, Mr. Speaker. Becoming unhinged is a state of mental stability. It's a mental state that – I don't think

suggesting an hon. Member has become unhinged is a good decision by the Leader of the Progressive Conservative Party, nor is it to suggest that an hon. Member should be quarantined, segregated, separated out, removed. That's regrettable.

Then, of course, the Member for St. John's Centre added to this by saying that everything the hon. Member said about the context and content of that meeting should be taken in dispute. He called on me; he suggested and said this through the media. He said, to the effect of, I should seek better recall of events because I have mischaracterized how things have happened. For example, one of the things I drew attention to is that after the making of a racist remark, there was laughter in the room. I found that very regrettable and a continuation of racism.

The exact expression that was used – and I regret saying this on the floor of the House, Mr. Speaker – was, yes, we now kowtow to First Nations people. This was the statement that was made by a member of the executive of the Salmonid Association of Eastern Newfoundland, followed by laughter. I remember the laughter being – and I was almost paralyzed as I processed what had just happened and then I said: Stop right now. I can't condone this.

Then what happened next was there was a rationalization of the behaviour. It was suggested that somehow that kowtowing to Indigenous people was actually a euphemism or an – inappropriate words for an appropriate decision or appropriate policy that First Nations have legal rights so, therefore, they're at the table for legal rights.

Notwithstanding the fact that the whole conversation was about employing effectively traditional Indigenous knowledge in resource management, that Indigenous people have a full, complete and fair place at the table, the rationalization – so there was a chain of events here within the meeting of a racist slur, followed by laughter, followed by a rationalization. I thought I'm of the belief that all three are contemptuous. It's bigoted and has to be called out.

I called for a retraction and I did receive it, but I didn't hear any apology. I felt at that point in time, because there were 16 people in the room, it's better to deal with this at a different time. I understood afterwards that the member – and I do regret that by the way, I could have been stronger myself. It was clear racism.

I do understand that the executive member who made the statements was somehow severed from the organization, or at least it was indicated to me afterwards that he was somehow severed from the Salmonid Association of Eastern Newfoundland. I did leave it at that point but when I began just a few weeks ago stitching together the chain of events, what I found out is that he was not severed from the organization. This became very disturbing to me, and in fact, the individual in question has been regularly attending federal consultation sessions, sitting at the table with Indigenous people, Indigenous people sitting at the table with him, and no one ever knowing that this person had invoked such racist remarks. That became very, very, very troubling for me.

Mr. Speaker, what I'll say to you is that it eventually got to the point where I was gaslit. I was gaslit, because not only did the hon. Member for St. John's Centre suggest that I had no appropriate recall of the events that occurred, that it's untrue that there was laughter in the room and that everything was handled appropriately, I know differently, but I was pressured to feel as though that I may be losing my own capacity to recall appropriately. Then the hon. the Leader of the Progressive Conservative Party suggested that I was unhinged, that my state of mental health was uncertain, and then he suggested I should be segregated, that I should be separated out, that I should be quarantined. Mr. Speaker, that is gaslighting.

Suggesting that events that you know to be true are not really true; that your perception of reality is skewed; that you should go back and question yourself and doubt yourself because you don't have good, strong capacity to understand the events as they occurred; then suggesting your mental health is uncertain; then suggesting that you should be separated out from society and from your peer group, that's gaslighting, the definition of gaslighting.

The definition of kowtowing is subservience to a higher power, to an elite power. When people say that we now kowtow to First Nations people, means we now kowtow, we are now subservient to an elitist group, and it's First Nations people, this is racism.

Mr. Speaker, to wrap this up, I think we need a broader conversation on racism in this province because while I was being gaslit, while my mental health was being questioned publicly by the Leader of the Progressive Conservative Party – I think that's a fair characterization of when someone says you're becoming unhinged, someone is questioning your state of mental health. When someone says you should be quarantined, that is suggesting that you should be separated out.

Well, when someone says you have no reasonable, rightful recall of the events, my integrity is higher than yours, so it's my word against yours, I have to say to you that during the course of that meeting, and I made no bones about it at the time, we started the meeting by saying – we introduced ourselves. There was 16 members of the executive of SAEN, the Salmonid Association of Eastern Newfoundland, and I did say there would be a staff member here who would take note and record the meeting.

The meeting was recorded. I had no idea that the recording was still in existence to this day, but I knew that it was and asked for it to be recorded and it was recorded. Notes were taken, recordings were made because there was 16 people and it was a very heavy conversation about science and salmonid ecology and about the management and other things and it was difficult to get the full context sometimes, so the meeting was recorded.

Mr. Speaker, just moments ago, I did supply to members of the media the exact recording of those words for them to assess and evaluate. Now it's in others' hands to be able to assess whether or not there was a racist remark, whether it was laughter in the room, whether or not there was a rationalization, other events are pertinent to this.

In addition to sharing it – and I spent all of my Remembrance Day weekend reflecting in my sombre commemoration of veterans who have

fallen and veterans who are still with us, celebrating and commemorating our Armistice Day, but I also spent most of my weekend talking to First Nations leaders and I did indeed share with them the recording.

I want to read for the record what was said by Chief Mi'sel Joe. He shortly released a news advisory and it reads as follows, Mr. Speaker, based on the recording that was sent to him: Miawpukek First Nation condemns racist remarks and the pattern of systemic racism against Indigenous People.

“Chief Mi'sel Joe and the Council of the Miawpukek First Nation acknowledges that it is an audio recording from a 2018 meeting between members of the Salmonid Association of Eastern Newfoundland (SAEN) and the provincial government. Chief Mi'sel and Council have listened carefully to the words spoken by the members of SAEN and that it finds the comments were unquestionably derogative and racist. The racism was inherent in both the direct slur against Indigenous People as well as the careless and convenient rationalization offered in response.

“I have listened to the audio carefully and with an open mind to any reasonable interpretation of the words as well as the explanations as to what they were intended to mean. We have concluded that the remarks were derogative, racist, and so too was the contrived attempt to legitimize them,” Chief Mi'sel Joe stated.

“Chief Joe also addressed other issues related to the incident:

“A retraction was offered but no apology and no clear evidence of true reconciliation given,” Chief Joe said, ‘I have since learned that the SAEN executive who made these remarks was ‘supposedly’ removed from the organization. I have also been made aware that this same person has been included at several important consultation sessions as a representative of a salmon council, which included SAEN as a member. First Nations often experience situations where racists and abusers holding positions of power are exposed; but instead of ensuring that they are incapable of repeating such racism and abuse, they are quietly removed and placed elsewhere with no requirement for

sensitivity training or where the racism can continue without ever being brought to the public's attention. SAEN's decision to remove this person from their organization shows they knew there was a serious problem of racism. SAEN clearly failed to ensure that he was not in a similar place where the racism could continue. This person continued to sit at a federal government table discussing important matters affecting Indigenous people without First Nation people knowing who the person was, what he had done, and what his value system represented. This situation was an all-too-familiar cover-up.'

"Chief Joe notes that the Truth and Reconciliation Commission (TRC) call to action #57 states:

"We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous law, and Aboriginal - Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."

Quote from Mi'sel Joe: "It is clear from the 2018 SAEN audio recording that we have a great challenge and a long way to go to give effect to the TRC call to action. Miawpukek First Nation believes that Minister Byrne was justified in referencing this matter. True progress can only be obtained when there are transparency and a recognition that a problem exists."

"In summary, there were multiple acts of racism: 1. The racist comments; 2. The laughter; 3. The rationalization/justification/legitimization of the racist comments declaring it another way to say 'it's a matter of law'; 4. The removal of the perpetrator only to allow them to resurface in a similar capacity; 5. The cover-up of the whole event; 6. The denial that it was ever a serious matter that wasn't handled appropriately.

"Chief Mi'sel Joe said this is clearly a pattern of racism and he would not be making any further comment on this issue until he has heard from all the people and parties involved.

"I would like to learn if they support or reject our position as First Nations people and what will be done to ensure such racist sentiments are appropriately addressed and eliminated."

Mr. Speaker, I will table this, with the unanimous consent of the House to do so, upon conclusion of my remarks.

Finally, Mr. Speaker –

MR. SPEAKER: Given the seriousness of a point of privilege, I've been giving the Member a lot of leeway in terms of addressing his point of privilege, given the seriousness –

MR. BYRNE: I appreciate that very much, Mr. Speaker. It is very, very serious.

MR. SPEAKER: – but I would ask him to conclude his comments.

MR. BYRNE: Finally, Mr. Speaker, it has been suggested that there was not knowledge or capacity to be able to enact a course of action to prevent the continuation of the cover-up, that the hon. Member for St. John's Centre had removed himself as president of the Salmonid Association of Eastern Newfoundland.

The Salmonid Council of Newfoundland and Labrador does not have constituent members, individual constituent members, Mr. Speaker, just to clarify. What it is, is a constituent assembly of organizations: SPAWN, Salmon Preservation Association of Western Newfoundland is a member; the Exploits River management authority is a member; the Newfoundland and Labrador Outfitters Association is a member; and the Salmonid Association of Eastern Newfoundland is a member, is a group of constituent members.

There was a suggestion, Mr. Speaker – that was voiced publicly and with great confidence given to it – that the Member for St. John's Centre had removed himself from the executive of SAEN.

I wish to place before the House a document, which comes from the Registry of Companies under the *Corporations Act*. It's a notice of directors. It's dated January 20, 2019. It comes from the president, and it lists all of the directors of SAEN for the coming year. It does say – this

is dated January 20 – that the name of the hon. Member for St. John's Centre sits as president of the organization. It does list the name of the perpetrator as still sitting as a director of the organization.

Mr. Speaker, I spoke just recently with the director responsible for this. This is a public note. Anyone can see this if you go to view this at the director of companies. Anyone is entitled to receive this. Perhaps there was an error that was made, that when the Member for St. John's Centre signed this on January 20, 2019, and he did so – when he signed it on January 20, 2019, he signed it as president.

It's registered at the Registry of Companies on January 21, 2019. There may have been a mistake. I will give the hon. Member full leeway to explain himself, but under the rules of the Registry of Companies this document is to say: who is the executive of the coming year, not of the previous year. That was what was explained to me by the director who's responsible for this record. This is a statement that says who is the president and the directors for the coming 2019 year, not a reflection of the past. That is what's required.

Mr. Speaker, I will conclude. I do humbly withdraw, for the Member for Mount Pearl North, when I said the hon. Member may have engaged in inappropriate behaviour. I'd ask that in reflection of all that has been said, that people of Newfoundland and Labrador hunt moose day and night, that a bullet goes as far during the day as it does during the night, the condemnation of the work of peace officers in this province – this may be another matter which the Member for Mount Pearl North may want to raise himself and explain himself. I think it's worthy of an explanation. I'd also like to know why he raised on the floor of the House things which he only had a partial knowledge of.

Mr. Speaker, on the real crux of the issue here, racism is all around us. Racism is serious. While we think that we are really, really breaking the back on racism in Newfoundland and Labrador, evidence suggests the contrary. When a Minister of the Crown is gaslit, suggesting that my knowledge of the facts is incorrect, that my mental stability is questionable, that I should be

segregated, when I speak I truth, that's a matter which I will let the House decide.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Before we recess to make a decision if this is a prima facie, I'm going to hear from some other speakers on this matter. Point of privilege is a serious matter, so I want to give Members an opportunity to respond.

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

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

I can tell you that as president of the Teachers' Association – and I've chaired many a meeting – that while we always debated strongly and while we always debated fiercely, it was always a case of attacking the issue and not the person. That much I can tell you. And that comments, whether it's about poaching or accusing a Member of racism, would have been ruled out of order.

I would assume, in Question Period here, that when we ask a question, we expect an answer that gives as good as we give. It has been characterized in this House that the NDP is obviously opposed to oil and to aquaculture. Fair game to say that because you're attacking the comments and you're attacking the issue. I expect that.

Now, the Minister of Fisheries and Land Resources has referred to a pattern of behaviour, and there has been a pattern of behaviour, ramped up since the beginning, which has gone from dealing with the issues to manufacturing a personal attack, and I'll address these issues.

Since the beginning of the fish die-off, whether we call it a disaster, a catastrophe, a significant event, the fact is it's significant and demands answers – answers that the public need to know, answers that those who participate and pursue the wild fishery harvest, those who are employed in the aquaculture industry and those who are just concerned for the state and welfare of our Atlantic salmon.

It took three weeks and it took the president of the FFAW to bring it forward. Instead of joining in or coming clean, the minister at that time chastised the industry for letting the FFAW control the narrative and, furthermore, said that the minister didn't have the authority under the legislation under the *Aquaculture Act*. When we challenged that, it came out, I think, around the middle of October that he didn't have authority under the *Privacy Act* to do so. We challenged that and asked the Privacy Commissioner for a ruling, which resulted in a rather long letter from the minister to the Privacy Commissioner explaining why.

Then it came to climate change. I'll state it very clearly, my issue with it has always been – I've never been a climate change denier. If anything, I've been saying we need to take measures to mitigate against it. My argument has never been at the beginning that it was a warm-water event, although I would challenge that. My point is if a company, if a minister, if a government truly believes that is the case, then there should have been actions taken to address it. It's as simple as that.

I don't take the snow plows off in January and be surprised if a dumping of snow comes. I might be forgiven in the summertime, but I think it's safe to say regardless of who says it, climate change has been ongoing for decades, so if you didn't know about it, there's something terribly wrong.

We've always argued that the government has to have a plan. Instead, what has happened – and I can tell you it goes back to the end of October when the minister tweeted out a veiled threat that he and I are about due for a conversation about a meeting and what happened at that meeting that I knew then where he was going with it, because what the minister choose to conflate was two separate issues that had nothing at all to do with each other.

In this House, the minister has stated that according to Indigenous knowledge, they recognized the importance of climate change and, therefore, if I'm challenging the whole notion of climate change, I must therefore be marginalizing Indigenous people and Indigenous knowledge. Now, nothing can be further from the truth on that one, but we've now reached a

stage where instead of withdrawing and doing the honourable thing, the minister has chosen to double down on this.

It's interesting that the minister spends an extensive amount of time on the meeting of June 4, 2018 and it was just a matter, as one of my Members who is also of Indigenous heritage, wondered why it took the minister so long to get to it, to bring it out.

The meeting was called. It's interesting because, again, it reinforces a certain pattern of behaviour by the minister. It came about as a result of the minister's decisions and policies around catch-and-release at that time. We were more concerned with the fact that the minister seemed to be pandering to a certain group that were opposed to catch-and-release in favour of catch-and-retain only.

At that time, the minister made some comment on social media – keep in mind, I've been insulted by better, and with better insults, too, I might add. I have been insulted by former ministers. So it comes down to this: That some people will take a Dinn view of the regulations. I said, Minister, I've been insulted by better than this, let's meet.

That precipitated the meeting of June 4. It was a two-hour meeting, two-hour-and-fifteen minute meeting. It ranged from everything to do with catch-and-release regulations, enforcement and so on and so forth. There were a variety of questions asked by a number of people. At this point, the person who was the clerk was speaking to the minister and I think the conversation had to do with who's invited to the peer review committee on science. That was the key thing that the media had been involved that the minister was most concerned with, more or less why he and other Members weren't invited to these meetings.

At that time, he was engaged in a conversation with the gentleman in question. I was sitting next to the gentleman listening while the two were engaged in the discussion. The gentleman was going through what groups are going into it and made the comment that the minister refers to. I can tell you this: That he said it as he was saying – he realized he stepped in it big time. I was shocked, but I can tell you this right now,

unequivocally, there was no one else laughing in that room. There was no muted laughter, there was nothing but shock, dismay and horror at what was said.

The minister at that point, and to his credit – since he's the one speaking to him, I'll ask the gentleman to withdraw that comment in speaking to the gentleman. At that point I said very clearly: Minister, Indigenous people have every right to be at whatever meetings, any of these meetings regardless, by their legislation and by the fact that they lived in this land first. They have that right.

The minister made the comment that there are certain people, certain groups that wouldn't be covered under that legislation. I said: Minister, I agree. They have every right to be here at these meetings by virtue, again, of their legal rights and by the fact that they inhabited this land first. It's their land. I said: Further, these comments do not reflect the view of same. At that point, the gentleman withdrew the comments, retracted the comments as the minister had asked and the meeting went on for, actually, another hour and a half.

The definition – I just had to make sure I had it here – of rationalization: It's an action of attempting to explain or justify behaviour or an attitude with logical reasons, even if these are not appropriate. I didn't rationalize anything. I didn't suggest that, well, you have to understand that this gentleman has probably outmoded views. I didn't attempt to explain as to what he was really meaning. My point was clear: I have no issue with Indigenous people, they have every right to be at these meetings. Secondly, the views do not represent SAEN, the views of SAEN. That is not our view – very clear.

To me that's not rationalization. Well, I'm hearing an awful lot of rationalization as to how I am now a racist because I said that and that these are racist comments. Again, the meeting went on for another hour and a half and the minister engaged in a conversation and good-natured banter with the gentleman in question.

So, if indeed he was horrified, he should've walked out and we should've had further conversation, but we carried on. As far as I could see, the issue was resolved to the

minister's satisfaction. He didn't ask for the person to be removed from the room. Certainly, if he had asked that, I probably would have done it easily enough, but as far as I could see the minister had gotten a retraction. Yes, he probably should have apologized, too. Although, he did say it was a poor choice of words. That still doesn't excuse the comments – period.

Then to characterize as they have been characterized, as he said: stop, stop, stop right now. I can tell you, those words were never issued and that somehow my comments of legal rights is a euphuism for – I don't know what – bigotry, racism? Is that what's being suggested here?

Now, SAEN is a small volunteer organization. We have an office clerk who works 10 hours a week, just a little bit above minimum wage, that's it. The webpage is designed and operated by a volunteer when he gets the time. All things done by volunteers.

I can tell you that SAEN is a member for the Salmonid Council of Newfoundland and Labrador, but guess what? There is no one representing SAEN this year, because their president had stepped down to assume the role of MHA. There was no one to fill the gap.

It's a small world – as I learned – with regard to conservation groups, where you find multiple people in multiple areas on multiple committees. I have no control over that. This was a meeting that took place. The only thing we'll say is that at the end of it, the gentleman, who was our office clerk, said: I think I should step down. And I said, yes, I think you probably should, because it's not going to help us. It's the wrong thing to say, and we left it at that.

At the AGM at the end of September, the gentleman was actually elected to the board. That's it. He has not represented SAEN at anything. Now, he is a member of other groups, and I have no control over their membership, but he has not benefited financially from the SAEN organization.

I resent the whole notion that somehow the SAEN people – that SAEN somehow is racist for (inaudible) we didn't. I can tell you, the members that were there, they are people who

work with Indigenous groups, have high regard for all people with whom they work.

What has happened here, I guess, and what the minister has chosen to do, instead of withdrawing it – because I could understand, I guess, if I had made the comments, I really could. Have every right to say that, but somehow to use the logical fallacy of because you are in close proximity, that you are now therefore tarred with that brush. It was not said publicly; I would've said the same thing publicly. It was said within the context of that meeting.

Now, I can verify exactly what was said. There was no laughter, no muted laughter by anyone in the room because they were all just as shocked as I was. There was a request for retraction. It was given. Was it given as quickly as I would've liked? Probably not, but it was given.

I can't apologize for a comment I did not make, but I can let the person know – or anyone know – that these comments do not represent my views or the views of the organization I represented.

All I can tell you is that since I stepped down at the end of this election, for the most part, the person who does the most work at the Salmonid Association of Eastern Newfoundland is the president. There is no president. I'm not there. I do not know what's going on. All I know is that I shouldered a lot of the work myself, so if the website is not up to snuff, it's not my issue anymore. Actually, I filled out three years' worth of registration forms to Service NL in January, when I submitted that, because whatever happened, in previous years they had not done so; I did that. You'll probably see my name on all three before I was even a president.

I'll speak to this: When I served as president of the Teachers' Association, I was everywhere, in every group. I visited the Miawpukek First Nations, met twice with them there, with the school leaders and with the teachers. I visited with the Sheshatshiu; I've been to meet the Indigenous B.Ed. group in Happy Valley-Goose Bay. I've been there.

We organized fishing fly casting instructions – SAEN – for English as a Second Language

students at Holy Heart. We took them out overnight. I think, in many ways, what we have very clearly demonstrated is that we are an organization – and that I do believe in this. We're committed to this, to diversity, to respect for all people regardless of their ethnicity, their creed, their beliefs.

Unfortunately, Mr. Speaker, it's easy to withdraw the comment against my colleague about poaching and the Members having a hard time to drawing a distinction between the person who made the comment and the person who's probably equally shocked as he was, and certainly I did my best to address it at that time. As I said, not my belief, not the position of SAEN and, at the end, that person was removed. However, I have no control over who gets elected at an AGM and I'm not about to go to members and say, hey, here's what happened at this meeting.

I will point this out as well, because I attended the inland compliance meetings when I was president back in the early spring. We had a number of groups talking about – or actually it was in the fall of the year – the regulations for next year for catch-and-release and management protocols. There were a number of representatives from the Miawpukek First Nations group and I'll tell you this: They had very different views than I did on the value of catch-and-release, but that's their right to have those views.

I disagree with those views. I will challenge the viewpoint that they hold and I will defend my own, but that in no way suggests that I disrespect or that I marginalize Indigenous ways of knowing or Indigenous groups. That's what's being suggested here that if I have a difference of opinion, if I disagree with something, what the Members on the opposite side of this House are putting forward, I therefore must have a profound dislike of them as individuals. The whole purpose in this House is to challenge – at least I understand it here from the Opposition – government decisions, to challenge government statements on their merit.

I do not know enough about any of you to attack you personally, nor would it be appropriate, because I do believe that in this House that we're all hon. Members. I think for that point

that you'll never hear me attack an individual personally, but if I do, I won't have to be told to retract it. I come from that tradition. I believe in the rules; I believe in that respect.

Let's go at the arguments and go at it hammer and tongs, but as we would say at the NLTA, we walk out the door and we have a drink. That's the way it should be. Because we are, and it was made clear by my counterpart in the PCs, that we've made a promise to do things differently.

I will tell you this, when this issue comes up again, I will still be asking the minister for the plan to deal with warm-water events. I will not be backing down from that because that's my job. My job here is not to insult you personally, no matter what I might feel, but to stick to the issues, stick to the arguments and I'll leave it at that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I've heard enough submissions at this point to take some time to recess the House and to determine if this is indeed a prima facie point of privilege.

I'm going to recess the House now and take some time to do that.

MR. BYRNE: (Inaudible.)

MR. SPEAKER: Not to give a speech but to table the documents, the hon. Minister of Fisheries and Land Resources.

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

I would like to seek unanimous consent of the House to be able to table two documents: One, the Registry of Companies related to the Salmonid Association of Eastern Newfoundland, which I gave previous notice of; the second document being the media advisory from Miawpukek First Nation, which reads: Miawpukek First Nation condemns racist remarks and the patterns of systemic racism of Indigenous People.

This may guide you in your determination.

Thank you very much, Mr. Speaker.

MR. SPEAKER: This House is now recessed.

Recess

MR. SPEAKER: Are the House Leaders ready?

Order, please!

I would like to rule now on a matter raised by the Opposition House Leader this afternoon. O'Brien and Bosc, Third Edition, on page 142 states: "A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a prima facie case of privilege has been made and, second, the matter must be raised at the earliest opportunity."

With respect to the timing of the point of privilege, I am satisfied that the Member has raised the issue within the time required. A fulsome review of *Hansard* was required, which was not possible until the full transcript was completed.

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

Maingot on Parliamentary Privilege, page 227, puts it this way: "Does the act complained of appear at first sight to be a breach of privilege... or to put it shortly, has the Member an arguable point? If the Speaker feels any doubt on the question, he should ...leave it to the House."

I find that there is a prima facie point of privilege, and I ask the Opposition House Leader to move his motion to begin the debate.

MR. BRAZIL: Thank you, Mr. Speaker.

I move the motion, seconded by the Leader of the Opposition, that we now move for debate on our point of privilege motion.

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

MR. BRAZIL: BE IT RESOLVED that the House of Assembly finds the behaviour of the Member for Corner Brook has damaged the reputations of two Members of the House and has thereby breached their privileges, and is contemptuous of this House and of its Members and disobedient of the higher standard of conduct that this House commanded of all Members through its deliberations in 2018.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall withdraw completely and without equivocation his offending statements with respect to the Member for Mount Pearl North and the Member for St. John's Centre.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall apologize verbally and in writing to these two Members and to the House collectively for engaging in behaviour that was of a bullying and harassing nature in contempt of this House.

BE IT FURTHER RESOLVED that the Member for Corner Brook shall be required to take an additional 20 hours of anti-harassment sensitivity training, which shall be arranged and scheduled by staff of the House of Assembly and which shall be paid for from the salary of the Member for Corner Brook.

Seconded by the Leader of the Official Opposition.

Thank you, Mr. Speaker.

MR. SPEAKER: Okay. We'll move to the speakers on the motion.

The hon. the Government House Leader.

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

I listened with great intent to your ruling and understand where you pointed to in Bosc and O'Brien, the leaders, of course, in parliamentary procedure in our country, and your finding of the fact that whether or not it appears at first sight does a Member, obviously – and you would agree to leave it to the House.

One of the key things in all of this is whether or not – the finding of fact is not a finding of fact, and I want to make sure that the people of this House understand that. It's not a finding of fact. You decided and determined with your Table Officers that it is indeed something that the entire House should adjudicate on and determine and leave it to the House. Whether it appears at first sight is a determination that you made, and you also looked at whether or not it had precedence over all other matters of the day.

Mr. Speaker, this is a very serious issue that we're debating today. I noted with interest how the Opposition House Leader referred back to issues of harassment, issues of bullying in this House, issues of concerns that have been raised, and those were very serious and difficult times in this House of Assembly.

We have engaged in a lot of soul searching, I would think, as all Members of this House, as to how our behaviour should be; what is of concern in terms of harassment, what is of concern in terms of bullying. I do note that the language of bullying and harassment does appear in the motion. The motion does speak to behaviours, Mr. Speaker, rather than some of the issues and facts that have come out.

I thought my hon. colleague, the minister of forestry and lands, he did speak to this issue around the two points. One point being whether or not the language that he used in debate last Thursday was appropriate. He did withdraw a certain statement, and I guess the House understands that he has withdrawn that statement.

The second most important point – and I know that all of you have listened intently to what Indigenous leaders have said, listened intently to what the discourse is publicly at this point in time around this matter. Mr. Speaker, I think it's difficult for us to adjudicate on the matter of harassment and bullying in this House on this particular matter, considering the point that we have a chief in this province who has listened to the tape in question, who found that the laughter and the content was very difficult, who felt that it was – racist, I think is his word. He's not here to speak before this House but he has spoken publicly on this matter.

Mr. Speaker, in our discussions and deliberations this afternoon, and probably into the days ahead, I will say that we do have Standing Orders in this House and we do from time to time get a little heated on the floor. That is not unusual.

There is a Standing Order 49 that does deal with offensive language. Many times you do talk about a disagreement amongst hon. Members, and those things are important. It's very important that we conduct ourselves with decorum in this House, there's no doubt. I think it's very important that we also recognize that words matter, Mr. Speaker. I'm not going to stand and adjudicate. In fairness to my colleague who put forward the motion, he asked us to adjudicate on harassment and bullying, and we all in this House, or those that were here in the last session, did take sensitivity training. It came out of what happened in the last Legislature, and we all were required to take this sensitivity training.

I dare say that if any Member of this House hasn't taken that at this point, that it will be available to them. It's very important that we make sure that we are professional and honourable, but things, from time to time, do get heated, and it is difficult to assess and address, without getting into the depth of these issues, as to whether or not they actually do present as harassment and bullying.

I will say this: I think it's incumbent on every person in this Legislature – indeed, Mr. Speaker, I think it's incumbent upon every person in our province – to speak out against any version, form, intent, or otherwise of racist remarks and that we must understand and elevate our discourse to ensure that we call it out when we see it, that we don't accept it. I think, if there's one thing that can come of today's debate and discussion, and likely tomorrow's debate and discussion, is that we all agree – we all agree – that that is not acceptable.

Now, Mr. Speaker, to the motion itself – and language matters; language definitely matters in the motion – it talks about damaging the reputation of two Members of this House. Now, those are strong words. I would allow the words of my colleague, the minister of Forestry, to speak to whether or not we have damaged the

reputation of those two colleagues by this discourse. I would say that one remark has been withdrawn; the other is still out there, but they are being questioned by a broader audience than this particular House.

I also will say that it does talk about, here: BE IT FURTHER RESOLVED that the Member for Corner Brook should apologize verbally and in writing and to the House collectively for – and words matter – engaging in behaviour that was of a bullying and harassing nature in contempt of this House.

Mr. Speaker, again, I think that's strong language. If the Member opposite feels that way, there are rules in place for this Legislature, pathways that can be found. We should never allow bullying and harassment. I have said that repeatedly and there are means and methods by which they can be adjudicated, judged, reviewed, discussed and assistance provided. It's not in a motion on a prima facie case. I would say that. I think we should understand how serious those allegations are and understand the sentiment that they portray and understand the difficulty that they bring. I would say that, Mr. Speaker.

I would say that this is a good reminder for everyone in this House – all of us in this House, Mr. Speaker – to ensure that we are continuing to always reflect on the behaviour that we present, the language that we use and the demeanour in which we hold ourselves. It should be to a higher standard than what I would say all of us need to get to, the higher ideals that we wish to have. I pride myself in conducting myself in a professional manner, as I do know that every person in this House would say that they felt that they did as well.

I have some problems with the words that are being said and the sentiments being used, but I have one thing that I think is incredibly important, that this has shone a light on – I have to remember my mother's good grammar – is that we all have to take a stand against racism. I think what I heard from Chief Mi'sel Joe today was that. I think that all of us must be reminded of that.

It's not necessarily a reminder for us against anti-bullying and harassment. We must always

hold that important discourse as well, Mr. Speaker, but I don't want to lose the fact that one of the issues in question here also has tinges of a bigger problem. I think that if we were to reflect on our own selves, we have to be better at calling out any behaviours that we see that reflects racism or challenges our Indigenous leaders or indeed any of our groups in our province, Indigenous in particular because this is what the issue is around this.

I will say, I have challenges around some of the language that is being used in this motion. I do think that we can continue. There's been a lot of work done in this House of Assembly, a lot of work done by everybody in this House to reflect upon our language and reflect upon what we're projecting.

I know that when I listened to the discourse earlier today, I found that I was learning more information. As the Minister Fisheries and Land Resources spoke, as hon. colleagues opposite spoke, we were learning more about the language that is used and the intent and the problems around such. But, Mr. Speaker, I will say, I think it's extremely important for this House to recognize some of the damage that has been done when using language that is not appropriate and causing people to feel as if racist comments have been made.

I won't deal with the first instance that was adjudicated earlier because the Minister of Fisheries and Land Resources has withdrawn his comment, but I will remind all of us that respect, not just for each other in this House, but for all other groups in the Province of Newfoundland and Labrador is important.

I know that there are those that are reflecting today, listening to our words in this House, that are reflecting upon the tone of this debate, reflecting upon the fact that this debate is now above all other matters of the House – to use your words, Mr. Speaker – that we have stopped the work of the province to discuss this matter. So raising this to that level I think is important and I do believe that sensitivity training, especially around ensuring that your language is appropriate and that you do call out when you ever hear anyone using inappropriate language, I think that's essential as well.

I'll take my seat, Mr. Speaker. I think it is difficult this afternoon and a difficult moment for all of us to reflect, but I will say that, upon reflection on this, there's some good that comes out of this because it does elevate us all to recognize the harm and the hurt that comments, either withdrawn or not withdrawn, can have.

I'm reflecting here on Mi'sel Joe as chief and how he's feeling today. I'm also reflecting on ensuring that when we use language in this House, especially around bullying and harassment, we take it quite seriously and that there proper mechanisms. I will assure the people of this province that there are mechanisms. As a Member of the Management Commission, we did put in place a mechanism by which we can have that adjudication on those issues handled appropriately, dealt with effectively and reflected, of course, in our training and our leadership.

With that, Mr. Speaker, I'll take my seat.

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

MR. CROSBIE: Thank you, Sir.

I'll address my remarks to the substance of what's before us. The Chair has made an affirmative finding of the existence of a prima facie case on the motion which concerns privilege and a point of privilege.

I listened attentively to the hon. minister's defence of himself during his remarks today. They amounted to a defence of justification. In other words, he took the remarks which were impugned in the motion as constituting harassment and denigration of the reputations of two Members: one Member being part of my caucus, the Opposition caucus, the other Member being part of the Third Party caucus.

He defended the impugned remarks that he had made by digging himself in deeper and justifying those remarks. That's relevant because his defence of justification compounds and aggravates the offence given to the House and to these Members, namely the damage to the reputations of the two Members concerned. It makes all the more compelling the need to vote on the prima facie finding and confirm it by a

vote of the House as being well founded and the sanctions recommended by way of the motion as being deserved by the offending Member.

I fully support voting in favour of this motion and of the sanctions attached to the motion. The hon. Member referred to becoming unhinged in the course of his remarks. The dictionary definition simply means: Behaving in an uncontrolled or unreasonable way. The statements the minister has made are intemperate, uncontrolled and unreasonable by any definition. That is the verdict of the court of public opinion outside this House and that should be the verdict in the House on the motion.

Thank you.

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

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

I assume I have one hour in which to speak; is that correct?

Mr. Speaker, on the substance of the issue I respect the ruling of –

MR. SPEAKER: I just want to correct the minister. He has 20 minutes.

MR. BYRNE: I certainly respect the Chair and your wisdom in determining what the facts as presented to you were, the time and your decision in terms of a two-part ruling about allocation of time or the distance of time. On the issue of substance, one of the things that we always would consider – and you did as well, Mr. Speaker – is whether or not there was a specific reference.

I have seen many, many headlines that say the Member for Corner Brook and the Minister of Fisheries and Land Resources made a specific reference of racism towards the Member. We can point that out. We have lots of time during the course of this debate as to specifically what was said by whom, because words do matter, the language does matter.

I'm sure that all those taking a decisive position on this will want to inspect what specific words were used by me in prejudicing the privileges of the hon. Members, because there's a difference between a headline and a synopsis in the media versus what was actually said. I think that is material and I will accept whatever comes forward in that determination, because that is how you impugn the reputations of Members. It's not by what others may cast as what you said; it's what you said.

So, Mr. Speaker, with that as a backdrop, I am not aware that anything that was said which was in any way, shape or form, so very precise – so very, very precise – as what was said by Chief Mi'sel Joe, the First Nation leader and saqamaw, the religious leader, the spiritual leader of all Mi'kmaq of the Island of Newfoundland.

The inevitable thing from this debate is that we will examine and we will vote on an issue about whether or not the privileges of Members were impugned because attention was brought to a statement and a series of events which the saqamaw of the Mi'kmaq of the Island of Newfoundland, Chief Mi'sel Joe, said was racist. It's a difficult position to put this House in because now we have decided that we will make judgment on this, when it is arguably the Indigenous leadership of Newfoundland and Labrador, or the Indigenous leaders that are here, would probably be the better judges, make the better judgments.

I will say, again, that on the balance of the full review of what was provided, Mi'sel Joe is a very, very intuitive, very sharp and very fair person. I don't think anyone in this House would ever dispute that. He said as follows: The comments were racist; the laughter was racist; the rationalization, justification, legitimization of the racist comments, declaring it in another way to say it was a matter of law was racist; the removal of the perpetrator only to allow them to resurface in a similar capacity was racist; the cover-up of the whole event was racist; and the denial that it was ever a serious matter that wasn't handled appropriately was racist.

This House is in a very difficult spot right now. I don't think this House is a difficult spot because we have to take a stand against racism; this House is in a very, very difficult spot because

we are going to cast a judgment on whether or not Chief Mi'sel Joe is right. He will say this publicly, because he asked me – I had an opportunity, I've been in discussions with him on a lot of issues – and he asked me to ask, is when he puts forward this is he not telling the truth, because he heard this.

While I'm hearing the guffaws and the calls from Members opposite, we can't avoid this. The people up here will not avoid this, I don't believe. I don't think the people out there will avoid this. Someone, somewhere, sometime in the next short while is going to ask Mi'sel Joe and other Indigenous leaders, what do they think of this? And, more than likely, they're going to provide an answer. So this place is in a very difficult spot.

Mr. Speaker, I'll say again, the specific words of any hon. Member would wish to bring forward specific references that was – first off that I said, but secondly, was not in keeping with the assessment and judgment of Chief Mi'sel Joe on this matter – the one who has currently spoken, there may be others – then bring it forward. That will be a useful exercise.

So here is what we do know. Is that Indigenous leaders in this country and in this place we call Newfoundland and Labrador, in their own homes, they have said that they have been systematically subjected to racism. They understand what it is, they know what it looks like, and they feel the pain of it, and they continue to feel the pain of it.

We are going to assess whether or not the privileges of Members to say certain things exceeds and is more important than the rights of Indigenous leaders to express themselves on a matter before the House. Think this through. I would hope that nobody, no one in this particular House feels as though their point of view, their privileges exceed the expectation of people to call out racism. That's what this is all about.

So, Mr. Speaker, it will be an interesting several days. Think this through. If it was not racism, if it was not Indigenous racism, if it was another form of prejudice, if it was another form of bigotry, if it was another form of trying to make

people feel smaller than what they are, then I wonder if we would still have this debate.

Racism is alive and well in this province. We see this, probably, more clearly now than ever. As Mi'sel Joe pointed out to me just a few short moments ago, if ever there was a spotlight shone on a problem, this is the spotlight, and not for the reasons the House is debating it for.

We will all walk out these doors and we will all answer questions about whether or not this is a process issue, whether or not it's a – well, are the privileges of Members really being violated? We have rules in this House and we respect those rules, but, again, when someone says that someone's a poacher, that's different than someone who is condoning poaching – by your words.

Speakers may be in a very difficult spot, because if there's any implication whatsoever, after a train of language and a train of evidence or words are used that would lead any reasonable person to a conclusion, if that conclusion is ever spoken out loud, then we are going to be in contempt. This is a precedent setting decision that this House is making.

I think, quite frankly, the racism story, the racism reality is the far, far more reaching story here. On the notion of hunting at night, just to put this in perspective. If the issue is that a Member says people hunt day and night, that it is illegal to hunt at night, that bullets go just as far at night as they do in the day, that an officer, a conservation officer, a peace officer who enforces such an unjust law is being criticized – because I don't think you could take any other reasoned position than to say: I can't believe that a peace officer is actually enforcing this law.

Then, if that relates to: I am concerned that the hon. Member is condoning poaching, then we are all in a very difficult place. Because the conversation, the right of free speech in this House, which is absolutely sacrosanct, one of the highest orders that meets the test of our practices and our conventions, if that is to be the case, if that freedom of speech will be confined based on the use of clear succession of words that a Member uses, that could reasonably be drawn to a conclusion that there is a condoning of a particular act which is not in keeping with

what we would normally express to be in keeping with the law, then if we are to sanction that and censor that, then the words in this House will be forever censored. We will not have that freedom of speech anymore. That's one point to consider.

The more important point which is that of combatting racism, let me walk through it again so that all can understand what is at stake here. The words themselves, kowtowing to First Nations people, that was racist. No doubt about it. The laughter that ensued, whether it's accepted laughter occurred or not, the evidence shows that it did. That was a racist empowerment. It was an empowerment of a racist behaviour. I would say that many would argue, more scholarly people than myself would argue that therefore it's racist.

The rationalization, the justification, the legitimization of a racist comment declaring it in another way to be as a matter of law has been assessed and judged by those, by a man, by a person who has lived a lifetime of racism and racist behaviour put against him, and he has said that's racist. Anytime you legitimate, create some sort of veneer of legitimacy to a racist behaviour, you are engaged in the perpetuation of the same. That's his conclusion.

The removal of a perpetrator only to allow them to resurface in a similar capacity – there is truth to this. We have found that in the faith community, for example, sometimes there are transgressions that occur. Instead of dealing with the transgression directly and openly, the transgressor is simply moved and the transgressor is allowed to continue to operate in a different place with no one expressing any concerns, nobody giving highlights, nobody giving a warning that the person has moved to a different role. They're allowed to continue that. That's, I believe, the sentiment which is being expressed here by Mi'sel Joe.

Whenever you have a person in authority or power over another person, and they're found to transgress what any normal person would feel to be an expression of a reasonable behaviour, an expected behaviour from a societal context – and racism being very much that prime example. Whenever you have a position in authority and power over another and they are found to be in

contempt of basic societal values to be against racism, to exhibit racist behaviour, the answer, I would argue – and I believe others will argue – is that's not the time to quietly do an in-house reform. But know, allow and be aware of the person stepping out into a different form, a parallel form, a form to which you are a party to yourself, without ever telling anyone at the table who this person is, what they're all about and why they were removed from the organization to begin with.

I cannot believe the Department of Fisheries and Oceans or the Government of Canada would have just simply said it's okay if they knew why the Salmonid Association of Eastern Newfoundland – if they knew why he was removed, that they would just simply allow it and just say it's okay, it's business as usual. You can come to the table just from a different entry point, even though the entry point has a direct linkage to the Salmonid Association of Eastern Newfoundland.

Members of the Salmonid Association of Eastern Newfoundland are not bad people – they are not. I firmly believe that the vast, vast, vast, vast, vast majority of them are not in any way, shape or form inclined, condoning or supportive of racism. I do believe that coming aware that racism was filtered and allowed to proceed, I don't think they're going to be supportive of this.

Now, I will stand up and I will explain something. Yes, I'm aware, obviously, that there was a racist remark that was done. There was a series of racist actions that were taken. I was made aware, made to believe that the person was removed from the organization. I had a limit to my capacity to assess this, because, as we know, Mr. Speaker, I've spoken on the floor of the House before that I was not allowed to attend these meetings. I was not allowed to attend these SAEN meetings that the perpetrator was. And that was a bone of contention which I've played out on the floor of the House before, because the federal government said that I'm not allowed to attend these meetings, but others are. So my capacity to draw reference to this was limited. It's not limited now, now that I've been able to connect all the dots.

Mr. Speaker, my time, my 20 minutes to be able to address an issue of racism embedded in this particular issue, embedded in Newfoundland and Labrador, embedded in many of our institutions that we rely on, has soon come to a close. I hope I've offered some perspective, some thought-provoking ideas and realizations in Members' minds. But as well, most importantly for me, is realizations in the population, the people of Newfoundland and Labrador.

When we are about to judge whether or not Chief Mi'sel Joe has it wrong, I will be voting with Chief Mi'sel Joe on this issue.

I thank you very much, Mr. Speaker.

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

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

MS. COFFIN: Point of order, Mr. Speaker.

MR. J. DINN: I'll yield.

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

MS. COFFIN: Mr. Speaker, I note in the Members' Parliamentary Guide, under the Breach of Privilege and Addressing Breaches of Privilege/Contempt, under section 4, Debate, page 46, it notes that: "If the Motion touches on the conduct of a Member, they may make a statement but should then withdraw from the Chamber."

I'd like to ask for a ruling from the Speaker on that, please.

MR. SPEAKER: I've had an opportunity to discuss this with the Table Officers. I think in the past we've treated that as a guidance. So I can ask the Member to withdraw and if he doesn't withdraw, he –

MR. BYRNE: Withdraw from the Chamber, Mr. Speaker, is that what you're requesting?

MR. SPEAKER: Yes.

MR. BYRNE: I would like to be part and to hear the debate as it occurs; however, if it is to

be an issue that distracts from the issue at hand, I will indeed withdraw because this is too important. I would like to be part of this but if it is a distraction, I will withdraw.

MR. SPEAKER: It's a guidance to the Member and it's a request. It's up to his discretion. I will leave it to the Member to guide his own actions on this.

MR. BYRNE: I'm sorry, Mr. Speaker, would you repeat your ...? I apologize, I didn't –

MR. SPEAKER: Yes, my understanding is this is a guidance rather than an absolute order to leave. It's up to the Member if he wants to leave or if he wants to stay.

MR. BYRNE: I'm sorry, Mr. Speaker. There was a point of order; I think the Leader of the Third Party, I believe, had an expectation for me to leave. Would that be a fair characterization?

Maybe the Finance Minister, if I could ask through you, Mr. Speaker, if the Member – so the point of order was raised very deliberately and the proper Standing Order was recited. I'll ask through you, Mr. Speaker: Does the Leader of the Third Party have an expectation that I should leave? If not, obviously there was a reason why the point of order was called.

MR. OSBORNE: Point of order, Mr. Speaker.

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

MR. OSBORNE: Mr. Speaker, it's my understanding that the hon. Member will have an opportunity to vote, regardless, on this particular matter. My suggestion here, and my understanding as well, he is not absolutely required to leave; it's guidance. But I would put it to the other side that if we are to have a vote on this very important issue, if we're going to remove the politics from this – if you want to be political, ask the Member to leave. If we're going to remove the politics from this, Mr. Speaker, it's my understanding it's a guidance; it's not a requirement.

He also gets to vote on this. So I would suggest that if he's going to vote on this with full

knowledge of the debate, that the Member should be able to remain in his seat.

MR. SPEAKER: There's no point of order.

Our past practice is that the Member withdraw from the House, but it's just guidance on that issue. It's up to the Member if he stays or if he wants to leave while the debate is happening.

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

In reply to your ruling, a Member did stand on a point of order and did recite a Standing Order. I assume it was with the expectation that I be required to leave. You have ruled, and ruled fairly and justly, that it is a guidance, but the rules do state that I, as a Member, may stay. I wish to stay.

Thank you.

MR. SPEAKER: We'll go back to the Member for St. John's Centre.

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

I truly wish that this had not become an issue. Really, I truly wish that this could have been basically resolved in September by a simple answer to some simple questions about who was involved around the fish die-off. It's as simple as that.

Now, I taught English in high school, and I guess one of the things I used to deal with in debate and argumentation was the logical fallacy: the straw man, the ad hominem and guilt by association and red herring. In many ways, I'm sad to say, that's what we're seeing here.

I've listened earlier to the minister who's in high dudgeon about this, who is deeply offended, outraged, and I can accept that, but the fact remains is it took the minister a year and a half after the event occurred to bring it up, to express that outrage. Now, in consideration of the media at that time took place, the minister and this individual knew each other and were well acquainted with each other. That's not the first time they tangled.

At any point, since the minister had – and I won't go through all of the details. At any point, the minister could have, in self-reflection, called up and said: Mr. Dinn, I've been thinking about this, it's really reprehensible what happened here. I'd like to know what's been done. I certainly would have explained that to him and we could have had that conversation. I'll come back to that in a minute; but, the minister didn't do that. Because many of our members, as I said, were wondering just when this was going to come up.

As I said, one of my members emailed me, herself of Indigenous background, said to me: It took him long enough. However, when it does come up, I guess, it is just as important as anything else, because, like I said, it's a year-and-a-half later and it comes up when the minister is responding to some very intense questioning around the die-off of some 2.6 million fish on the South Coast; a die-off that the minister had no answers to and it was very clear that he had no control over. There were several attempts – and I won't go through them again – to shake, I guess, the Opposition off the issue.

Now, to be clear, I'm not questioning, rationalizing, legitimizing, justifying the comments that were made. They were inappropriate, they were unfortunate and they were racist. No issue with that; however, the minister, only a few short minutes ago, said: It's not what others have said but what you said. So let's be clear. No matter how hard the minister tries to associate with me as having said those words, I did not say those words. I did not make that comment.

It's interesting to watch how it morphs because now, since the minister cannot catch me on the fact that I said those words, he has no basis for saying that, now tries a different tact which is guilt by association. The straw man, the guilt by association. I was there in close proximity, therefore I am guilty of being racist.

I made it clear at that time, and I said when I spoke earlier that the minister asked for the gentleman to retract; not to apologize, not to leave the room, none of those things, but to retract that comment. My comments were very clear. I have no issue, I support Indigenous groups, Indigenous knowledge and Indigenous

people at these meetings. Again, by virtue of their legal rights and by the fact that they inhabited these lands long before we did, and that the comments of the gentleman do not represent the view of SAEN.

I don't know by what stretch of the imagination anyone can call that rationalization, but in my book that is not an excuse, it's calling it out for what it is. This is not right. Here's what we believe. Here's what I believe.

I'll come back to this when it comes to dealing with issues as well. I really find it disingenuous to suggest that somehow and to characterize what I said then as rationalization and justification and whatever else, other descriptor the minister can put on it. Those are statements he's made not only in this House but outside, Mr. Speaker.

It's been characterized here, we all have to take a stand against racism; no issue with that. I fully support that, but that's not the issue, and we're already chasing down the red herring.

Now, anyone who knows me, I've taught in inclusive settings. I am inclusive. I am respectful of those, regardless what heritage they come from, whether they believe in God, whether they don't. Whether they're Liberal, PC or NDP, it doesn't make a row of beans to me. That we do have a lot more commonalities than differences.

Minister Byrne has said that substance about words do matter, language does matter. If that is the case, then I would advise Mr. Byrne to focus on – sorry, I retract that – the minister to focus on what was actually said because, you know what, my language was clear. I don't know how much more precise I could make it at that time.

No one is here questioning – because the minister has turned this now into if we vote in favour of this, we are now undermining Chief Mi'sel Joe. Sound familiar? If I question climate change, I'm therefore marginalizing Indigenous behaviour, Indigenous knowledge and Indigenous people. It's the same tactic – it's the same tactic. The straw man, the straw person setting up an issue that's not there to begin with.

Even here in this meeting, in this Assembly, the minister referred to guffaws from this side of the

House. Now, I don't know your definition of guffaw, but guffaw is a belly laugh and I certainly did not hear that here. I think we need, again, to focus more on what the issue is. The language was unacceptable. The issue has been about aquaculture. How an event that happened over a year and a half ago, that had a year and a half to be drawn attention to publicly is now only finding itself on the floor of this House of Assembly and only after repeated questions by me, and other Members of this House, about how the disaster was handled, I'll leave that to you to decide. But here, there was no laughter at that event.

And I'll talk about this: The transgressor was moved without giving warning. I can only act –

MR. SPEAKER: I ask the Member to take his seat.

Just to remind him that we've reached the time when we're to adjourn the House. If he wishes to save his time, he should adjourn the debate.

MR. J. DINN: I adjourn the debate. I'll pick up tomorrow then, I take it.

MR. SPEAKER: Yes.

MR. J. DINN: Thank you.

MR. SPEAKER: The House stands adjourned until tomorrow, Wednesday, at 10 o'clock in the morning.

The House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.