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Speaker: Honourable Tom Osborne, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Osborne): Order, please!

Admit strangers.

We welcome to the public galleries today Heather Modlin and Dave Martin from Key Assets who are present for the reading of a Ministerial Statement.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Members' statements today are the Members for the Districts of Bonavista, Mount Pearl – Southlands, Labrador West, St. John's East – Quidi Vidi, Harbour Main and Cape St. Francis.

The hon. the Member for Bonavista.

MR. KING: Thank you, Mr. Speaker.

"We got your back, Fort Mac!" That has been the rallying cry from people across Canada and especially here in Newfoundland and Labrador over the past two weeks. The devastating wildfires in Northern Alberta have affected most, if not all, communities in our province. That is true for my hometown of Catalina in the municipality of Trinity Bay North. My childhood friend Ryan Duffett and his family were one of those who lost everything.

This moved the children of Trinity Bay North, led by Keiara and Karlee Paul, young cousins of Ryan, to do something to help. Beginning on Sunday, May 8, and continuing until yesterday afternoon, these kind-hearted kids held bake and lemonade sales at various locations throughout our community, a raffle on all the fixings of a traditional Newfoundland turkey dinner, won by Sharon Donovan of Melrose, and a BBQ. All proceeds from these events are going to the Canadian Red Cross and, to date, they have raised over \$900, with donations still coming.

SOME HON. MEMBERS: Hear, hear!

MR. KING: I ask all hon. Members to join with me in congratulating the children of Trinity Bay North, parents Krista Diamond and Shannon

White, and all those who provided support to this worthy cause.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Mr. Speaker, it gives me great pleasure to rise in this hon. House to recognize several outstanding young people in my community. The 26th Annual Mount Pearl Focus on Youth Awards was a tremendous success and highlighted the great talent, athleticism and intellectual ability possessed by some very amazing youth.

These individuals included: Mount Pearl Female Youth of the Year, Victoria Jackman; Male Youth of the Year, Michael Howse; Youth Volunteer of the Year, Megan Glover; Male Youth Speak Off Award winner, Michael Howse; Female Youth Speak Off Award winner, Elizabeth Tulk; STEM Award winner, Emily Wiseman; Male Youth Athlete of the Year, Liam Hickey; Female Youth Athlete of the Year, Sarah Hiscock; Youth Sports Team of the Year, the Mount Pearl Senior High Huskies Male Soccer Team; Official of the Year, Ashley Hammond; RNC Youth In Service Award winner, Ryan Linstead; Youth Group of the Year, the O'Donel High Robotics Team; Performing Arts Individual Award winner, Joseph Coffin; Visual Arts Award winner, Shea O'Keefe; and Literary Arts Award winner, Breanna Sheppard.

In addition, there were Performing Arts recognition awards presented to the Mount Pearl Show Choir, the O'Donel Jazz Band, the cast of Etcetera 29, the Mount Pearl Senior High Jazz Band, Mount Pearl Senior High Traditional Band and the cast of the Mount Pearl Senior High Musical, *You're a Good Man Charlie Brown*.

I would ask all Members of this hon. House to join me in congratulating all these individuals on their accomplishment. Our future is in good hands.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LETTO: Thank you, Mr. Speaker.

I rise in this hon. House today to congratulate the 2016 graduating class of Menihek High School in Labrador West. I had the honour of attending the graduation this past weekend and witnessed first-hand the joy and anticipation in the eyes of the 102 young men and women who appear ready to take on the world.

The graduation theme was a quote from Walt Disney himself: "All our dreams can come true, if we have the courage to pursue them." Very fitting, Mr. Speaker, at a time when our world requires courage to make the right choices and the right decisions.

The graduating class initiated a collection for Fort McMurray during the graduation ceremonies and collected \$800 for the cause.

SOME HON. MEMBERS: Hear, hear!

MR. LETTO: I would also like to recognize the teachers and staff of Menihek High, in particular Principal Fraser Drover and Vice-Principal Eugene Costello, who have shown tremendous leadership to the students of Menihek. Both the school and the communities of Labrador West are fortunate to have them guiding our students in the right direction.

I ask all hon. Members to join me in congratulating the class of 2016 at Menihek High School and wish them every success in their studies that lie ahead.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

On Saturday, May 7, we lost a great man. John Gibson was, until the last election, a constituent of mine. More important, he was one of the most tireless and passionate voices behind the

restoration of the city's river systems, including the Rennie's River in St. John's East – Quidi Vidi, as well as the Waterford and Virginia Rivers.

John retired from DFO in 1997, but he never retired from science, continuing to record his observations and to publish in both news media and scientific journals. His final paper was accepted by a journal just days before his death.

John Gibson, to quote his obituary, "cared deeply about pristine rivers and lakes, tree cover and natural debris for fish cover, no development along riverbanks, natural streams left above ground, biodiversity and sustainability, honesty in science and politics, and preservation of habitat amongst many other issues."

On a personal note, I was always impressed with John's lack of fear in standing up for nature against what others thought was the inevitable path of development, using scientific facts and data to support his argument.

My sincere condolences to Judy, Caroline and Mary Jane.

I ask all hon. Members to salute the great scientific legacy of John Gibson.

SOME HON. MEMBERS: Hear, hear!

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

MS. PARSLEY: Mr. Speaker, I rise to salute Roncalli Central High of Avondale. This high school just concluded their annual graduation ceremonies.

I wish to highlight that this was yet another safe grad event. Events such as this, can only take place with the support of the community, the volunteers, parents and, of course, teacher and staff involvement.

By sponsoring this event, the graduates came to realize that you can have a good time with friends, family and staff without drugs and alcohol. Long-term, thoughtful planning of events and activities throughout the night, ensured a safe time for all.

At this time, while many of our province's Level 3 students are about to host their own graduation celebrations, I ask all Members in this hon. House to join with me in wishing them a safe grad, a night filled with enjoyment and pride in their accomplishments, and every success in their futures.

SOME HON. MEMBERS: Hear, hear!

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

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

I rise in this hon. House today to recognize the newest Lions Club in the province, the first one in the past 20 years.

On May 7, the Torbay Lions Club had their first charter night celebrations, hosted at the Pouch Cove Lions Club, attended by family and friends from Torbay, Pouch Cove and Flatrock.

Torbay Lions Club projects for 2015-16 were: host a bingo at the North Pond Manor for seniors; assisted in serving Santa breakfast at Holy Trinity Elementary; entered a float at the Christmas parade and collected food for the food bank; participated in an awareness campaign at the Christmas market at Jack Byrne Arena to fundraise for community groups; served brunch at the Gathering Place for world hunger week; donated 100 pairs of eyeglasses to Bishops Falls Correctional Centre eyeglasses recycling program.

The club donated a total of \$1,600 to local groups and Lions Club International including: the Torbay food bank, the Holy Trinity Elementary breakfast program, Pathfinders, the Gathering Place, White Cane project and the diabetic campaign.

I ask all hon. Members to join with me in congratulating the Torbay Lions Club on their first year and wishing them many more.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I would like to welcome to our public galleries today as well, former member Percy Barrett.

SOME HON. MEMBERS: Hear, hear!

The Commemoration of the First World War and the Battle of Beaumont-Hamel

MR. SPEAKER: For Honour 100 today, we have the Member for the District of Lewisporte – Twillingate.

MR. D. BENNETT: I will now read into the record the following 40 names of those who lost their lives in the First World War in the Royal Newfoundland Regiment, the Royal Newfoundland Naval Reserve, or the Newfoundland Mercantile Marine. This will be followed by a moment of silence.

Lest we forget: Robert North, Edward Noseworthy, Herman Noseworthy, William Noseworthy, William Nurse, Henry Oake, Augustus O'Brien, Edward O'Brien, James O'Brien, James John O'Brien, Justin O'Brien, Michael G. O'Brien, Patrick O'Brien, William Vincent O'Brien, Felix O'Connell, Albert O'Driscoll, Michael Joseph O'Flynn, John Joseph Ogden, Edward O'Keefe, Thomas Joseph O'Keefe, William Joseph O'Keefe, Hubert Oldford, James Joseph O'Leary, William Ollerhead, Joseph Olsen, Ambrose A. O'Neill, John St. John O'Neill, Michael Joseph O'Neill, Patrick O'Neill, William O'Neill, William O'Reilly, John Organ, John O'Rourke, John O'Rourke, Reuben Osborne, James Osbourne, Cecil Osmond, Douglas McNeil Osmond, Gerald Augustus Osmond and William Osmond.

(Moment of silence.)

MR. SPEAKER: Please be seated.

Statements by Ministers.

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

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

As we begin National Police Week, it was an honour this morning to help kick off the Women in Leadership Law Enforcement session being held at the Royal Newfoundland Constabulary's Memorial campus in St. John's.

Twenty intelligent and ambitious women from the RNC, RCMP, Fish and Wildlife Enforcement Division, Sheriff's Office and Adult Custody are participating in the program this week which is based on the Legacy Leadership model. It certainly was a pleasure to have the opportunity to meet with them this morning.

The goal is to encourage female leadership in law enforcement agencies and to develop networks among women who work in law enforcement. The 20 women I spoke to this morning have been identified as leaders or emerging leaders by their respective organizations and the session will be highly interactive and experiential.

Mr. Speaker, while we have come a long way in terms of gender equity in law enforcement in Newfoundland and Labrador, there is still plenty of work to do; particularly in the senior ranks. Our hope is that programs such as this will result in more women in leadership roles.

Law enforcement careers are stressful and strong leadership talent is critical to ensuring the safety and security of our communities. The women participating in this week's training have been encouraged to use the knowledge and skills they gain to become talented leaders and mentors to those they supervise.

Mr. Speaker, good leaders are sometimes hard to find to find. I believe all the women participating this week have great potential and I look forward to seeing them advance in their careers.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

I thank the minister for an advance copy of the statement. On behalf of the Official Opposition, I would like to recognize May 15-21, 2016, as National Police Week in our country.

Mr. Speaker, programs such as the Women in Leadership Law Enforcement session are valuable to the policing enforcement industry in our province. These programs inspire women who attend to take on leadership roles within their respective organizations. These programs also give them valuable mentoring and networking opportunities that they would not find elsewhere.

As we all know, we have not yet obtained gender equality in law enforcement. While programs like this help to inspire women to reach for the top, there's plenty more that needs to be done.

MR. SPEAKER: Order, please!

MS. PERRY: Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. I agree with the minister that while we have come a long way in gender equity in law enforcement, we still have a long way to go. For too long the senior ranks of law enforcement have been almost exclusively men. For the service to change for the better, we need more gender equity in senior ranks.

Good luck to these 20 courageous and committed women. We need their energy, insight and leadership.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Child, Youth and Family Services.

MS. GAMBIN-WALSH: Mr. Speaker, as we continue to face a shortage of family-based placements for children and youth in care in certain regions, I am pleased to rise today to highlight a creative approach that is helping to increase these placement options.

Recently, the Department of Child, Youth and Family Services entered into an agreement with Key Assets Newfoundland and Labrador to establish the Key Assets' Family-Based Pilot Project. This project provides family-based placements for children and youth in care who have a range of complex needs and/or are part of a sibling group.

Mr. Speaker, through this project, Key Assets recruits, assesses and trains those providing care, as well as provides 24-hour wraparound supports. Our social workers monitor these homes and the children and youth placed in them, as well as work closely with Key Assets to develop "in care plans" for these children and youth. To date, 13 children have been matched and eight homes approved.

We are pleased to continue collaborating with Key Assets, a non-profit organization providing residential and family-based care and support services to young people and families with complex needs.

Mr. Speaker, through budget 2016-17, we have reiterated our commitment to ensuring the protection and well-being of children and youth. We will continue to focus on further enhancing child and youth care through an investment of approximately \$150 million for child protection.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: I thank the minister for an advance copy of her statement. We all recognize the challenges that exist with having a sufficient number of appropriate placements for children and youth.

Today's announcement of a Family-Based Care Pilot Project has been in the works for quite

some time and we are very pleased to see this finally come to fruition.

I'd like to take this opportunity to thank Key Assets, our non-profit community partner, an organization with a wonderful reputation and track record in providing residential and family-based care and support to young people and families with complex needs. We must also recognize that none of these initiatives would be possible without the knowledge, creativity and dedication of the senior staff at CYFS, who I hear did a fantastic job of taking this idea and making it a reality.

MR. SPEAKER: Order, please!

MS. PERRY: Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

I, too, thank the minister for an advance copy of her statement. I'm glad to see Key Assets' pilot project is making strides in providing a supportive home environment for children with complex needs and children who are part of sibling groups. It is good new approaches are being tried to give children a home as an alternative to other types of residential care.

Bravo to the eight families who have opened their homes to children in these circumstances. I thank them for their generosity and commitment. The more support resources these families and children can receive, the better.

MR. SPEAKER: Order, please!

MS. ROGERS: Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the Minister of Finance has included a \$30 million contingency reserve in the budget for the first time since 2002. In the Estimates book there's a description of each line item and a count by department. The \$30 million contingency fund does not include this.

Could the minister outline for the people of Newfoundland and Labrador what exactly this fund is for?

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

MS. C. BENNETT: Thank you, Mr. Speaker.

I thank the Member opposite for the question. When we met in the House the last time the House was open, we were debating in Committee of the Whole. As part of that debate, the Member opposite asked that question and I provided him a number of examples; things such as disasters that would happen, things that would be unforeseen that may happen.

The contingency fund provides an opportunity for us to make sure that on the sad chance that some community in our province may go through something like a Fort McMurray experience or a tsunami or other things, we want to make sure that we had a contingency fund. I think I've provided the Member opposite with a large number of those answers last Thursday.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I acknowledge we asked the questions, but we're talking here about the people of Newfoundland and Labrador. I'm asking on their behalf. Mr.

Speaker, the minister mentioned disaster relief and items like that.

I ask her, for certain circumstances, why wouldn't you have that in a line item in Municipal Affairs or Fire and Emergency Services?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Thank you, Mr. Speaker.

As the Member opposite certainly is aware, Municipal Affairs as well as Fire and Emergency Services has the responsibility for providing support to communities. Finance has the responsibility for making sure that we have monies available on a contingency basis, should things happen in our community that are unforeseen – not singularly related to impacts on community, but there might be other things that might happen.

Quite frankly, Mr. Speaker, if we knew the exact things that would be unforeseen, we would have detailed that out in the budget document. Providing a prudent amount of money in the Estimates to be approved by this House, we think, is being very transparent.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, in the Estimates process line-by-line departments, things are described and there are definitions given of what funds would actually be used for. What we have here, since 2001, there's never been this type of a contingency fund or number on the books, with no description of what it's going to be used for. In the fiscal situation we're in this year, certainly there are a lot of community groups, a lot of people in Newfoundland and Labrador, services and programs are going to be checked.

I ask again to the minister: What are you going to use this \$30 million for, and why is there no description in the Estimates on what it is going to be used for?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Thank you to the Member opposite for the opportunity to stand up again and provide some additional insight into the contingency fund; things like potential legal claims, forest fires, increases in caseloads in a variety of departments. There could be all kinds of things related to communities that may happen in the next year.

While the former administration may have thought that planning a contingency fund was irresponsible, we believe that being transparent with that amount of money in the budget is a prudent thing to do. Certainly, as I also explained, that information would be provided to the House within three days of the expenditure being approved, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker, the minister is not going to tell us what she is going to spend the \$30 million, but she says she is going to make it available to the House. So what will happen, it will go to Treasury Board, it will go through Cabinet, they'll make a decision how it's going to be spent, then they'll come to the House and tell us. What they should be doing is right here in Estimates in the House telling us how they're spending \$30 million.

Mr. Speaker, I ask the minister: Thirty million dollars, as I said, with the fiscal challenges we're facing, how about reinvesting \$5.1 million to eliminate the Liberal choice to increase class cap sizes? How about \$3.6 million of these funds to remove the Liberal choice to combine grades? How about reinstating \$1 million to keep the libraries open? Why aren't these good choices, Finance Minister, for the people of Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Mr. Speaker, we have no idea at this point the number of legal cases, the potential increase in caseloads, what might happen through natural or other incidents in our community.

This amount of money is put aside. It will not be spent in the absence of due diligence providing the details to the Members of this House. It is a practice that has been underway in many jurisdictions, including our own up until the former administration decided not to do it. We felt that it was important to have this contingency fund available so that instead of expecting the budget to run over, as the former administration would, that we would have a modest amount of money that would be able to provide for contingencies, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, we're going to be asked to vote on the \$30 million here in the budget process.

So I ask the minister: In your process of deciding how are you going to use these funds, how are you going to decide? When are you going to let us know when you use the funds? Is it after it goes through Cabinet and you make the decision, or are you going to make it public what the consideration is in spending this \$30 million sometime in the next fiscal year?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Thank you, Mr. Speaker.

I thank the Member opposite for the opportunity to speak to this again. Providing transparency around any expenditure related to this contingency fund is very important. As I

mentioned last week when we were discussing this as the Committee of the Whole, the requirement would be that the spending amount or the expenditure would be tabled in this House within three days. Certainly, that is what we intend to do.

Unforeseen circumstances are exactly what that word indicates, unforeseen, and we want to make sure that the people of the province know that we expect to be held accountable, and we know we will be, in this House of Assembly when we present that information, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the \$30 million could have been used to prevent budget cuts.

I ask the minister, could she consider reinstating the \$4.9 million to the Newfoundland and Labrador Drug Prescription Program for over-the-counter medications and diabetic test strips? How about reinstating \$2.5 million through government aid to reduce adult dental coverage? Are these issues that are important to Newfoundlanders and Labradorians that can be considered or are we just going to keep this \$30 million flush fund there? We don't know how it's going to be spent.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Thank you, Mr. Speaker.

I just find it kind of odd that the Member opposite is asking these types of questions for emergency funding. Mr. Speaker, as we said, it's a contingency fund. Forest fires; we could have a major forest fire in the Province of Newfoundland and Labrador.

If the Member is willing to keep going on this line, I'll ask him one question. When you had \$2.3 in your emergency funding last year, as the Minister of Municipal Affairs, why didn't you

bring it to the House what you were going to use it for? Do you know the reason why? He didn't know what he was going to use it for because it's for emergency funding.

When he passed the budget last year, this Member, the same one who's asking the question, could not come to this House – over \$2 million – and say, here's what we're going to use it for, Mr. Speaker, because it's for emergency funding. He's well aware because he was the minister who had the money.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

I ask for all Members to respect the individual who has been recognized to speak. If Members can't respect the Member who's recognized to speak, that Member may not be recognized to speak when they stand.

The hon. the Member for Mount Pearl North.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

Another day, another protest in our province. Just a half hour ago, hundreds of nurses marched in front of this Legislature. The Premier has previously stated that he will make nurses work harder.

I ask the Minister of Health: How many nursing positions will be eliminated from the health care system as a result of this recent budget?

SOME HON. MEMBERS: Hear, hear!

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

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

The nurses are an integral backbone of the health care system in this province, both in the community and in acute care. The gentleman opposite will have had access to the Estimates documents just like everybody else.

There will be 41.28 FTEs removed from nursing this year as a result of rationalization and attrition, some of which was started by his government.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, he can call it rationalization or attrition. He can call it whatever he wants, the bottom line is he is eliminating critical nursing positions from our health care facilities.

What about budget number two, Mr. Speaker: How many nursing jobs can we anticipate being slashed and gutted from the public service in the budget that's coming this fall?

SOME HON. MEMBERS: Hear, hear!

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

MR. HAGGIE: Mr. Speaker, thank you for the question.

Rationalization means to expose to reason. What we have done is we have taken programs in the past which have been shown scientifically to have no evidence to support them and we have reallocated the money from those. It is natural that some of those FTEs will disappear. Whether that will result in job losses will entirely depend on a process, as he knows, called collective bargaining and labour rights and that will work its way through the system.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: Mr. Speaker, the Finance Minister and the Health Minister love to talk about FTEs while we're talking about nurses and we're talking about people and how their lives are going to be impacted.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: On a related note, related to nurses, I ask the Minister of Health: What are you doing to make the work environment for our nurses healthier instead of simply making their work environment smaller?

SOME HON. MEMBERS: Hear, hear!

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

MR. HAGGIE: Thank you very much for the opportunity to answer this question. We actually have a joint committee, whose acronym I forget. It essentially involves the registered nurses of Newfoundland and Labrador sitting down with government and the regional health authorities to discuss the nature of the work environment, how we can improve that and ensure it's safe for them and all users of the health care system.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, other than the handful of ABCs, the agencies, boards and commissions that will go through the Appointments Commission, Bill 1 does not require the new Liberal Appointments Commission to rank the three names they submit to Cabinet.

Will the government agree to an amendment to Bill 1 that will direct the Appointments Commission to rank the candidates whose names they submit to Cabinet?

SOME HON. MEMBERS: Hear, hear!

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

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

I'm happy to stand here and speak to Bill 1, the Independent Appointments Commission, which, as the Member knows, we will be discussing in Committee in this House today. We're willing to listen to all the amendments that the Members

will put forward as we go into the Committee stage today.

However, I would note that I did ask over a month and a half ago if the Opposition had any suggestions that they would like to see. I wish they had forwarded them earlier, but we will consider them as we move through Committee today.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

I thank the minister for his response. This bill has not been discussed in this House for over a month and a half. We were advised this morning that we will be going into Committee today. I have all of our amendments right here, Mr. Speaker, and I'm happy to give them to the minister right now and happy to work with him as we run through the debate.

Bill 1 will allow the Cabinet to ignore the names submitted by their Appointments Commission and appoint someone else in secrecy.

Will the government amend Bill 1 to require the Cabinet to make a public disclosure every time the person they appoint is not on the list of candidates recommended by the commission?

SOME HON. MEMBERS: Hear, hear!

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

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

Just going back to the first point the Member referenced, I emailed the Opposition on March 23 and it said: Why don't you submit your amendments so we can discuss them and consider them and put some thought into whether they can improve the bill? The Opposition didn't take the opportunity to

forward that until right this moment in the House of Assembly.

The purpose of this Legislature is to discuss legislation in the hopes of making it better so that we can have the best legislation. I would submit we're very proud to forward this piece of legislation into the House. Before we had this legislation what you had were individuals getting appointed to prominent positions based on who they knew, and not necessarily were they the best selection for this position. So I look forward to the amendments that the Members have as we discuss this in Committee today.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, Committee of the Whole is the opportunity to introduce amendments; that process isn't starting until today. If government was serious about considering amendments to Bill 1, it would take this flawed piece of legislation and refer the entire thing to a Committee of this House for review by all Members.

Bill 1 will allow the Cabinet to bypass their Appointments Commission whenever circumstances are deemed to be urgent or extenuating.

Would the government agree to an amendment that would require the Cabinet to notify the public immediately whenever it bypasses the Appointments Commission to make an appointment in such circumstances?

SOME HON. MEMBERS: Hear, hear!

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

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

Again, Committee is the opportunity to discuss this, but I would like to thank the Members of the NDP who, when I emailed them, came

forward with their suggestions some time ago so that we could discuss them. I would like to thank the NDP for doing this.

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: Again, the purpose is to have the best piece of legislation. I am looking forward to considering these amendments. But before we can say what we're going to do, I'd like to even read the amendment as opposed to being asked a question in the House of Assembly right here.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, as I said, the minister is welcome to see all of the amendments. I've commented on some of the intended amendments publicly previously.

Bill 1 calls for a review of the act every five years, a review that would be sent to Cabinet.

Would the government, in the interest of openness and accountability, agree to an amendment that would send this review, not to Cabinet, but to the Speaker of this House for public release?

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Again, I can probably give the same answer now that I'll give, depending on how many amendments they put forward, is we look forward to listening to their amendments and to the rationale behind them. I certainly won't make a snap judgement on this very important piece of legislation, something that is new in this province and we've never seen before.

I look forward to seeing the amendments that the Member puts forward; however, I would note

one thing. They are putting forward suggestions based on a piece of legislation, one that they never put in when they were there for 12 years. In those cases, Cabinet put in who they wanted. They put it in based on the name that they thought; there was no consideration by anybody, whether it was the Public Service Commission, an Independent Appointments Commission. This was totally Cabinet-based.

I appreciate the fact that they're trying to fix the flawed process that they had.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: What we're trying to do, Mr. Speaker, is fix a flawed piece of legislation that is a complete joke.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: They're talking about an Independent Appointments Commission. The commission is anything but independent – and guess what? It can't even make appointments.

Mr. Speaker, will government consider an amendment to Bill 1 that will require annual reviews to determine whether the merit principle was applied in every case that an appointment was made? Would the government agree to have this review published in the interest of openness, transparency and accountability?

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, again, I look forward to hearing the amendments that the Members put forward, as they do so in the Committee process.

Again, I wish we could have had an opportunity to review them over the last month-and-a-half that we had prior to this coming back to the

House. I'm willing to consider any amendment that they put forward here in this House so we can discuss it to make sure we have the best piece of legislation.

The fact is we have to listen to these suggestions because we do want the best piece of legislation possible. Either way, even if it's flawed it's going to be 10 times better than the process that the Opposition had when they were in government, which was nothing. It was based on who you knew.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Following the devastating fire at the fish plant in Bay de Verde the Premier said we will do whatever is needed. If there's a role for the province, we'll be there. We'll step up and we'll be there for the people. Clearly, the province has not been there.

I ask the minister: Where are you for the Town of Bay de Verde?

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Thank you, Mr. Speaker.

I was at that meeting. I went to Bay de Verde with the Premier and the Minister of Fisheries. We met with Quinlans. It was very devastating. We understand the impact it's going to have on the communities and surrounding areas. We did meet with the mayor, later with the council.

What the mayor said to us: He would like to have income supplement, a top up. Where they are used to probably 60 hours a week, now they may only get 40 or 50. But the mayor did also add, in front of 15 people: I know there's no program available. I just want to put a human side to the face.

That's what the mayor said in the meeting, and he understood this, we understood this. What we said to the mayor and to the council, at the end of the year, if there are people who need any help with employment generation, we would do it through the community enhancement program, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. K. PARSONS: Wow, Mr. Speaker. It was a big media day when we saw the Premier, the minister and the Member go out, and they were going to do everything for the area.

On Friday, the Mayor of Bay de Verde was quoted in the media as saying his pleas to the province have fallen on deaf ears.

So I ask the minister: The mayor it out pleading to the province, why aren't you answering the mayor?

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Mr. Speaker, I understand politics. It's to a new point when you are using the tragedy in Bay de Verde to try to get political points. It is, and I'll tell you why, Mr. Speaker. What the Member opposite is talking about was said a month ago. I just had an interview with CBC with Lindsay Bird; she took this story that was a month old. This story was a month old when the mayor – we let it ride until Lindsay Bird asked me for an interview. What we said is we would help the town. There hasn't been one additional request – not one request – made to my department since that initial media report back when we met with them, Mr. Speaker.

We're helping. We're working with Quinlans, Mr. Speaker. We committed to Quinlans. We offered assistance. We are available to it. I say if you're going to do media reports, go back when it first started a month ago, not last Friday, when it initially came out.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Mr. Speaker, the Liberals have stated they would spend half a million dollars to create an office for a seniors' advocate. Groups in every corner of the province are stating that your budget will be devastating to seniors and you turn a deaf ear.

I ask the Minister of Seniors, Wellness and Social Development: You won't listen to the seniors who are crying out to you now, why should seniors believe that you'll listen to an advocate?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Minister of Seniors, Wellness and Social Development.

MS. GAMBIN-WALSH: Mr. Speaker, *Budget 2016* provides support to programs and services for seniors. We consulted with groups and they asked for an office of the seniors' advocate. It's not a luxury, it's a need.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Mr. Speaker, every Member of this House should be an advocate for the seniors they represent, and fight against the Liberal budget that will bring them hardship.

Would the minister consider delaying the hiring of a seniors' advocate and reinvesting the \$500,000 budgeted to remove some of the burden on your seniors? Your government has clearly demonstrated that you don't listen anyway.

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Mr. Speaker, I take exception to the Member opposite's insinuation that in this budget we didn't consider how

important seniors are in our province, quite frankly. We implemented a Newfoundland Income Supplement. We enhanced the Seniors' Benefit. We committed to creating the office of the seniors' advocate when Members opposite last year spent hours in this House debating that that was a luxury – a luxury.

Quite frankly, that's shameful. For that Member there to say today that a seniors' advocate is not important in this province, I hope that she continues to maintain that when her constituents ask her why she's backing away from a seniors' advocate.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I'll remind Members again that the Member that's been recognized to speak should be given the floor. I ask Members to respect that.

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

The Liberal's election platform stated the Liberal government would generate \$50 million in revenue this year from selling unused government assets.

I ask the minister: What assets have been sold? Why didn't they follow his party's election platform and contain this revenue in the budget?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Mr. Speaker.

Thank you for the question. One of the things we have done is we make sure that we're going to be optimizing all of the resources and assets we have. Part of my plan, over the next little while, we're putting together a real estate optimization plan. We're doing a complete and total inventory of all the buildings we have.

We've already started to make some changes within our department to try to eliminate some of the enormous leases we have done. For example, the English school board, we're

moving them out, so we're doing some rearranging.

What we will be doing is we will be optimizing the amount of money we can get from some of the assets that we will be disposing of, and that will be over the next little while. We will certainly keep the House up to date on how the progress will be going in that particular area, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

I thank the minister for his response. A promised asset optimization plan – this was a promise made to the public and there was a dollar figure out on it. It's nice to know we're doing an asset optimization plan and we're analyzing all our assets, but I have to ask the minister: Was the \$50 million figure an election tactic or was it a real promise?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Mr. Speaker.

I will tell you one of the promises we'll make to the people of Newfoundland and Labrador is that we will get as much revenue as we possibly can from any of the assets we have to dispose of. One of the things we want to make sure is that every person who is living in Newfoundland and Labrador will get a return on what we have.

We do have some concern, Mr. Speaker, with the amount of inventory that has been in the previous administration, buildings that were purchased and we have areas that we do not have full capacity. So part of my mandate is to make sure all of those areas, the inventory is done, any space that we can utilize within the existing, and we may be in a position to dispose of property.

That's the plan. That's the optimization we're going to be making. That's what I'm going to be doing, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

The Deficit Reduction Levy extracts a higher percentage of income from low- and middle-income Newfoundlanders and Labradorians than it does from higher income people. I understand the Premier's position that the levy is temporary. I have never asked whether it is permanent or temporary.

I ask the Minister of Finance how this government justifies this regressive form of taxation, which puts a heavier burden on low- and middle-income earners than it does on higher income earners.

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

MS. C. BENNETT: Mr. Speaker, the Member opposite asks a question about the temporary deficit levy, a levy that we felt was important to make part of our entire suite of, sadly, the tax increases we had to undertake as a result of the mismanagement of the former administration.

This type of levy is not unusual for jurisdictions that are faced with the economic and fiscal realities that our government is. When we look at the progressivity of the entire personal income tax, I can assure the Member opposite that taken in conjunction with the levy and the personal income tax, our tax is progressive.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I say to the minister that their levy is an unfair tax. It flies in the face of regressive taxation principles.

So I ask the Minister of Finance: What is it about the tax being temporary that in any way diminishes its unfairness?

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

MS. C. BENNETT: Thank you, Mr. Speaker.

I'm not sure if the Member opposite heard me or if she is using selective hearing today. The progressiveness of the tax is the deficit levy in conjunction with the personal income tax; 38 per cent of the people in the province won't be paying the deficit levy. The average, for about 40 per cent or less, is less than \$340.

The Member opposite can certainly continue to discuss – and will I'm sure – the temporariness of this deficit levy, but I can assure the people of the province that our intention is to remove this levy as quickly as we can when we get a better management on the fiscal situation of this province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

The minister didn't hear me. I would like to say that I have asked the minister to ask the Premier to provide the documentation to the House to support his claim that 35 per cent of taxpayers pay 88 per cent of all taxes in this province. He claimed it. We'd like to see the documentation.

Thank you, Mr. Speaker.

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

MS. C. BENNETT: Mr. Speaker, if the Member opposite is looking for a stratification of taxpayers, we can certainly provide her that information. I think we can provide it for her, no problem.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, Nobel laureate economist Paul Krugman said every country that introduced significant austerity has seen its economy suffer. All of the economic research that allegedly supported the austerity push has been discredited – totally discredited.

I ask the minister: Why is she enforcing an austerity budget in spite of all this expertise and evidence, and further crippling our economy?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Mr. Speaker, we have the highest debt per capita of any province in Canada. We have some of the lowest ratings when it comes to being able to borrow money. We have some of the smallest population. We're the second, I believe, smallest population in Canada with the largest geographical area to service. If the Member opposite doesn't understand the fiscal situation that we are in, she should really take a look at the reality of the financial results of this province.

We have the highest debt per GDP. We have the highest debt per capita. People of the province cannot afford – they cannot afford the borrowing that we were going to put on the heads of our children, Mr. Speaker, which would be somewhere in the vicinity of \$53,000 per person.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, the minister is ignoring the most brilliant economic minds in the whole world.

Mr. Speaker, running the provincial economy is not like running a business. It is not only about money in money out, nor can you solve deficits simply by slashing with a red pen. In government, if you cut spending you may save

money but you also have a negative impact on the overall economy and you put people out of work.

I ask the minister: Can she explain how her cuts to date have improved the employment situation in the province?

SOME HON. MEMBERS: Hear, hear!

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

MS. C. BENNETT: Mr. Speaker, for the first part of the Members preamble, one of the reasons why we presented the people of the province with a seven year plan to bring the province back to surplus was with a reverence for the pace of change that our province can undertake to bring us back to surplus. Quite frankly, those discussions and decisions weren't made in the absence of understanding that there is an economic impact, Mr. Speaker, and we don't hide that.

Secondly, to the Member opposite, I can confidently say that \$570 million worth of infrastructure creating thousands of jobs over the next number of years certainly will impact the economy in a very positive way, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The time for Question Period has expired.

The Speaker is hesitant to interrupt Question Period and take away from the time of recognized political bodies in this House to ask or answer questions, but I've stood on many occasions and I'm going to put it out here today very firmly that those who persist in interrupting during questions and answers risk not being identified by the Speaker when they stand to ask a question or answer.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

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

I give notice that I will on Wednesday be moving the following private Member's motion:

BE IT RESOLVED that the House of Assembly urges the government to ensure that the Deficit Reduction Levy is immediately eliminated and that any replacement measure be based on progressive taxation principles and further urges that an independent review of the Newfoundland and Labrador provincial income tax system begin promptly to make it fairer to Newfoundlanders and Labradorians.

This will be seconded by the Member for St. John's Centre.

Also, Mr. Speaker, the motion that I've just read is the motion that the House will debate on Wednesday.

Thank you.

MR. SPEAKER: Further notices of motion?

The hon. the Minister of Advanced Education and Skills.

MR. BYRNE: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act to Amend the College Act, 1996, which I understand to be Bill 29.

MR. SPEAKER: Further notices of motion?

The hon. the Government House Leader.

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

Pursuant to Standing Order 11, I give notice that this House will not adjourn at 5:30 p.m. on Tuesday, May 17.

Further, pursuant to Standing Order 11, I give notice that this House do not adjourn at 10 p.m. on Tuesday, May 17.

Thank you.

MR. SPEAKER: Further notices of motion?

Answers to Questions for Which Notice has been Given.

Petitions.

Petitions

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

MR. KENT: Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS as a result of *Budget 2016* X-ray services at the Bonavista Peninsula Community Health Centre will be closed after 4 p.m. until 8 a.m.; and

WHEREAS this will mean that anyone needing an X-ray after 4 p.m. will have to travel elsewhere via ambulance; and

WHEREAS as a result of *Budget 2016* laundry services will also be cut resulting in laundry being transferred to St. John's;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to immediately direct Eastern Health to reverse cuts to X-ray and laundry services at the Bonavista Peninsula Community Health Centre.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, I was contacted by a resident of the Bonavista area who was unable to get a response from his MHA about this petition. So I agreed that I would present a petition on behalf of residents. The residents who are on today's petition are from communities like: Port Union, Keels, Bonavista, Elliston, Catalina, Spillars Cove, Newmans Cove and a number of other areas on the Bonavista Peninsula as well.

The petition continues to be circulated and I anticipate receiving similar petitions from residents of the Bonavista Peninsula in the days and weeks ahead, and I'll do my best to bring those to this House of Assembly on behalf of those residents.

I received one letter from a gentleman in the Bonavista area who's a father. He wrote and he said without X-ray services at the Bonavista hospital, his son probably wouldn't be with us today. He provides some commentary as well about the impact of cuts to X-ray services and he argues that there isn't cost savings.

One of the things that the residents of the Bonavista Peninsula would like to see is proof that closing an AES office or reducing X-ray services or making changes to laundry services will actually result in savings. He says with regard to the cost savings, there is none.

One certified X-ray technician position, for the sake of lives, isn't saving money when I will have to pay for an ambulance, which government subsidizes, a nurse and/or doctor to travel to Clarenville as well, an hour and a half away from Bonavista, which is time enough to determine whether his son lives or not. Upon arrival to the referring hospital, an X-ray technician will have to be called in.

His argument is that there could actually be more costs incurred as a result of these changes. So the residents are looking for answers. They don't want their health care services eroded. They feel they have been unfairly targeted in this budget when it comes to cuts not only in health care, but in other government departments as well.

In the days and weeks ahead, I look forward to presenting further petitions on behalf of residents of the Bonavista Peninsula who are very concerned about these recent budget cuts.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS the Deficit Reduction Levy is an extremely regressive surtax, placing a higher burden on low- and middle-income taxpayers; and

WHEREAS surtaxes are typically levied on the highest income earners only as currently demonstrated in other provinces, as well as Australia, Norway and other countries; and

WHEREAS government states in the 2016 provincial budget that the personal income tax schedule needs to be revised and promises to do so;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to ensure that the Deficit Reduction Levy be eliminated and any replacement measure be based on progressive taxation principles, and that an independent review of the Newfoundland and Labrador provincial income system begin immediately to make it fairer to Newfoundlanders and Labradorians.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the petitions keep pouring in to the office. I also have an electronic petition which I know we cannot submit to this House at this point, but that has close to 20,000 signatures now. People aren't just signing their names electronically. It's interesting; many of them are writing comments. There are thousands of people writing comments, some of them quite lengthy and substantive comments.

Mr. Speaker, the people of the province know this levy is not a progressive, fair taxation. Everybody in this House knows that as well. I don't know what it's going to take for government to listen, to hear.

Academics are telling us, Municipalities NL is telling us, seniors are telling us, teachers are telling us, labour is telling us and our neighbours are telling. What does it take for government to listen, to really hear? They talk so much about their consultation process, but that was a faux consultation process. Basically all they did was set up the question, framed the question and said: What would you cut?

We know that's not the way to get ourselves out of this economic situation that we're in. We all know it's bad. We've heard from government a million times. We know it's bad, but we know there is a better way and that is what government is refusing to look at.

When you think of the Nobel laureate economist Krugman said that, in fact, austerity doesn't work. We know that. Economists all over the world are saying the same thing. Yet, this government is choosing to ignore the most brilliant economic minds in the world. There's something wrong, Mr. Speaker.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

I'd like to present this petition: To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS *Budget 2016* closed the Advanced Education and Skills office in Bonavista; and

WHEREAS the residents of Bonavista and surrounding communities require and deserve an appropriate level of service;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government reconsider its decision to close the Bonavista Advanced Education and Skills office.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, I've had the opportunity to stand in this House and present a number of petitions, particularly around the impact that the closures of the AES offices will have on these communities. A lot of these are remote communities or they're in isolated areas, or they themselves are the hub for a number of surrounding communities. In Bonavista's case here, we have people here who have signed from King's Cove, Plate Cove East, Melrose, Catalina, Bonavista and all the other surrounding community areas there.

I would like to note, too, that along with the Bonavista closure we have the other areas: Baie Verte, for example, Mary's Harbour, Bell Island, Norris Point, Hopedale, Nain and Twillingate.

As I mentioned at the beginning, all of these are key service, oriented communities that other communities feed into. They are either isolated, that they stand on their own and all the residents use the AES office for a multitude of services. Above and beyond what normally the Advanced Education and Skills would offer, they become the hub for the connector between – if it's Municipal Affairs, if it's Health, if it's Education, if it's Tourism, Culture, Business Development. Whatever line departments it may be, they serve a very important component to enhancing programs and services for the people there.

I've noticed in my own community of Bell Island, and it has a similar process when it comes to Bonavista, that it's a standalone, yet it can service people in the immediate area. There's isolation. When you're in Bonavista to be able to get to your nearest hub, it's not just down the street. It is not, let's get a ride with our neighbour. It's not, well, on the way home from somewhere I'll pick it up. It doesn't work that way.

The services there are necessary, and they've been there for decades and decades for a reason. It's helped drive the economy. It's helped to educate people. It's helped get people access to services they didn't know existed. It's helped the government at different levels, from municipal, provincial and federal to be able to promote the

services they have. It's also been a noted area to engage citizens. Citizens have been able to go there for engagement processes where they've been asked to give their opinion on certain programs and services. This has been a very valuable tool to those communities that exist in those particularly isolated areas.

It's an injustice to be closing those without giving any real thought to the service. I'm confident, and I've said it as somebody who worked nearly 30 years for that department, that this will cost the government much more than what they're going to save on these closures and take away the service to the people of this province.

Mr. Speaker, I present this petition.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS government has once again cut the libraries budget, forcing the closure of 54 libraries; and

WHEREAS libraries are often the backbone of their communities, especially for those with little access to government services where they offer learning opportunities and computer access; and

WHEREAS libraries and librarians are critical in efforts to improve the province's literacy levels which are among the lowest in Canada; and

WHEREAS already strapped municipalities are not in a position to take over the operation and cost of libraries;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to keep

these libraries open and work on a long-term plan to strengthen the library system.

And as in duty bound, your petitioners will ever pray.

These petitions, Mr. Speaker, continue to come into our office. People around the province are absolutely concerned about the closure of the 54 libraries, whether or not it is happening in their community.

Today, we have people from Gander, from Fox Harbour, from Paradise, from Logy Bay, from CBS, people from St. John's, Upper Island Cove and one person who identifies herself as working poor. These are people who are sending in the petitions. Besides the petitions that we're getting, they are being backed up by people who may or may not have signed petitions, but who are speaking out loudly.

The letters to the editor in the paper continue. We have people from the university, professors in the department of English, professors in the Department of Education all speaking out.

The Minister of Education has said repeatedly that there's a regionalization going on. One of the letters in the paper from a very professional librarian has a question, well, what is that plan for regionalization? Regionalization means nothing in and of itself. What is the plan? The plan seems to be nothing, Mr. Speaker. That's what's concerning people.

The Minister of Education has also repeatedly said that the communities can take it over, the towns can take it over, yet we have mayors speaking out. The plea from the Mayor of Cartwright is unbelievable. If these people haven't listened to it, the government side of the House haven't taken time to listen to the Mayor of Cartwright pleading for his community, I suggest they do it. I suggest the ministers listen to it and find out what the mayors are really saying about the impact on their communities. They cannot carry the load and they're saying that they have to have the libraries for their communities.

In places where you can't use cellphones, you can't get any kind of communication except through Wi-Fi; the libraries are one of the places

where people can go. They will not be able to access them, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Thank you, Mr. Speaker.

A petition to the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS the people of Fortune Bay – Cape La Hune need to have access to adequate health care; and

WHEREAS the local clinics in rural areas are the main source of medical assistance for our people; and

WHEREAS the government has reduced funding and closed the Hermitage clinics and downgraded services throughout the region;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reinstate the services to health care in rural Newfoundland and Labrador.

Mr. Speaker, as we heard in Question Period today, there's \$30 million just sitting to the side for goodness knows what, when for a million dollars we can keep the health care clinics open in rural Newfoundland and Labrador. It's absolutely shameful that in this day and age we see a government making these kinds of decisions. It's certainly very dismaying for rural Newfoundland and Labrador.

In fact, the residents of Hermitage, Seal Cove, Gaultois and McCallum are extremely upset. It's being portrayed by the government opposite well, oh, it's just a half an hour drive to the next nearest clinic. But that's not even accurate. It's about a 45-minute drive from Hermitage and about an hour's drive from Seal Cove. It takes an hour and a half by ferry from McCallum to

even land in Hermitage or a half an hour by ferry from Gaultois to even land in Hermitage.

At the same time, we're seeing visitation to my island communities, which have no way in and out other than by ferry from twice a month down to once a month. At the same time as they are closing the clinic and decreasing services, they're cutting two nurses in the Harbour Breton hospital, sending an additional 1,000 people their way and taking two nurses out of the system, Mr. Speaker.

All of us are at a loss as to how the Department of Health can justify mandating Central Health to make such drastic cuts in rural areas. We strongly feel that this government is being very punitive to rural Newfoundland and Labrador, and we're very worried about the future of Newfoundland and Labrador with this government at the helm.

Certainly, if you look to my district, with the increase in aquaculture in our area we do have a higher volume of traffic. We have a larger workforce. We have an increased risk, I guess, at the plant which is operating flat out all the time – a wonderful thing – but now if there's an industrial accident, almost an hour away from a hospital. This can be a matter of life or death, Mr. Speaker, and it is going to be too late after something happens.

In the mayor's letter that he recently sent to the minister – and I truly hope that the minister responds timely and favourably and grants their request for a meeting to discuss this most serious issue – he asks why we are being looked at as second-class citizens. We deserve health care, just like the rest of the province. We can't be dismissed just because we live in rural communities. Rural communities, Mr. Speaker, make up over half of this province.

We will continue to fight until this government recognizes rural Newfoundland and Labrador is just as important as anywhere else and we deserve health care.

SOME HON. MEMBERS: Hear, hear!

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

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

I applaud my colleague here on the side of me for standing up for people.

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents humbly sheweth:

WHEREAS the federal government cannot justify discriminating against Newfoundlanders and Labradorians in determining the dates of the recreational food fishery;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the government to be vocal in calling the Government of Canada to extend the recreational food fishery in Newfoundland and Labrador to promote fairness, safety and tourism in our province.

And as in duty bound, your petitioners will ever pray.

Every week since we started in the House of Assembly, Mr. Speaker, I presented this petition. I'm going to continue to present it. Everywhere I go people are asking the question: Where are we to? I'm sure the Member for St. Barbe – L'Anse aux Meadows hears it every time he comes out, I'm sure the people in St. Anthony, I'm sure the people on the Northern Peninsula, I'm sure the people in Bonavista – we want to know where are Members are and where the Minister of Fisheries is in trying to get this out.

This is about Newfoundlanders and Labradorians, about who we are as a people. It's about a right that we had and our forefathers had for years to go out and catch a fish in safety.

The biggest thing about this whole thing, Mr. Speaker, is the safety aspect of it. The federal government issues three weeks a year to go out in July, then a couple of weeks in September to go out. In September, hardly anybody gets out because it's too rough to go out there. The people who do go out, they risk their lives every day to go out and catch a few fish.

All we're asking is for our government to advocate to the federal government, talk to your cousins and ask them if they can put this forward for the people of Newfoundland and Labrador. It's a safety issue and we want to see that our fisherman and our people can go out on the water like everybody else in Atlantic Canada and catch a cod.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. PETTEN: Thank you, Mr. Speaker.

This, too, is a petition that has been presented many times, but we have to continue on.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the Deficit Reduction Levy as introduced in *Budget 2016* unfairly targets the middle class; and

WHEREAS the Deficit Reduction Levy asks low-income earners to pay more than their fair share instead of increasing taxes to high-income earners;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to immediately stop the introduction of the temporary Deficit Reduction Levy.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, on a personal note, I've joked with a couple Members opposite that the word levy and anything that rhymes with it is becoming a bit more challenging. We're faced with a situation where you run into on a daily basis – I guess there doesn't be a day that passes that people don't discuss it. Their fear, their issue is

– and I keep to the basics, the low level; it's the people on the ground who really matter. They keep saying: Why isn't anybody listening?

The Third Party has made a private Member's motion for this week. We all on this side of the House continually, every opportunity we get – I've had hundreds of emails, as does most Members in this House. That seems to be the real bone of contention.

I guess to put it in context, what stuck out to me last week, I spoke to a lawyer, a government worker, a teacher and just your regular run of the mill, your average person, every one of those people, no matter what their income levels, from top to bottom, complained about the levy, head tax, cover charge – they used these terms, not me.

I know that Members opposite probably turned the mute button on this issue, and it will come to light as we proceed through this session, but they should stop and – again, I use the words pause and reflect, because this is a huge issue. In addition to everything else in this budget, the levy is – I've never seen such a lightning rod for anger in people. It amazes me; it really does amaze me how Members opposite don't take this more seriously.

I know one Member presented a petition on this exact issue from his constituents, and I applaud the Member for that, but I wish the entire government opposite would take this matter more seriously and listen to the people.

Thank you, Mr. Speaker.

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

MR. A. PARSONS: I call Orders of the Day, Mr. Speaker.

Orders of the Day

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, for leave to introduce a bill entitled, An Act To Amend The Law Respecting Statutory Offices Of The House Of Assembly. (Bill 27)

I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded by the hon. the Government House Leader that they have leave to introduce a bill entitled, An Act To Amend The Law Respecting Statutory Offices Of The House Of Assembly and that this bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce the bill?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

Motion, the hon. the Government House Leader to introduce a bill, "An Act To Amend The Law Respecting Statutory Offices Of The House of Assembly," carried. (Bill 27)

CLERK: A bill, An Act To Amend The Law Respecting Statutory Offices Of The House Of Assembly. (Bill 27)

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

When shall the said bill be read a second time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 27 read a first time, ordered read a second time on tomorrow.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, that the House resolve itself into a Committee of the Whole to consider Bill 1.

MR. SPEAKER: It is moved and seconded that the House resolve itself into a Committee of the Whole and that I do now leave the Chair to debate Bill 1.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Dempster): Order, please!

We are now considering Bill 1, An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments.

A bill, "An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments." (Bill 1)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Conception Bay South.

SOME HON. MEMBERS: Hear, hear!

MR. PETTEN: Thank you, Madam Chair.

As for this bill, it's been a while now since we had a briefing on it, so I guess I first should thank the people who provided us with the briefing.

This act, and the proposed Independent Appointments Commission, when in fact the bill only serves to create a commission which will recommend appointments. So it's not making appointments. It's going to give a list that will be considered further up the line.

When you call something an Appointments Commission, the words appointments and commission, you'd think that the decision would be more substantive. They're actually just recommending for appointments to be made eventually by Cabinet. They will be made by the

Lieutenant Governor in Council, which is Cabinet, and which in turn is politicians.

If the Liberal government is serious about taking the politics out of appointments – and it's something that was campaigned heavily on. I remember hearing the commitment. It was kind of interesting when I heard the Premier during the campaign state how they were going to do that. I'm always open to new ideas. When I heard that being said – I wasn't a sitting Member in the last Legislature – out on the campaign trail I used to think it sounded great.

You take the politics out of appointments, but as you get digging into the bill you start to realize that in theory – I guess it's a bit of window dressing. It looks like you may be taking the politics out of appointments but when you dig down, the way the bill is presented to us anyway, it's very questionable how much politics is actually going to come out of these appointments, Madam Chair.

As I said, if this was something they promised to do, then wouldn't they take the politicians out of the appointment process altogether? Change the legislation; change the regulations to show that the appointments were made by a commission, not just recommended by a commission.

You have a commission, and if you have to set up another Appointments Commission, at least that would be more rigorous, I guess. They need to have their own process.

What I like to refer to sometimes when I have thought about this Appointments Commission, any people who are familiar who have been in the public service know that you go to the Public Service Commission, you apply for a position, you're narrowed down – you apply I guess and they do the search down. They identify X number of people to do interviews. There's a matrix; there is an actual scoring system. So if people have an issue, everyone is entitled to go back and say: Why didn't I score higher? Why did I not get the position? Where did I land?

It is incumbent upon the Public Service Commission to meet with those people and go over where their weakness were, tell them what they scored, tell them what they could improve upon. It's more of an open process. Even when

the decisions come up the line – and I've been seeing that before; you have your recommended candidates but they are scored and you could have a bona fide reason not to pick number one.

There are times that has happened, but usually there is a process in place and you have justify why you are not picking the first person, if you're going through a matrix as the Public Service Commission does follow. If you're going to just take an Appointments Commission, you're going to submit a batch of names, whoever wants to apply and you're just going to recommend some people from that to send it up the line to Cabinet, again, to me, it doesn't sound like politics has been taken out of appointments because we all know Cabinet ultimately makes decisions, the way it stands today.

Governments are elected, so if you want to call politics as politics – but there is no doubt; anything that goes to the Cabinet room, politics does play a role. If you're going to have something that's independent, it should be independent of Cabinet and independent of government.

Before I move on, I hear Members opposite will get up, and I heard it today – again, I distance myself from that because I didn't appoint anyone in my previous life, so I can pretty well talk freely on that one. It's not what this former government done; it's not the process they used. It's thrown back as we're going to do it better.

I get that to a certain degree, Madam Chair, but still, it is what you promised as a government. This government came up with this promise, our current Premier and all elected Members. This wasn't something that the former government done; this is something that the new government committed to doing. I think that's a big difference because I suppose we learn – back in 2003 when the former government was there, the new government took over and done things differently and you hear that banter back and forth; but, on this case here, yes the former government and every government prior to this current government, that's the way these appointments are done.

Now you've committed to changing the process, which is really a big moment because this is Bill

I to a new government. Bill 1 is usually a watershed. It's your bill that you stand by.

During the election, like I just said earlier, I commended the current Premier of the day for coming out and bringing that in. I really did honestly say it. I'm not saying it just for shallow words. I thought it was neat because personally that was something that – did you always pick the best person for some of those positions? On a total just personal situation, I used to look sometimes and wonder that a lot myself. So I commended the Premier for bringing that forward. I thought it was pretty innovative.

Again, though, it makes you wonder is this legislation for the sake of fulfilling an election promise. I was a bit surprised when we went in and did that debriefing on it. The Members and government officials did a good job, but there were a lot of blanks not filled in. You start realizing, as my colleague for Mount Pearl North earlier tabled with the possible amendments, there were a lot of issues. This bill sounds great on paper, but when you start looking at it, it does require a lot of adjustments, I think, for this to be truly an Independent Appointments Commission.

As I said, the legislation is for the sake of fulfilling an election promise, especially as it does nothing to alter who makes the appointment to alter who makes the ultimate decision. As I just said, that decision will rest Cabinet. Is this commission nothing more than window dressing? That remains to be seen. Madam Chair, we feel on this side of the House that this bill has a lot of weaknesses.

Government has been seen to be the government of inaction so far. As it was stated last week by another Member on this side of the House, they finally kept their promise on one of the bills they passed. It was a bit of tongue-in-cheek, but a lot of people in the public questioned the same thing. When are we going to see a lot of these promises that government has been campaigning on, boasting on, yet they haven't delivered on.

This legislation and the commission it will create have no teeth, no way to ensure the recommendations are followed. It is inactive legislation, much like the inactive government. The Cabinet has traditionally retained the power

to make appointments to key position. As I said, a Member opposite said that earlier. That's the way it's been done forever, back to when we became a part of Canada. This has always gone through Cabinet.

Because the First Minister and other Cabinets – a collective response for leading the provincial government and setting the direction of policy. They're not accountable to the people of the House during elections. Again, it comes back to every Cabinet needs to ensure that all those in leadership positions, at agencies, commissions, Crown corporations throughout the government are not just qualified, skilled, experienced or proven and trustworthy, but also capable of working collaboratively with government and not cross purposes. Sharing the vision and objectives of the government is part of being qualified; a team divided against itself could not stand.

Yes, there are roles where you want antagonists, people who want to be independent and hold government up to scrutiny of criticism. For example, the Auditor General, the Child and Youth Advocate, the Citizens' Representative and soon to be the new seniors' advocate, are in such roles. We'd also like to see a veterans' advocate, but I guess you can't have it all.

That's why they're appointed by the House. If you're appointed by the House, it's intended to be taking Cabinet, taking the politics of out of it. You're appointed by the House, and those positions are appointed by the House for that reason, because they're not supposed to be on government's side. They're supposed to be speaking for the general public, the people.

AN HON. MEMBER: (Inaudible).

CHAIR: Order, please!

MR. PETTEN: They're expected to be critical of government, but agencies and commissions and Crown corporations –

AN HON. MEMBER: (Inaudible).

CHAIR: Order, please!

MR. PETTEN: Thank you, Madam Chair.

Agencies and commissions and Crown corporations are entities that do work of government. They are part of a team running this province. They are expected to work collaboratively and smoothly with the administration to implement the administration of policies to achieve its goals in the context of sound, corporate management.

Obviously, Madam Chair, it's not in any Cabinet's interest to appoint political friends who are not qualified to do the job because the work will not get done effectively and Cabinet will bear the blame and the shame.

There are many examples where Liberal governments and PC governments have appointed individuals who have worked very closely with the administration in the past and that would be considered political friends. Over the years, both governments – when it's their turn in power – have appointed people and they've gotten their share of criticism for it. Some of those appointments have not been bad appointments.

You can have your banter, but if you want to truly make this independent and truly take the politics out of everything, do that. Put this Appointments Commission – remove it so Cabinet doesn't decide. Put it in the hands of a truly independent commission to do independent appointments.

I know Members opposite always like to refer to the past or what's happening behind the scenes, but that's not where we are today. We're debating Bill 1, which I want to remind the government again, it is their watershed bill. It is their first bill they're bringing in as a new government.

Ironically, it was brought in and we were – back in March it seemed like it was full steam ahead and then it stopped. There's no doubt, when the amendments came out it was just put on the Order Paper and it stayed there until now. So, obviously, it's not a piece of legislation that probably government wants or proud of, as they boasted in the beginning because maybe they too realize there's probably a lot of work to be done on this bill.

Again, as the Opposition over here, we're not saying it's a horrible thing. We're saying this bill needs to be tightened up more. It sounds nice on paper to have an Independent Appointments Commission but it means nothing on paper unless it's truly independent. Right now, the public will say, you'll come out and you'll pass a bill and you'll make it all sound great. When it comes to practice, we all know where the end result happens. It happens in the Cabinet room.

Any decision coming out of the Cabinet room, if they're not political – I can't see them not being political, but if they're done by an Independent Appointments Commission and then they are brought into the House to be voted on, that to me is an independent process. It's one we should all embrace because it's your Bill 1, it's your watershed bill. It's one that you should be moving in the direction of doing that instead – again, it's fine to get up here, and we'll hear it. No doubt, we'll hear lots of that, what you did or what you did in the past and all this. That's not where we are.

We're not actually opposed to this legislation. We're just opposed to the legislation as it stands now and the way it's written. We have issues with – as you say, we have amendments coming. Those amendments are meant to address the concerns we have.

The bill as it stands right now is one we don't support, but the legislation, the idea of that legislation is one we're open to discussing. At the end of the day, we'd love to see an Independent Appointments Commission that is truly independent and will do the work that it's required to do and no political interference.

Thank you, Madam Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. Member for St. John 's East – Quidi Vidi.

MS. MICHAEL: Thank you.

Just giving notice that we will be doing amendments to subclause 6(3) and subclause 9(1).

CHAIR: The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Madam Chair.

Just following suit, the Leader of the New Democratic Party has just indicated which clauses that she intends to introduce amendments for. Out of respect for the House process and hopefully to allow things to move smoothly this afternoon at the Table, I'll indicate as well some of the clauses that we intend to propose amendments for: clause 2(c), clause 6(3) – I'm sorry, the Leader of the NDP indicated 6(3), so we may bring forward an additional amendment to 6(3) as well – 6(4), 6(7), 7(4) 7(6) –

AN HON. MEMBER: (Inaudible).

MR. HUTCHINGS: We gave a copy –

MR. KENT: Yes, you have this list that I'm reading from as well. I know the Table Officers do as well.

AN HON. MEMBER: (Inaudible).

MS. MICHAEL: That's an amendment.

MR. KENT: It is still an amendment, yes.

It is 9(2)(b); 10(2); 11(2); 13(1) – as you can see, I've been writing all weekend, Madam Chair – 13(3) and (4); 13(5); 15(1) and 16 –

AN HON. MEMBER: (Inaudible.)

MR. KENT: A Member opposite just suggested we write a new bill. That would make a lot more sense, Madam Chair, than what we're going to do here this afternoon.

There are a couple of amendments to 19(4), which affect the *Public Service Commission Act* 21(3) and 21(4), and also 19(5) which relates to Schedule C of *Public Service Commission Act*; and we will also reserve the right to bring in amendments to the Schedule and, perhaps, the long title, depending on how debate unfolds today and perhaps in subsequent days in this House.

So those are the amendments we intend to introduce. I won't prolong discussion on clause 1, and I look forward to working with the other parties in the House as we proceed through the Committee stage of debate.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Government House Leader.

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

I'll speak to clause 1 just briefly as we move on and I will say to the Members opposite, I appreciate you submitting your amendments in advance. I can say that we are looking at this now because we do want the best piece of legislation possible.

I'm going to respond to the Member for CBS's comments first of all. I think what he said is that he disagrees with this bill and won't be supporting this bill. That's how I took it. I took it so that the Official Opposition disagrees with the concept of having a more rigorous, merit-based process to the appointment of individuals to positions. If that's the case, if I'm hearing that wrong, then I find that very, very unfortunate and I'll let the Members opposite discuss that.

I don't want to belabour the point because we have had an opportunity. We had a press conference on this, there were briefings on and we had second reading on it. But I will address one point just so the Member realizes. He said well, we're in here now talking about this and it was full steam ahead at first, but he has to realize that actually I think we discussed this just during the first couple of weeks that this House was in session. Then I think we went on the traditional Easter Break where there's nothing discussed in this House of Assembly because the House is not open. Since that time, again, I think we all realize what we've been discussing, which is the budget. So it's not a case of not wanting to discuss something; it's a case of there are certain things you have to do at a time certain time.

We're extremely proud of this piece of legislation. I think somebody in the Official

Opposition's staff office might be out tweeting about it and saying that I said it was a flawed bill. Just in case, if they're going to quote me, just get it accurate. What I said was if it's flawed, it's still 10 times better than what the previous government had, which was nothing. I say to the staffers out there: If you're going to tweet, get it accurate. If you don't want to get it accurate, I can't help you there. You do what you got to do. What I've said – and thankfully everything that we say is recorded in Hansard.

To go back to the general subject of what the Member is discussing, he's saying this is something we campaigned on. It's an independent process, but we don't think they've done enough. They've haven't gotten the politics all out of this; therefore, I can't support it.

As we've discussed on a number of occasions, I'm willing to speak to this bill and answer the different clauses, whether they want to amend them or not. We'll certainly take our time. We have all today, tonight, tomorrow, tomorrow night and June, that's not a problem. What I will say, though, is that I'm looking forward to getting into the substantive side. I'm not going to spend a lot of time talking about it is not good enough.

The fact is the Member opposite wasn't a part – well, he was a part in the background. The previous government had every opportunity to do something and they chose not to. Their process was find somebody, put them in a position and there was no process.

In this case, we've laid out that the Public Service Commission is there and will do screening of applications, merit-based assessments, gender lens; there's a whole number of screening. Then it goes to an independent board. This group actually won't be appointed unless it's done through this House, a resolution that will be also debated in this House, those individuals, once we ever get to that stage.

I'm looking forward to that because as I just said to the media, we need to move this forward. I think the number I have here, the number when we came in – there are 50 vacancies and 300 expired appointees. That's a significant number for the number of ABCs we have out there,

agencies, boards and commissions. So we've come in and normally the previous government – what I would say is that when they wanted something filled, they filled it. How did you select who it was? I have no idea. One could only guess.

What I will say is that we want to get this commission up and running. We think this is a great process. We think that there are checks and balances in place. We think that there are going to be public reporting components. We know that there are going to be public reports done on an annual basis. We know that the IAC itself will go through an IAC process down the road. This is light years ahead of the previous processes used by any government before. We think this is a step in the right direction.

I know the other side is going to oppose certain things. I get that. That, in many cases, is the job, to oppose. I can say I've been there. What I also like to think is that when I was on the other side I prided myself on trying to do what I thought was best, in the legislative sense, of putting forward amendments. So we'll certainly take all the time that is necessary to debate and discuss the amendments that are put forward by both sides, to discuss the pros and cons, why we should or should not do something.

I welcome the fact that the Deputy Opposition House Leader has suggested a huge number here. We'll discuss each of these as we go through. I'm sure they're going to stand up on a number-by-number basis and enter those and we'll discuss each one of these. If it has merit, then maybe we'll discuss putting it in. If it doesn't, then we'll disagree and there it is. At the end of the day, I still think we're going to be at a much, much better place than where we were previously where it wasn't merit based; it wasn't independent.

The other thing – I just had to point this out before I sit down – is that they've said Cabinet still has a say. As the Member opposite would know, Cabinet has a duty to govern. The failure to act upon that and to abrogate your responsibility would go against the whole purpose of governance in the first place. I know that you want this to go to a select process and I know you still want the opportunity to have that, but that's not how the governance process

works. What we're doing is vastly improving on the governance process that existed beforehand.

I look forward to the debate. I look forward to discussing the substantive amendments that have been put forward. I'll sit, at this point, and wait for further commentary.

CHAIR: The hon. the Member for Conception Bay East – Bell Island.

MR. PETTEN: Conception Bay South, Madam Chair.

CHAIR: My apologies.

MR. PETTEN: No problem. Thank you, Madam Chair.

I just want to point out a couple of things that the hon. Government House Leader just pointed out. To clarify, I said we support an Independent Appointments Commission. We don't support what's being presented on this Bill 1.

We do support, with the proper amendments, with the right independence to it – we do support that. So I just want to clarify, our stance on this side of the House is we have no problem with an Independent Appointments Commission as long as it's truly independent. We have amendments put in to try to make that happen. The text of the bill as it stands today, we don't support it. We do, though, support an Independent Appointments Commission, if it's truly independent.

I won't take up all my time, Madam Chair, but I wanted to clarify that. Something else that the hon. Government House Leader just pointed out – it's window dressing; you can say what you want, but it keeps coming back to this side of the House. As I clearly stated, I commended this government, this Premier for bringing in – like I said during the election, I thought it was a decent idea. I started thinking when I saw it first – I think we all kind of said yeah, it's an interesting option. But basically, this is like the legitimizing of secret Cabinet decisions.

Now all of a sudden the Appointments Commission made this, it's going to go to Cabinet, it's going to come to the House – it's a smoke and mirrors game; it makes it seem like

this has been done independent, which we know that the way this bill is designed now the Cabinet does not have to take any recommendation from this committee. That's no different than what's ever been in place, Madam Chair.

Before everyone knew, those are the rules of the game forever in a day. Again, it's not about this side of the House. It's not about previous governments; it's about what's here and now today. It's Bill 1, it's their bill. It's one that they campaigned on, that their proud of. Again, I'll just remind everyone. We're not opposed to Bill 1 or an Independent Appointments Commission as stated in Bill 1; we're just opposed to all of the loopholes and back doors. As my colleague for Mount Pearl North said maybe a new bill would be better with these new amendments, then it would be something that we could sit down and have a conversation about.

This is government's bill. It's not about previous governments. Whether they be Liberal or Tory or whatever, this is not about those governments; it's about what this government here and now that was elected November 30, 2015, campaigned on. It was one of the centrepieces to their thing, taking the politics out of appointments.

As I said and as we will continue to say, we have put these amendments in to voice those concerns. We have serious concerns with the way this bill is written. When you have a bill that can go and if they are only basing it on recommendations, as we all know recommendations are what they are, they are recommendations. Final decisions if they're made by Cabinet, well that's where your Independent Appointments Commission is, Madam Chair. It's in the Cabinet room, not in the Independent Appointments Commission office.

Until they (inaudible) those amendments that we have in place or talk to us about them, right now we can't support it as it stands, but we are willing to talk to them if they are willing to bring in some amendments.

Thank you.

CHAIR: My apologies to the Member for Conception Bay South for wrongly identifying his district.

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

MS. MICHAEL: Thank you very much, Madam Chair.

Just to speak briefly to clause 1, which says, "This Act may be cited as the *Independent Appointment Commission Act*." So that's a telling phrase; it's a telling name.

One of the things that was in the Liberal platform in 2015 – it was their very first promise, actually – was the creation of a commission to take politics out of government appointments. Everybody wants that to happen. Everybody would like to see politics taken out of appointments to the various government bodies and agencies. People talk about it all the time. How do you get appointed to these things?

We have an awful lot of proof in our history here in the House of Assembly for decades and decades of many appointments being patronage appointments. So one imagines that's what the government or the Liberals were thinking about when they put in their election platform that they would take the politics out of government.

Then they repeated it again in the Speech from the Throne, because they had the Independent Appointments Commission in the Speech from the Throne. They said, "This commission will be the first of its kind in Newfoundland and Labrador, taking the politics out of government appointments. We believe that appointments to our agencies, boards and commissions should be merit-based, not politically motivated, as in the past."

So taking politics out does seem to be something they're really concerned about. It's a very interesting idea, but as we go through the discussion of Bill 1, we will be questioning and looking at: Does it really take the politics out? One of our amendments in particular, which I'll make when we get to section 6, will be putting in an amendment we think would help take the politics out. Because right now so much power is in the hands of the government, they don't

even seem to be recognizing where they are holding power.

In our first amendment, when we get to it, we'll put something on the table to propose how to take the politics out in a very real way, in the very first step of setting up the Commission. The government will prove to us then whether or not they are serious about taking the politics out when they decide whether or not to vote for our amendment which we will be putting forward.

Right now, that's all I want to say. As we go forward I will have more to say.

Thank you.

CHAIR: The hon. the Member for Cape – St. Francis.

MR. K. PARSONS: Thank you very much, Madam Chair – and you got the name right, thank you.

I just want to say a few words on this one, just for a couple minutes. Bill 1, I got up and spoke a little while ago when we first introduced it here in the House. Bill 1 to me is – I look at the intent. I agree with the Government House Leader, the intent of the bill is good. I really do believe that. I believe the intent of the bill is good, but it's how the bill is put forward. It's what's in the bill that I really disagree with. I know across the way there are names slung over here of people that our government appointed during our tenure in government. I really respect a lot of those names. They did a great job and they're still doing great jobs, actually, in some of their portfolios.

It's not only us. It goes back for years and years and years, since Confederation really. When you look back – and every day. You'll always see names in the public. You'll see names like Dicks and Dumaresque and that in the '90s that were appointed. It's not to say one did it right or one did it wrong. They're very respectful men and the same thing – are people. Most people who do get appointed to these commissions and boards are good people. I'm sure they're doing a fantastic job. The idea and the promise that was made during the campaign was that this was going to be done independently. That was the promise that was made.

That's not a promise because this is not what's happening in this bill. What's happening in the bill basically is that it will all come back to Cabinet. Now that's not what the promise basically says. The promise they made in their election platform was that we're going to take out – the words were: take politics out of appointments. That's what we heard: taking the politics out of appointments.

Maybe you can do it and maybe there are ways of doing it. I'm hoping people across the way will look at the amendments we're doing and perhaps we'll have the best piece of legislation in all of Canada. That's what I'd love to see come out of this.

When you say to the people of Newfoundland and Labrador that you're taking the politics out of appointments, they look at you to say, okay, so that means politicians are not going to have the final say in who that person is. The best possible candidate will be the one that's selected.

I think that's what everybody looked at when this promise was made to the people of Newfoundland and Labrador. They said, okay, all these years since Confederation it was always – and we've heard it. Listen, everybody in this House and everyone listening at home, it was always said it's not who you know, it's what you know. You're not going to get a job unless you know somebody there. That's sad, but do you know what? Today that's leaving because if you see how people are getting appointed, like no matter what it is, fire departments and stuff, they don't even use names anymore and stuff like this. It's a good way of doing things because it's fair. That's the same thing with this.

We want the best possible legislation that's available. We want to make sure when we finish Bill 1, when it comes out that, okay, we got a piece of legislation in place for the people of Newfoundland and Labrador that they feel confident in. Not something like a Member said earlier, smoke and mirrors. You want it perceived as, oh, we have this great legislation in place and everything is hunky-dory, that the people are very, very pleased with, but down the road things change. What can change in this is that the Appointments Commission will recommend – now, we can't call them an

Appointments Commission; they should be called a recommendation commission because they only recommend. They do not appoint. That's the big difference that we'll see here today is that they do not appoint. You have to remember that it's a recommendation.

Then what happens, they'll recommend three people that will go to Cabinet. This is the part that I'd like to see is that there be some kind of a ranking. So here are the criteria for the job – and this is what's normally done – and here's what you need to meet that criteria. It could be anything, your education, your background experience and stuff like this. Here are the things we are looking for in that job.

When you go into most jobs what they'll do, they'll rank you. They say okay, the first job, education; well that's exactly what we're looking for, education. So it goes one, two, three, four and how it goes down the line on each one. At the end, you have three people. These are the three best qualified people for that job. These are the three best people for that job. Number one, he or she has everything that we were looking for. Number two, well, we would like a little bit more experience, but still qualifies and that's why we selected that person as number two. Number three would be okay, still has great experience and stuff like that but when we interviewed them, this is the way we ranked them.

That doesn't happen at all in this bill. The commission do not give you a ranking; they just give you three names. Now, one person could be so qualified, they could have years and years of – and that person is head and shoulders over everyone else, but it's only that name that goes up to being a recommendation.

Here's the scary part of the whole bill, and the part that I really don't understand. These three individuals do not have to be the person that they choose. After going through this whole process, huge process of getting the names – it could be hundreds of people, could be 50 people, could be 1,000 people, I don't know, apply for this job, apply for head over this department, head over this commission, head over whatever. Here they are, they applied for this and it goes through the whole process through the recommendation commission, the

whole process goes through and those three people that are after going through the whole process – they don't know their ranking or anything like that, but their names get forwarded to Cabinet. And obviously, a good commission are after going out and they're after finding the three best possible people to do the job.

The three names go to Cabinet, yet Cabinet, if they don't want them, they can say no, that's not the person I want. They can appoint somebody completely different. Now, what is the difference – the Member said smoke and mirrors. I believe this is smoke and mirrors but this is the worst kind because you're trying to lead people to believe that you're doing something and you're not actually doing it.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. K. PARSONS: I remember one time a boss of mine said you've got to make them believe you're telling the truth. That's what they're trying to do to the people of Newfoundland and Labrador. They're trying to make you believe this is independent when it's not. It's not truly independent because at the end of the day once the appointment comes out where they are appointing a commission for the Auditor General – they could have a name that we're going to put in as Auditor General of this province. The whole process can go right through the whole system. Then all of a sudden, the three best names after they interview them, they check out all the references, they checked out their education, checked out their experience, checked out everything, and we have three really good candidates to do that, these three names get put up to Cabinet.

The Cabinet – before it all started – probably said this guy would be a great guy or this lady would be a great person, and that name they could have there too. Let me tell you, I am not saying that person wouldn't be qualified because I'm sure you wouldn't appoint somebody to the Auditor General's portfolio if they weren't qualified. I mean, that's a huge position and you really need to know what you're doing to be the Auditor General. I applaud Mr. Paddon and all Auditors General, Mr. Noseworthy and everyone else who I dealt with since I've been here. I was

on the Public Accounts Committee since I've been elected and I have to tell you they do a fantastic job.

My point being is that we could have three really good candidates – this is the problem with the whole bill. This is the gist for me because I agree with us taking politics out, like the promise was. The promise was to take politics out of appointments. Those were the words the Premier used. Those were the words that were in your red book. Those were the words when you knocked on doors and they talked about people getting appointed for everything and you had to know somebody to get a job, those were the words you used to the people in the province.

That's not what's happening here at all. What's happening here is you can have you want; this commission is just going to give you a recommendation. It's going to go up to Cabinet, you're going to sit around the Cabinet table and you're going to have a person who you have in your mind, this is the one we want for the job and that person may qualify. Yes, that person may be a great candidate, but it may not be the three names that were recommended. It may be someone different.

Here's the worst of it. If you came out publicly and said okay, we have candidate A, B and C and these are the three people who were recommended for the position, but we don't want that person because we have another person. If that was put out publicly, if the public knew that, then maybe the bill would be okay. If that's what the intent of this bill was to do, was to put it out into the public and say okay, we disagree with the commission. We don't agree with A, B, and C because they are not as qualified as the person we have selected. If that was the case and you could justify it then okay, but that's not the case. No one will ever know. They'll never know the three people that goes up to Cabinet, and they'll know if those three people were the actual ones that were recommended. No one will ever know. It's secrecy at the worst.

It's unbelievable that you could even think about doing something like that. It is even worse than what it was before because you're putting all this bureaucracy in place and getting all this

work done, yet you're cutting her down and saying no, that's the person we wanted.

AN HON. MEMBER: (Inaudible.)

MR. K. PARSONS: I say it seriously.

Thank you, Madam Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Madam Chair.

I'll join some of my colleagues in taking an opportunity to speak to clause 1 of the bill and respond to some of the things that have been said so far. I thank my colleagues for really summing up the fundamental problem we see with this legislation.

So when we're talking about clause 1, this is a clause that defines the bill's short title. At this point in time we won't be amending that clause. But the clause reads: "This Act may be cited as the *Independent Appointments Commission Act*. So, for the reasons that my colleagues have outlined, maybe it would be appropriate at some point in time for us to change the name of the bill.

I'm hoping through the course of this debate in Committee we'll make changes that will make the bill more effective, but to suggest that it's called the Independent Appointments Commission is incredibly ironic, Madam Chair, because we're talking about a group that at this point, based on the way it's proposed, won't be at all independent. And here's the real kicker: It won't even be able to make appointments.

We thought maybe it should be called the Liberal recommendations commission or something like that, or a more cynical name might suggest that it be called an act to justify Liberal political patronage appointments. But that's overly cynical.

The Government House Leader has expressed a willingness to work with us through this process, so I'll take him at his word. I hope that of the 16 amendments we've brought forward will all get

adopted by government in this House. But at the very least, I hope a number of will because it will make a flawed piece of legislation a little bit better.

However, the right thing to do would be to scrap it altogether and start again. It is so flawed that there are amendments required to virtually every clause of the bill to make it a sensible piece of legislation. Even then, it's still not the optimal approach.

Much like the recent budget, it would be far better to admit you got it wrong, throw it out and start over. That would be the right approach to take with this *Independent Appointments Commission Act*. In the absence of doing that, then we need to do our best to try and make this legislation at least a bit more sensible and workable.

We want to ensure the commission is truly independent, that it's impartial, that it's accountable and that it's effective. So that is why we will be bringing forward amendments to many clauses in this bill. If the bill isn't significantly amended, then I think a name change would be warranted. The current bill doesn't create a commission that's independent, doesn't create a commission that can make appointments.

Just a general comment on our amendments, they may seem a bit complicated in some places, but they're intended to be really straightforward. We've laid out the language, we've consulted with others to try and make sure the amendments are technically sound. I hope that we'll get an opportunity to debate each one of them in this hon. House.

The other point I want to make, Madam Chair, in response to the Government House Leader's comments, if government had wanted to avoid this kind of process in the House where we have to introduce an amendment – it's the typical process: you introduce the amendment, you debate the amendment, you pause to consider whether the amendment is in order and then you debate the amendment if it is – there was a better way.

We didn't have all our amendments finished six weeks ago, but we did provide some public

commentary. I did media interviews where I outlined the kinds of amendments we were going to bring forward. Now we've got them written, and today is the first opportunity to present them in this House.

The bill could have been sent to a legislative review committee, a committee of this House, with all parties represented. A committee could have been struck to review the legislation. The beauty of that process would be that we could go through the bill, clause by clause, and make suggestions, propose amendments and really understand – get a better sense of what government's intention is, and maybe make modifications that we could all agree to that would make the legislation better.

That process wasn't the one that was chosen, so I just want to be on record that we did suggest that about six weeks ago when we were going through the second reading process. I still believe that would have been a better approach. Nonetheless, we are where we are. We'll go through the traditional process. We'll introduce amendments.

In fairness, there have been times where governments in this House have adopted amendments that have been put forward by the Opposition. I recall during recent sessions of the House of Assembly that that happened. So I hope today government will work with us and we'll be able to make some changes that will make the bill better and put us in a better place.

The Government House Leader also said that regardless of whether any changes are made, this process will be better than the one that existed before. Well, I beg to differ. I have to respectfully disagree with the Government House Leader because I think we're going to be in a worse place. I believe we're going to be in a worse place because what this bill does is give Cabinet power to make appointments which it can do today but then hide behind a veil of legitimacy. Because of this smoke and mirrors piece of legislation that is being proposed, now Cabinet ministers will be able to hide behind this veil of legitimacy and simply appoint whoever they want in secret behind closed doors. I don't think that's better. I think that's actually worse.

What we hope to do as we go through this bill is make some changes that make it a little bit better. It's not ideal. Even if all of our amendments were passed and even if the amendments proposed by the New Democratic Party were passed, I still think we're not in a great place and there is a better way. We'll make the best of a bad situation and try and get the bill to a more sensible place.

While I still have a few minutes, I'll just make some other comments on the bill generally. I think it's important to point out that beyond the application stage, beyond the point where somebody applies to serve on a board or a committee or a council or a commission, there's nothing about the process as proposed that's public.

I also have a problem with the Appointment Commission. The initial five person commission is going to be appointed by Cabinet then rubberstamped in this House, but there's a better approach there as well to have all parties engaged in making sure that that commission is truly independent. Why not involve all three parties in the selection and appointment of that commission?

We also have some concerns about the entities that are listed in Schedule C, where some appointments will go through the Public Service Commission. The Public Service Commission will basically produce a list of applicants they deem qualified. They'll give the list to a minister and the minister will simply make the appointments, and not even subject to any kind of Cabinet process. Now I recall from having served in Cabinet that even routine appointments would be subject to some kind of Cabinet process, but apparently that's not the intention of the Liberal government.

When the Premier presented his flagship piece of legislation – I hope we'll hear from him during this debate – he indicated that he wanted the best person for the job. Well, for the big jobs, for the ones that will be subject to the Independent Appointments Commission, this process will identify a few qualified people and then let Cabinet pick behind closed doors from that list that won't even be (inaudible). There's a fundamental problem with that. If you really want the best person for the job then you have a

process that would truly identify the best person for the job. So we have some concerns with that.

Because of the Public Service Commission's involvement, I'm worried about the potential for political interference with the Public Service Commission, which hasn't traditionally been a problem. The Public Service Commission does good work, but I'm very concerned about how this is going to play out. I think it's also important to note that everything the Liberal Appointments Commission recommends is simply a recommendation. It's non-binding.

Madam Chair, this bill, as it stands, does nothing to take the politics out of appointments – which is another one of the Premier's famous lines. Over and over again we've heard this is going to take the politics out of appointments. Well it does nothing like that at all. This legitimizes a political process. It's an attempt to legitimize a political process.

Again, we're talking about a commission that will have zero authority to make appointments. So those are just a few comments. We'll have lots of time to talk about this bill and talk about the various clauses, but I'm pleased to have a chance to get up and at least make a few general comments on clause 1 before we get into the more detailed clauses and specific appointments that at least two parties in the House will be putting forward. I hope perhaps even government will acknowledge some of the concerns that have been brought forward and present some amendments of their own as well.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for St. John's East – Quidi Vidi.

MS. MICHAEL: Thank you very much, Madam Chair.

Just a couple of points I want to pick up on, following up my colleague from Mount Pearl North, and it has to do with the process of working together on the piece of legislation. I hope we will have an open discussion here in the Committee of the Whole because when the Government House Leader first came to us,

when we first got the bill, the suggestion was for us to submit recommendations; if we were going to want things amended to submit those to the government so they could have a look at them ahead of time and decide ahead of time what they wanted to do with any amendments we may be suggesting. When that request was made, our response as one party in the House was, no, that's not the way we saw that it should work.

If we use a process that's more common in the legislative system, what would happen is the act would come to the floor. Then, if there were things in the act that needed to be discussed in Committee, what happens in Ottawa, for example – and it's even in our Standing Orders – is that things can get referred to the all-party committee that would deal with a piece of legislation.

Rather than having a Committee of the Whole, if we had an all-party committee that dealt with the kind of legislation we're dealing with today in Bill 1, then we would take the pieces of the act that we had some controversy over and pass it on to the all-party committee. The all-party committee would deal with the points of contention and then jointly agree on what would come back to the floor of the House. That's how it works in Ottawa and that's how it works in some of our other provincial Legislatures.

We don't do it that way. We go through our bill too. We go through second reading and then everything comes into Committee of the Whole. So a Committee of the Whole is where we deal with the concerns. Committee of the Whole is where we put out our suggestions for recommendations.

It's not letting government know ahead of time what can be problematic and they're ready for it and they come into the House and there's no real discussion. This is where we're supposed to look at the things that may be contentious and where we try to work it through.

Now I would prefer that we had a process, like they have in the House of Commons and in other provincial Legislatures, where you actually have an all-party committee that does the committee discussion in a smaller setting that can also call in people to be witnesses in the discussion, and call in other people to come and give their

opinion on what the bill is. If we had that kind of a process, I think it would be a much more open process, but we don't.

The most open process we have is the discussion that happens in Committee of the Whole. Although, our Standing Orders do say that we could do what I'm suggesting, that we should have standing committees. Our standing committees for Government Services, Natural Resources and Social Services, those standing committees can be the committees that would receive something from the House and be asked to work on. We don't do that.

It's in our Standing Orders we can do it, we may do it. We don't do it. So when the Government House Leader came with his suggestion our reaction was, no, well that's not the normal way we do it. We do it in committee. We bring our discussions to a committee. That's what we're doing here, and we're happy to take part in the discussion as it goes on.

Thank you very much, Madam Chair.

CHAIR: The hon. the Member for Cape St. Francis.

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: Thank you very much, Madam Chair.

I just have a couple of minutes; I had 10 the last time. I just want to talk to a couple of points because once we get into the amendments we'll be talking about amendments and the leave. Right now we're just talking about the bill, the overall bill.

I want to agree with the Member who just got up and spoke. I'm part of the All-Party Committee on the Fishery and we've been meeting on a regular basis. I tell you, it's real good to know that we're all there, it's a committee and everybody is listening to each other's opinion. Yet, government does have, at the end of the day with the majority of Members on that committee, anything that's going to be said or what recommendations come out, they will have – at the end of the day, the recommendations that will come will be voted on by government.

An all-party committee, no matter what, will always be controlled by government Members because they have the majority of people on those committees. That's the way it works, but it's a great opportunity for the other parties to put together ideas and suggestions to the minister and to the people who are on that committee and work together. That's what an all-party committee does, it works together to make sure the best possible results will come out.

When the hon. Member suggested this should be deferred to an all-party committee, I think that this legislation is important. It's important to the people of the province. It was so important to the Liberal government during the election. It was one of their biggest platforms. They raised the expectations so high – you raised the expectations of people. They really said, okay, finally – and they voted for it. They voted for you and they voted you people in your seats over there. That was one of the reasons they voted, because they wanted change. There's no doubt about that.

They wanted legislation that was going to come forward that they agreed to, which made sense to them, that people – rather than who you know, would never come up again. It would be done through fair, and it would be done independently, and it would be done by people other than politicians to make the decision at the end of the day.

That's not saying politicians make the wrong decisions or whatever, or don't select the right people, but this was a promise. This is what you promised the people of Newfoundland and Labrador. You promised an independent commission that would take the politics – and these are the words you used – out of appointments, but you're not doing it. This bill is a far cry from what the promise actually was. The promise was that politicians wouldn't have a say. It would be an independent commission that would determine who gets the positions within government.

I don't understand; I really believe it's a step forward we've made in the last couple of years in the House of Assembly with all-party committees. We started with mental health and addictions. We decided to set up an all-party

committee with that. Now it's still in the process, but do you know what? It gives everybody an opportunity who's on that committee to have a say; to sit down and say these are the things we need to do. This is the best possible thing.

At the end of the day, it's government's decision. No matter what happens with this bill today as we put our recommendations, no matter what happens, people out there have to understand that at the end of the day the governing party will say what happens, but we're here to try to make it a better bill. We're not here just to put out recommendations so we can all sit around and argue over it all day long. That's not the point of this at all.

The point we're making here today and the point my Member just made to defer to an all-party committee is to have the best possible bill that can be out there. That's what this is about. We want to make sure people have confidence in this House to say, okay, they're doing the right thing.

Every time you're in government, some people will argue with decisions you make and whatever, but I hope everybody makes the decisions on doing the right thing. Doing the right thing would be to make sure we have the best piece of legislation that's available.

Deferring it to an all-party committee takes the House of Assembly away from it. It lets people sit down and really give their point of view and people can say, oh, yes, I understand that. Yes, I can see where you're coming from and whatnot. That's what we want, and that's what the people want. That's what you promised. That's a promise you made to the people of Newfoundland and Labrador, that you were going to take the politics out of it. You were going to have an independent commission that would come and here's the best person.

At the end of the day, the people of Newfoundland and Labrador want the best person qualified to do the work for them. No matter if it's the Child and Youth Advocate, if it's – like I said earlier – the Auditor General. Whatever it is, we want to make sure the best person qualified is the person who does it. This bill is not going to do it. It's not going to cut it.

The other thing, I talked to the Members across the way. This is Bill 1, your first bit of legislation coming in here to the House of Assembly. This should be the bill that comes in and says, okay, one of the big promises we made in this election, we made a huge promise to the people of Newfoundland and Labrador and we're going to live up to it. We're going to live up to the promise we promised you. We told you this is what we're going to do. Well, it doesn't live up to it. It's not even close to living up to it.

I'd say looking at this, it's almost like you're trying to fool the people of Newfoundland and Labrador but they're not getting fooled, obviously, because they're smarter than that. I mean, we hear all the time when we're debating the budget, you don't understand, the media don't understand, nobody understands, nobody in this province understands, but I tell you the people of Newfoundland and Labrador do understand this. They do understand that unless it's out in the public, unless a commission that's independent from government makes the appointment that it's clear of government – that's what you promised. That was the promise that you made to the people of Newfoundland and Labrador.

Now, we can talk about promises, but I'm not going to go there. That was a promise that you made, and that's what the people of Newfoundland and Labrador wanted. They really do. They want an independent commission that is going to be able to say, okay, at the end of the day, the person that's most recommended to do the job is the person that got selected.

I ask the people over across the way: Isn't that what you want? We talk about openness and transparency. How more open and transparent can you be if the persons that are qualified to do the job are put out there and said these are the three best candidates to do this position, Cabinet has it and we're going to look at it and we'll give you our decision tomorrow or the next day when Cabinet meets?

Is there something wrong with that, putting it out so people would know? Not to say okay, give us three names, we'll keep them in the envelope, no one will ever see who they are, yet the person we wanted all along is not in that

envelope but we're going to take that person because we might not even open the envelope. How are they going to know? Really, how are the people of Newfoundland and Labrador going to know that the best qualified person has that job?

You want to be independent, you want to show people that you're transparent, you want to see openness, well, put the proper procedure in place so it is.

You can go back over years, and I hear people chirping over there now it is what you did years ago and you did this, but you raised the expectations of the people – come election time, this was one of your big platforms. You were going to take it all out. Like again another promise –and we know about promises. But it was another promise that you made to the people of Newfoundland and Labrador that the politics would come out of appointments. This is a far cry from what you're doing.

You really have to be honest with yourself. Maybe when you first brought in the bill, you looked at it and said yes, this is a great bill; we're doing a good job and everything else. But when you really go back and look at it, it's worse than what we had. It really is worse than what we had because you are giving expectations to three people that you're qualified for the job, but you aren't getting it because we have a person in mind to do that. That's what could happen here.

I know that some of you are over there shaking your heads and agreeing with me because it can happen, and you know it can happen. Why put that in place? I'm not saying the person that's selected won't be a good candidate. Anyone that has to do these jobs, I sure hope they're qualified to do it because I know a lot of people out there are really qualified to do the job. Why not be open? Why not be transparent like you promised? Why have it under the secrecy? That's what this is. This is pure secrecy what you're doing here now. No one will know. We don't need to tell.

What does that tell the people of Newfoundland and Labrador? We don't need to let you know who the person is, no, no. We don't need you to

know that the person that got selected wasn't one of those three. That's shameful. It really is.

You're not really giving Newfoundlanders and Labradorians the credit they deserve. They're smarter than that and they do understand. Many times in this House of Assembly we hear the words, you don't understand. I tell you, you've got to give the people of Newfoundland and Labrador a little bit of credit because they do. The process is flawed with what you're introducing. It's really flawed.

There's an opportunity to make it the best piece of legislation in all of Canada, where we all can sit down and agree at the end of the day this is a great piece of legislation. The intent is to take politics out of it. The intent is to be open and transparent. The intent is to have people in Newfoundland to have confidence in government, have confidence in politicians. I want them to have confidence in what I do here today and I want to have confidence in what we do here as a general (inaudible).

Thank you very much, Madam Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Madam Chair.

I'd just like to build on my colleague's comments and make a few more comments about clause 1. I really want to emphasize that this bill does nothing to take the politics out of appointments. We're talking about a new commission that isn't independent and has absolutely no authority to make appointments. There's a fundamental problem that we won't be able to totally fix through amendments here this afternoon and this evening, but we will try and make it a little bit better.

One of the suggestions that have been made is that this is going to be non-partisan. What's non-partisan about allowing Cabinet Members, individual ministers, to hand-pick from a list of candidates, whether they're doing it through the Public Service Commission in the privacy of their offices, or whether they're doing it through

this new Liberal Appointments Commission? In either case, there's nothing non-partisan about it.

The Premier says he wants to take politics out of appointments, but Bill 1 ensures that politics always, always, always trumps process. That's a real challenge for us, Madam Chair.

When this bill was first introduced, it was highlighted that Cabinet can simply appoint. Cabinet can simply bypass all of this process that's being laid out here in Bill 1 and simply appoint who they want. Do you know what government had to say about that? They said, well, we don't expect that to be a regular occurrence. Even from the introduction of the bill government acknowledged that even if this process is smoke and mirrors, we're just going to totally ignore it and appoint who we need to appoint from time to time, but we won't do that too often.

Another Cabinet minister suggested during the initial discussion on this bill, during second reading, that this would be a significant change. Well, I would argue that as it currently stands, this bill doesn't change anything. It tries to justify political appointments. As we said during second reading debate, there are times when government will appoint people, and so they should. That's part of being government. They received a strong mandate from people of the province, and yes, sometimes they're going to make appointments. That's part of carrying out the business of government, but don't say that you're doing it independently and through this arm's-length Appointments Commission that isn't independent and can't make appointments, because that's just simply smoke and mirrors and it is not accurate.

The list of names that is being put forward to Cabinet by this new commission won't be made public. I think that is worth noting as well. So there's an air of secrecy around this entire process from start to finish beyond the application stage. If Cabinet chooses to ignore the three recommended names, then there's no mechanism presently for that to be disclosed, which is one of the things we will try and address as we propose amendments to the bill.

When the Premier was questioned on that in the initial news conference he said, well, those

Independent Appointments Commission members can complain or resign if that happens, if they feel that the process is not being respected, but hopefully that won't happen too often. He expects that to be rare. That's all very concerning, Madam Chair.

Another thing that's concerning is that twice in the bill it actually says that Cabinet can ignore recommendations; Cabinet can do what it wants. So that's highlighted at two separate points in the legislation that we're debating here this afternoon.

This is very much about Cabinet secrecy and Cabinet control. I recall at the news conference hearing the Premier say, well, that's the way things work. Well, if you say you're going to do things differently, then your actions have to reflect that. Unfortunately, Bill 1 doesn't reflect anything new or different.

How can you say you're taking the politics out of a process if Cabinet can simply do what it wants at the end of the day? That's really one of our fundamental concerns with this whole process. They're setting the stage already to just go and do what they want by making comments about extraordinary circumstances and occurrences that are going to be very rare when the legislation is not followed. It's all very concerning.

If all decisions ultimately – no matter what process we finalize here today or tomorrow or whenever we get this bill finished, no matter whether there are changes made or not, if all the decisions come down to politicians making appointments behind closed doors, how can you claim that's not political? How can you claim that's not a political process? I think we should just do what we say we're going to do, but you can't say you're going to do one thing and then do another, which is the real problem we have with Bill 1.

When the Premier kept saying these commission members will resign if Cabinet doesn't respect the process, that's an incredible red flag from our perspective, Madam Chair. If you don't like our decisions, you can resign. That doesn't sound like a legitimate, independent, objective process to me.

Relying on commissioners resigning to ensure the integrity of your process probably means your process is flawed out of the gates, which is the real concern we have. You can't possibly say that's independent or you can't possibly say that's non-political. Cabinet at the end of the day gets to pick names from a secret list.

The Finance Minister, during second reading debate said – I think it was during second reading debate – that she's proud of this piece of work. All I can say, Madam Chair, is that this bill is a piece of work, there's no doubt about that. I just wish there was an opportunity to do some more work on it before we get to this stage of the process. A committee that would have allowed us to work through this and try and come up with something meaningful and sensible would have been a good approach if government was serious about making change, but they're clearly not.

Madam Chair, 130 boards and agencies are exempt from this new Independent Appointments Commission process.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. KENT: Thank you, Madam Chair.

If the Education Minister has something to say, he can certainly rise when I'm done in a few minutes. I look forward to his contribution to the debate as well. He's been chirping at us throughout Committee of the Whole this afternoon. Several of my colleagues have commented on that. I'd encourage him to get up and share his views. We'd welcome that because he has been notably quiet for the last number of days. We'd welcome his participation in the debate as well.

As I was saying before I was interrupted, 130 boards and agencies are exempt from this new process. So that's a real concern. During the news conference on this piece of legislation, the government ministers that were there were asked if they will appoint five high-profile Liberals as the initial commission, and they didn't deny that. They just said they'll look for the best people. Well, maybe if you are serious about having an independent, objective process, let's work

together; let's have all parties of the House play a role in appointing those people.

We'd still like to get clarity on which agencies, boards and commissions are not covered. It's an extensive list in the legislation. We still haven't received a clear answer on which agencies, boards and commissions won't be impacted by this legislation.

Another concern I'd like to highlight – I only have a minute and a half left – is it's been said by government that they'll be no added cost to doing all of this smoke and mirrors exercise. Well, does the Public Service Commission have that much extra capacity? I don't believe they do, Madam Chair. My experience tells me that the folks of the Public Service Commission are quite busy. So how all of this work can be done with no added cost and with no additional resources is another cause for concern.

Madam Chair, Members of government have referred to this piece of legislation as groundbreaking. Well, I'd suggest that this is a piece of legislation that is not at all on solid ground. We'll propose amendments, which hopefully government will consider, that will make it a bit better, but at the end of the day I fear it will still be severely flawed.

So send the whole thing to committee, let's take the politics out of it, let's all work together to come up with something that's truly independent and something that can truly make appointments and then we may land in a sensible place. That's my appeal to government this afternoon, and I look forward to continuing debate on the clauses of this bill.

Thank you.

CHAIR: The hon. the Member for Cape St. Francis.

MR. K. PARSONS: I just have a couple of more little points. The Member just brought it forward there, that point. If we really want to get independent here and have five people that are selected on this commission, why don't we do it through the all-party committee? Why don't we just do that? Just pick parts of this that we can do through committee so people can see that it is an independent commission and it is people that

are – again, as the Member for Mount Pearl North just stated, this commission is done through appointment of the Premier and Cabinet and they'll just select the five people that are on this commission.

So how can the people in the province have faith in the people who are selected? Why don't we just do this the right way? Why don't we just put it to an all-party committee and we all come up with suggestions of people who should be on this commission. I don't know if anyone is going to want to be on it, to tell you the truth. It's a lot of work. As far as I know, it's basically a volunteer type thing. The commissioners are not going to get paid. That's what I understand. It may be a job to get people to serve on this, I'm not sure.

My suggestion to the government is if you really want to make this independent, if you really want to be open and transparent, like I said earlier, why don't you just put it to an all-party committee? I have Members agreeing with me. We can have it so that at least when we get to the commission part of it, the commissioners who are there are people who were selected by people from an all-party.

For example, the PCs could put 10 names forward, the NDP could put 10 names forward and the government could put 20 names forward and we could select the five best people for that. At the end of the day, you have the majority of the people on the all-party committee. So at the end of the day, at least you can have the say you want. You can have the control that, obviously, you want in this. Why don't you just come out and say, okay, we listened to your suggestions but the five we are going to select are these five.

At least it gives us the opportunity to sit down and talk, and say these are the people who are best for the commission. There are the people who would be good. We could have five individuals and maybe one that we suggested. Maybe it could be one that the NDP suggested. It could be three you guys suggested on this. The NDP may have five excellent names. We could all look at it and say, listen, those are the five people who should be on this commission. That makes sense. That person brings this; everybody brings a little bit.

No matter what you do on a committee – I've been involved in committees all my life and it's nice to see people who bring a different perspective. It's nice to see people bring – wherever I go in any committee I'm on, I always like to see the youth engaged. I believe today, more so than ever before, our youth are engaged. That may be one part of it where you're not looking in this commission. Maybe a young person – and gender, obviously, plays a huge role.

We all have the right to sit down and discuss it, not just come out of Cabinet and say, okay, these are the five people we've selected. Now how did you come about selecting those five people? Not telling you. No, you're not going to know. We're not going to tell you. You just take it or leave it, and we're open, we're transparent. Take it or leave it. Those are the five people we selected.

Now how did you come by those selections? Not going to tell you that either. We don't need to do that. Just take it or leave it. These are the five people that are going to be there. Have they got any allegiance to this one or that one? Don't need to tell you that either. Do they work here or did they work there? Don't need to tell you that either.

It's the whole piece of the bill and I can't believe you're not getting it. I can't believe you're not getting what people are saying and why this bill is so flawed. The intent of the bill is excellent. The intent of the bill, why the bill was brought in the first place is what it should be brought in for. What the bill actually does is not even close to what your intent is.

You promised the people of Newfoundland and Labrador politics out of appointments. I think those were the exact words you used. I apologize again for repeating myself, but I have to say it's another broken promise. It's a huge broken promise because you're trying to fool the people of Newfoundland and Labrador about it. They're more intelligent than that. They understand. They see what you're doing. Here it is.

People do understand. They won't understand, they don't understand – if I hear that anymore in the House of Assembly I'm going to go mad because they do understand. People do

understand. You talk to people every weekend home in your districts, do they understand? Yes. Well, tell the Minister of Finance they do understand because no one understands. That's the same thing in this bill. You've got to –

AN HON. MEMBER: Relevance, relevance.

MR. K. PARSONS: The relevance is the people do understand what you're trying to do here. The relevance is that you're trying to put something through that's not what you promised. It's just like everything you're doing, with the budget and everything else. Everything you're trying to do.

CHAIR (Lane): Order, please!

I would remind the Member we're speaking to the bill.

MR. K. PARSONS: Okay, I know. We're speaking to the bill, but there are a lot of similarities here, Mr. Chair. A lot of similarities here when I talk about promises and what they promised and what they're not giving, and what they promised and what they're not giving and what they promised and what they're not giving. I can say that a few times more. That's what the whole thing is about here.

The intent of the bill is fantastic. The intent of the bill is to make people have confidence in the House of Assembly, make people have confidence in politicians, make people feel that this is the right way of doing things and they're doing the right thing in there. But this is not what it's doing.

I'm going to go back to the five Members that are selected on the commission. I believe that should be done through an all-party committee. We can put our suggestions in, you put your suggestions in, the NDP, and let's get the five best candidates. Why does it have to go – and you may say, well, it's always done that way, but that doesn't necessarily mean it's right.

My father used to say, if you're going to do something do it right the first time. He always said, do it right. When you're going to do it, do it right the first time. So why not do this right now? Why not do this right now? Why not just get a piece of legislation that everybody in this

province can be proud of, that everybody in this House of Assembly can walk out through the door in the evening and say, wow, we did a great job. We have a great piece of legislation. The people of Newfoundland and Labrador are going to be pleased with it.

That's not what this is all about because this is more smoke and mirrors. This is thinking that the people of the province don't understand. They don't know, but we're doing a real good thing here. This is a wicked piece of legislation we just did for you. This is wicked, this is unreal. You'll never know who the selection was. You'll never know who the three people were but that's okay, you don't need to know that.

The person that was selected wasn't from the commission. He was one we already had picked. Now the commissioners, if they don't like it – if the commissioners don't like it, do you know what they can do? They quit. Wow, that's great. So they can't say anything, can't do nothing. The only way to get around that is to quit.

Well, if I was on a commissioner – I don't like quitting on anything. I'm not a quitter and I don't think most Newfoundlanders and Labradorians are quitters. They usually go and fight for their rights and they do what it is. That's why we are what we are as a people. We really are –

SOME HON. MEMBERS: Hear, hear!

MR. K. PARSONS: We're not quitters.

We will have hard times coming at us and there may be difficult situations that come forward to us, but I can tell you right now Newfoundlanders and Labradorians are not quitters.

I don't think anyone on this commission will be a quitter either. I really don't think so. I think they'll voice their concerns and perhaps they'll say, okay, now maybe the next time when we put the three names together, we work hard on it, we have interviews, we went through all the candidates that were available to us, we looked at them all and we found the three best that we could find that were suitable for the job. But when we put it up to Cabinet they said, no, that's not the person we want. I don't know if they can

go back and say get us another three. I'm not sure if they'll do that or if that's what they want, if it's not the three they want because that's what you're opening this up to.

I just ask government Members, and I'll sit down now in a second. I just ask people on the government side to probably do the right thing. How about doing the right thing? People elected you to do a job for them, to represent them to the best you can do.

Looking at this bill, obviously, you all know this is a flawed bill. There are major flaws in this bill. So why don't you do the right thing? Why won't the right thing be done? We come in every day and we talk to Members across the way with issues they have in their districts and everything else, and I'm hoping that they'll do the right thing when it comes to those decisions.

But this is your first bill. This is the bill you brought in to be your landmark for four years. This is the number one bill, the one promise that you promised the people of Newfoundland and Labrador, the one big promise you promised them. They promised a lot of other promises, but the one big one that they really – the first bill that they came in for and you're letting them down –

CHAIR: Order, please!

The Chair reminds the hon. Member his time for speaking has expired.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Chair.

The Member for Cape St. Francis certainly raised some interesting points. I hope he'll have some time during the debate to expand on those because he was on to something there. I hope, while he seemed to building some momentum, he'll rise and continue again.

But I'd like to pick up on a few things he said. I'd also like to remind all hon. Members that this debate is not about what we did, or what any other administration did. This is about what the

Liberals said they would do differently in the mandate document that they were elected on.

It's the Liberals who said they'd change the way things are done. So they raised that bar and now the onus is on them to rise to that level.

Otherwise, Mr. Chair, if they fail to do so, if this is just smoke and mirrors, as the Member has said and not a real change, then their commitment wouldn't be worth the paper it's written on. That would raise an integrity issue. Surely, they wouldn't want that to be the case with their very first piece of legislation, Bill 1.

This initiative, Mr. Chair, was not a minor commitment. It was about as major as a commitment could be. It was the very first plank in the 2015 policy red book, the very first item in the very first section of the red book. So it's hardly a trivial matter to them, which really makes you wonder how we got to this point with such a flawed piece of legislation.

So it's now the very first piece of legislation of their mandate and Bill 1 is traditionally the keystone bill that you want to define you as an administration, as a government. It's something that you would expect your administration to be judged by. Having set expectations exceptionally high they can't fault us, or fault the media, or fault the public for demanding that the bill live up to the expectations that they've raised.

Just building on the comments from the Member for Cape St. Francis, let's see if their legislation does indeed rise to the level they have set. A big election promise, let's look at that election promise in more detail and their red book commitment reads as follows, Restoring Openness, Transparency and Accountability: "Liberals strongly believe the government must be open, transparent, and accountable. The people of the province deserve to know how and why government decisions are made. When government is not open, transparent and accountable, Newfoundlanders and Labradorians are denied their right to the democracy they deserve." The current Premier – his name is listed; I'm not allowed to say his name in the House – "and a New Liberal Government will restore openness, transparency, and accountability to government through the following actions: 1.1 Take Politics Out of

Government Appointments” – interesting indeed.

“Government is responsible for appointing senior positions at Crown corporations, public commissions, and other public agencies. Liberals believe that these positions should be filled based on merit, not politics. It’s simply a matter of making sure the most qualified person gets the job.” The most qualified person.

“A New Liberal Government will establish an Independent Appointments Commission to take politics out of government appointments. This nonpartisan commission will screen candidate, apply a gender lens, and recommend the most qualified people for appointments, adding a much-needed level of independent review to the appointment process.”

Now, I don’t believe in going through Bill 1 – it just jumped to mind here – that there’s any reference to gender lens, that there’s any reference to gender or ensuring diversity. I know that from listening to media reports, the New Democratic Party will be bringing in an amendment that will address that issue, and I think that’s a good thing. I think it’s good that there will be some further debate and discussion on that particular issue. Because it’s right in the red book that this will viewed through a gender lens, which implies that there will be something done to ensure gender diversity and other forms of diversity through this commission.

The key words in what I just read to you, Mr. Chair, are these: A new Liberal government will take politics out of government appointments by making sure the most qualified person gets the job. But it doesn’t take the politics out of appointments. The decisions will all still be made by Cabinet ministers behind closed doors and by picking a name from a list that is not even ranked or weighted, and maybe not even picking one of those names at all. How does that ensure that the most qualified person gets the job? It doesn’t.

The implication, Mr. Chair, is clear. The implication of what they committed to is clear. The appointment process would be completely oblivious to political associations, blindfolded to political links. Just like the blindfolded statutes in front so many of the world’s top courts.

But even that red book commitment ends a little weakly. Because if you really want to make sure that the most qualified person gets the job, then wouldn’t you expect the Independent Appointments Commission to do a lot more than simply make a recommendation? I would think so.

Mr. Chair, the legislation that we’re debating in Committee today, it only recommends appointments. It does nothing at all to take the politics out of appointments. Wouldn’t you expect the commission and expect the commissioners to have the power to weed out every unqualified applicant and maybe even rank remaining applicants and maybe even actually make the appointment of the most qualified person, even if there is some kind of rubber-stamping, so to speak, that has to occur?

Obviously, the Liberals aren’t prepared to give up that power. So don’t say you’re going to do it when the legislation you’re bringing forward indicates otherwise. They want to have the final say. They want to make sure they don’t end up with someone who may be very qualified but isn’t capable of working well with them on their team of leaders.

There may indeed be real risks in relinquishing obligations and abdicating responsibilities to a commission that is not directly accountable to the people and in a position to be judged by the people. So these things all need to be considered.

We didn’t relinquish that obligation or abdicate that responsibility. We made appointments – as you’ll be reminded again during this debate – and we’re prepared to defend them in this House and outside of this House as well, because we were elected to govern and the new administration has been elected to govern as well. It’s the Liberals who said the process was wrong. It’s the Liberals who set new expectations. It’s the Liberals who said there must be an independent, merit-based, politically neutral appointments process.

All we’re saying here today as we debate clause 1, Mr. Chair, is deliver on what you promised. The bill doesn’t do that, so you can’t have it both ways. Either it’s independent or it’s not; either it’s meaningful change or it’s not. If it’s

not, then isn't it really just a sham? That's the point my colleagues are trying to make as we have this opportunity to debate clause 1 today.

If you truly want independent appointments, then there are two separate issues that I think we need to consider. First of all, how independent will the commission gatekeepers actually be? Secondly, how much power will the commission gatekeepers actually have?

That first issue is critical. How will we ensure that the gatekeepers are indeed truly independent and neutral and qualified to make sound judgements about the qualifications of candidates for leadership posts in this province? Well, that depends entirely on who will be on the commission, on how they'll be appointed and how their independence will be assured.

Who are the gatekeepers? The bill outlines that and we'll get to that as debate continues. The bill outlines how the commission will be appointed. I will save some of my comments on that for when we get to that particular clause.

We know that five members will be appointed by Cabinet and then be rubber-stamped by this House. So Cabinet will choose people and appoint them to this commission. Then government, with the majority it has in this House, will pass a resolution to appoint them.

The point I want to make, Mr. Chair, is that Cabinet will have the power to select those gatekeepers and that's interesting. How can the Liberals say the commission itself will be non-partisan if Cabinet is going to select them and then use its majority in this House to hire them? If the gatekeepers themselves are political appointees, then you can't stand here and argue that the process is non-partisan.

Mr. Chair, I have some more comments to make on clause 1, but I see my time is winding down. There are some broad concerns that we have and the debate on clause 1 gives us an opportunity to highlight those concerns before we get into the specific amendments that we intend to bring forward. I thank you once again for an opportunity to speak to this debate on clause 1 as part of Bill 1 this afternoon.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Minister of Education and Early Childhood Development.

MR. KIRBY: Thanks, Mr. Chair.

It's an honour and privilege for me to stand here and say just a few brief words about Bill 1, our signature piece of legislation. It is about doing things very differently, absolutely it is.

Look, we know that the Official Opposition doesn't like this way of doing things. They don't like this way of appointing people to public service positions or positions that are supposed to be based on some record of experience or education or qualification. For 12 years that ended in the fall, that's not the way the PC Party of Newfoundland and Labrador appointed people to lead and to have leadership roles in appointed bodies in Newfoundland and Labrador.

For the PC Party of Newfoundland and Labrador, for the previous administration, their idea of merit wasn't about having an application-based process where every Newfoundlander and Labradorian who had qualifications for the position could apply. It wasn't a process where it would have short listed candidates for these positions selected through the Public Service Commission. It wasn't a process like that at all.

If you look at just the Newfoundland and Labrador Housing Corporation it seems to me that it was a process whereby your qualification to lead a public body was based on whether you were a past leader of the PC Party of Newfoundland and Labrador. So how many people in Newfoundland and Labrador has been the leader of the PC Party of Newfoundland and Labrador? Well, not very many, so not very many of those people in Newfoundland and Labrador were qualified according to the measure of merit that the previous administration used for public appointments. That they didn't qualify because of that.

There are other qualifications that the previous administration did use – I'll give them credit. Other qualifications were past candidate for the

leadership of the PC Party, past minister in the government of the PC Party, past executive member of the PC Party of Newfoundland and Labrador, past vice-president of the PC Party of Newfoundland and Labrador, past treasurer of the PC Party of Newfoundland and Labrador, past secretary of the PC Party of Newfoundland and Labrador, past member of the executive of the PC Party of Newfoundland and Labrador, and past president of the PC Party of Newfoundland and Labrador and I neglected to say past Member of the House of Assembly in the PC Party caucus. So those were basically most of the orders of merit that were employed by the previous administration.

MR. KENT: (Inaudible).

MR. KIRBY: I say to the Member for Mount Pearl North, you had an opportunity to say your peace, now let me have an opportunity to contribute to the debate as well. He's still chirping over there, I'm not sure why. I'm just trying to have a debate and counter your argument and if you don't like what I have to say I encourage you to stand up afterwards and counter it, but in an orderly way I say.

If you look at the appointments made by the previous administration, by and large one of the most significant factors in selecting people to lead public bodies, to receive significant remuneration, I believe the Chair of the Newfoundland and Labrador Housing Corporation in particular makes something in the order of \$180,000 a year. That's on the sunshine list.

If you go to the sunshine list and you look at the individuals who were selected through the independent process employed by the previous administration, by and large, some affiliation, either Leader of the PC Party, candidate for the leadership of the PC Party, a member of their caucus, somebody who is involved with their executive, some political activist who was involved, that was how Newfoundlanders and Labradorians were judged when it came to being able to have an opportunity to use their skills, their talent, their education, their accumulated ability. That's how the previous administration used – that's how they appointed people to public bodies.

You can hear them all over there. They're all chirping over there now, Mr. Chair, because of course they don't like to hear this. This, in fact, is the essence of the truth.

What we're trying to do here is we're trying to move the province away from a process and say, well, it's not perfect. Well, I'm not sure what is perfect but I'm pretty sure having a process whereby positions that are open are publicly advertised, that people can apply through public competition, that their credentials are judged by the Public Service Commission, and there's a short list provided from that. That's pretty good. That's basically how all job processes work. There's a short list produced.

The Opposition was saying before the Easter break – so months ago or weeks ago when they got this legislation, because they had it the whole time. I don't know why they didn't work on their amendments prior to tabling them here today, but that's their decision. They had this, and they were saying, why wouldn't you make this short list of three people public? Why would anybody want to subject themselves to a process where they'd basically be more or less publicly ostracized?

When you apply for a job, do they go and post it on the bulletin board, here's the unsuccessful applicant for everybody to see? They want it posted in the newspaper. Why would anybody in their right mind ever want to subject themselves to that sort of thing? It's absolutely nonsensical when they get to it.

Now, the other thing I find extremely interesting here today is that we have the Member for Mount Pearl North and the Member for Cape St. Francis, and other Members over there talking about how this should go to an all-party committee. This should go to some all-party legislative committee. The sort of all-party legislative committee that for a dozen years in Newfoundland and Labrador, that crowd denied the House of Assembly to have.

There was one all-party committee that was created, or two all-party committees. There was fisheries; there was the mental health. At least in the last four years in the sitting of the House of Assembly, I don't recall any other ones. That was an initiative of the NDP, certainly not an

initiative of the government. They were quite prepared to vote against that in Private Members' Day one day until they buckled under the weight of public opinion and decided to strike the all-party committee.

The Member for Mount Pearl North, when he was the Minister of Health he stood there. One hour he spoke against the bill, the next hour he spoke for it.

The other thing the Member talked about in terms of an all-party committee – the Member did talk about sending it to an all-party committee. That's what it was suggested that Muskrat Falls go to, an all-party committee. There was no all-party committee. They actually refused to let the public utilities board do its job and review it. So it's certainly not going to any all-party committee. They thought the debate on Muskrat Falls was to just have it in here on Private Members' Day.

At least Bill 1, the bill to create the Independent Appointments Commission to ensure that we move away from the political cronyism of the past; at least the bill is being debated in the debate for legislation in the House of Assembly. For Muskrat Falls, there was no all-party committee. They just went in here and had a three-hour debate and had Private Members' Day and that was all it, more or less. There was no all-party committee for that.

There was no all-party committee to create Bill 29 and there was no all-party committee to repeal Bill 29. The issues that attracted the most attention in the previous sitting of the Legislature, almost all of the Members with the exception of the Member for CBS, all those Members were there. I did not hear one time any of them uttering the words all-party committee, not at all. Never heard a single word of that uttered.

In the meantime, like I said, for all of the most significant or most of the most significant positions that were to be had for people to fill for public bodies in this province were traded as if they were pieces on a political chessboard. If you did not have affiliation with the PC Party of Newfoundland and Labrador, then you could count out any opportunity that you would have

to lead public agencies in this province, and I challenge the Members to go through.

You will find the odd person appointed through merit. Certainly there were some; there's no question about. By and large, you go and look especially at the positions with the most significant remuneration involved and they inevitably involve people who ran for the PC leadership, led the PC Party, sat in the PC caucus, were ministers in the PC government, were a president or some other position on the PC provincial executive; or were in some ways connected through the PC Party as somebody who was an activist politically with them on election campaigns; or people who contributed significant sums of money to their past election campaigns. That is what the Members opposite viewed as a merit-based process. That is not a merit-based process. That is a highly politicized way to do political appointments.

We made a commitment in the election to stop doing that, and this is the way that we're challenging to do it. If the Members have better ideas, the legislation is here and if we have to stay here till 4 tomorrow morning and debate the amendments they're bringing forward, then that's what we'll do.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Member for the District of Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

I find it a bit interesting getting up and as the hon. Member opposite correctly pointed out, you're right; I wasn't part of the previous administration and some of the decisions.

You need to base facts on facts. It's good and it sounds good, and again it's a bit of theatre. The Minister of Education is great on theatre as we've seen in the past. There's something about the camera coming on. He's pretty good in front of a camera, but answering a phone call or an email sometimes can be challenging.

MR. KIRBY: That's absolutely not true. How many emails (inaudible)?

CHAIR: Order, please!

MR. PETTEN: Mr. Chair, I gave him the respect and listened to him, so I hope he gives it to me in turn.

CHAIR: Order, please!

I would remind the hon. Member that we are debating Bill 1.

MR. PETTEN: I realize that, Mr. Chair.

You mentioned about appointments that were made by this former government and they're merit based, and some of them, if you weren't a supporter of the party, you never got appointed. I find it interesting when you look at – we have, for instance, former Liberal Cabinet ministers appointed to the Chief Electoral Office. We had someone that headed up the Bill 29 review. The Minister of Finance and the Minister of Transportation and Works were on the Nalcor board. We had another former high-profile Liberal who was chair of Nalcor – or, yes, chair of the Nalcor board or Hydro.

So I don't think that's accurate. They're obviously not PC members. They were appointed because the government of the day, which was the former government, felt that these people qualified to do the job. So there was some merit gone into it. As for making those comments about you had to be – that's not totally accurate.

We can go back to the former previous Liberal administrations, as I said earlier, this has gone on for a long time how these appointments happened to be made. You're moving forward from – 8 o'clock November 30 when the ballots were in and I guess the verdict was in and this government that won power, as my colleague for Mount Pearl North rightly said, this was their signature bill. This was one at the top of the red book of commitments, you taking the policy out of appointments.

So from that minute on, this was nothing to do with the former administration, like I said, no matter what stripe you were. On a go-forward

basis to this new administration, this was their watershed bill, whatever you want to call it. I think the Member for Mount Pearl said a keystone bill. It was your bill. It was what you had prescribed to; this is what you had told the voters.

We've said it many times and I'll repeat it again, it's not that we're opposed to an Independent Appointments Commission, not at all. We do have exceptions to how the bill is presented. Our amendments are addressing our concerns, so we'll see how that translates.

When you're on the campaign trail, it always sounds good to bring up stuff that – because this has been an issue. This is not the first time we've mentioned it, as you've heard in the public. There have been criticisms of governments over who you appoint, who gets this job, who gets that job, who's head of this board and who's head of that board.

I'd like to think over the years – I'll give the governing party from their former days too. A lot of those appointments are valid appointments. I think it's an unfair characterization to say that if you're not a supporter of either party – as I listed off there, the former government, the PC Party appointed some well-known Liberals. They felt they were very capable and they got the appointments due to some merit.

It's kind of unfair to tag someone because they're qualified and they're appointed by a sitting government that they're automatically supporters of that government. No doubt, we don't live in glass houses. I do understand that has happened in the past and that's a reality, but not in its entirety.

It sounds great when you're talking to the camera and people are listening. It plays well, I have to say, but let's be fair and compare apples to apples. It's not a fair comparison. There is some truth but it's not all accurate. There are some on both sides. I just think that's worth being clarified.

One other thing I note, and I find it kind of amusing sometimes. We're out in our districts talking to constituents all the time about their issues and a lot of people have said over time:

What's going on out there? This government seems like they were – everyone knew they were going in power. For the last year-and-a-half everyone had them seen as being the government in waiting, but it seems like they got in and there's no plan.

Well, this was in the front of their book. This was one of their centrepieces. It's almost like, it sounds good, it plays well, we'll put it there. All of the sudden, November 30 ballots were counted and you go: Uh-oh, we're in power. That's the first bill we have to deliver on. Let's get something on paper. Let's get it out there. Let's get it on the books, but there was not a lot of thought went into it, Mr. Chair. We've all said that, and my colleagues have said it here today.

When you look at the bill, these amendments we're presenting – if anyone across the way wanted to look at these amendments, they're not earth-shattering. Everyone can twist it which way they want, but these amendments are made to make this bill stronger, for the betterment. The intent of this bill is good, but right now the way it looks is there are a lot of loopholes.

You bring in an Independent Appointments Commission, how do you go about questioning the commission about its recommendations? They make these recommendations, they send them to the Cabinet room, and as I said when I spoke earlier today, once it leaves any committee or any recommendations in any department and it goes in the Cabinet room, what comes out of the Cabinet room and what goes in sometimes are totally different things. That's what they're elected to do. They're appointed to Cabinet to make those decisions, and a lot of them are tough decisions.

When you have officials who are working on – no different than this bill. If you have officials working on stuff, they push it up. They give it to the minister who presents it in the Cabinet room. When it comes back out, it cannot be remotely – other than the name or the number of the bill, or the number of the document, that may be all the same but when it gets around a table of 12, 13 people, things happen to change.

Again, it's smoke and mirrors or window dressing, whatever you want to call it. It's a bill

that sounds good, looks good but when you pull back the layers it's not what it appears. You are going to have this so-called Independent Appointments Commission that is going to be appointed by government. It's going to sit down, it's going to take recommendations. Fair enough. You can send in a list of people who want to apply. You could send in hundreds or whatever, this commission will then decide who they will recommend; who they think is the best ones. They will send up a list of three.

Then government gets up: we don't like any of these people. Kaboom! We don't like it. We're going to pick this person. Then there is no reporting mechanism to tell anyone they changed their mind. That's not the spirit, that's not independent. That's not the spirit of this bill in my opinion. If the government were sincere and wanted to take the politics out of appointments and have an open process, I say I applaud them.

I need to go back. I want to go back, because one thing I sit here and I listen to – and we hear it on a daily basis. I'm hearing it again today on Bill 1. It's what you done. It's what this one done. To me that's amateur hour, Mr. Chair.

We all know this government opposite are the ones in power as of November 30. We're the previous ones. We done, this government I should say – the previous government done no different than any other government done in generations. This government took it upon themselves to bring out this centrepiece of legislation. They are going to make things different, and I commend them. We all commend them, but don't play those silly games and looking at us and saying how ye done it differently. That's not what the public want to hear. I hear it on emails. They're sick of the blame game.

They want this government that was elected to make decisions, and make decisions that make sense. We're meant to be a parliament – we're Opposition, we're supposed to be that opposing voice to say we have amendments. Why don't we try to strengthen this legislation. That is democracy.

So pointing the finger across the way I know plays – again, I'll say it plays well publicly. I

understand where it's coming from but it's not going to make any bill or any legislation or any matter in this House any stronger if that's what you get up and hear.

Again, this was the legislation that was brought in by this government. It's Bill 1, and it's one that they should step up to the plate and honour and bring in amendments, make it a stronger piece of legislation. Do you know what? If they do all that, Mr. Chair, that's something they could probably be proud of. Instead, we have a bill full of loopholes. They need to be stronger. Stand up, tell the people – the people are asking them and we're asking them again. We can treat this like they treat everything else and we can just say we know better than ye. As my colleague for Cape St. Francis – everyone knows better than us. Well, fair enough. If you do, listen to the people.

These amendments, I think most people would say they make sense. I encourage government to stand with us or at least talk about our amendments.

Thank you.

CHAIR: The Chair recognizes the hon. the Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Chair.

It's been interesting to see where the debate has gone over the last little while. I thank the Member for Conception Bay South for adding to the debate. I do need to pick up on a couple of the comments that the Education Minister made. He seems a little riled up, so hopefully he'll simmer down a little bit as the evening goes on.

He talked about a sunshine list. Mr. Chair, the sunshine list is in the draft Open Government Action Plan. There have been lots of public calls for a sunshine list –

CHAIR: I remind the hon. Member that we are speaking to Bill 1.

MR. KENT: We are, and the Education Minister referenced it in his comments on Bill 1. I'd encourage government to get on with it and do it, if you're going to reference it in debate here in this House of Assembly.

There was also lots of commentary about past presidents of the PC Party, which is really entertaining when it's coming from the past president of the NDP. There is something humorous about that. It's good to have a couple of light moments during a rather serious debate.

The debate is not about past appointments or past presidents of parties. The point is here that the Liberals, the current government, promised a non-political process and now they're not delivering on it. It's the latest broken promise by this administration.

This legislation is a joke, Mr. Chair. It's severely flawed. We're going to propose a number of amendments to try and make it a little bit better, but it's still flawed. Here we have another example, a sad example of this Liberal government saying one thing and then doing something completely different. That's what we see here in Bill 1. That seems to be the Liberal way of doing things. It's unfortunate. I think people are on to it. They see through it. We do have to stand and challenge that.

Let me talk a little bit about some of the issues around openness and accountability as it relates to the bill. We have many concerns about the proposed Appointments Commission and that is why we're advocating for changes today.

Just to give you an example, government appointees must swear an oath or make an affirmation to be impartial. So maybe government should make changes to Bill 1 to require the appointments commissioners to swear an oath, or make an affirmation to be impartial. It's a small step, but it's an example of something that can be done to make the bill a little bit better.

Bill 1 will require the Appointments Commission, in consultation with the Public Service Commission, to develop a merit-based process to guide them in their work. That means that they're going to have to come up with a definition of merit for the purposes of the act, and a way to measure a merit as well.

So maybe government should require, in this legislation, annual reviews to determine the merit principle was actually applied in every

case that an appointment was made. And maybe that review should be published in the interest of openness, transparency and accountability.

One major concern that I know people have about this legislation is that Bill 1 allows the Cabinet to ignore the names that are submitted by the Appointments Commission and appoint somebody else in secrecy. So if you're going to ignore the recommended candidates list, I think that is something that should be disclosed. Maybe a change can be made to require Cabinet to make a public disclosure every time the person that they appoint isn't on the list of candidates recommended by the commission.

I'm sure we'll hear it said well, there are privacy issues around that. Well, there'd be no need to reveal who the commission recommended, only that Cabinet accepted none of them and made a different appointment.

Bill 1 also allows Cabinet to bypass their Appointments Commission whenever circumstances are deemed to be urgent or extenuating. So if they're going to do that, and it's clear that will happen because it's been referenced several times by the Premier and by ministers, would government consider requiring Cabinet to notify the public immediately whenever it bypasses the Appointments Commission to make an appointment in such circumstances?

So these are ideas that might make the process a little bit more legitimate and sensible, as opposed to simply saying you're going to do one thing and then doing something completely different.

There's going to be a five-year statutory review of this act. I think the results of that review should be publicly released, not just simply gone to Cabinet for consideration, but send it to the Speaker and have the Speaker release it. Bill 1 calls for that review every five years and says that it will be sent to Cabinet. So if you're serious about being open and transparent and impartial and independent, then have that sent to the Speaker of the House for public release instead of to a secret Cabinet review. Those are just examples of things that can be done to make the legislation, potentially, a bit better.

In my previous time speaking, I talked about some of the challenges with the bill, as proposed, and how if the gatekeepers themselves are political appointees, then the process is anything but non-partisan.

What happens if somebody leaves the commission while the House isn't in session? That is addressed elsewhere in the legislation and we'll get to that during debate, but one concern I have is that Cabinet can appoint a replacement commissioner and then bring that to the House within 10 sitting days of the next sitting of the House. If it is several months before the House sits, months could pass without any disclosure of that.

So it is another example of where this legislation is severely flawed because at certain times of the year that could be a very long time. Cabinet could fill a vacancy in June, if the House wasn't open, and not have it confirmed here in the Legislature until November, potentially. Or fill a vacancy at Christmastime and not have it confirmed until probably close to April. These are the kind of issues that exist with this flawed piece of legislation.

How are these gatekeepers going to be held to account? Well, if we don't like a Cabinet appointment, we can question the Cabinet ministers today; but, from now on, the Cabinet is simply going to say, well, the commission recommended the person. Therefore, they won't take responsibility.

How do we question the commission about its recommendations? It's one step removed from scrutiny and from accountability, but the commission, in theory, could be just as partisan as the Cabinet, since the Cabinet selected the members and used its majority here in the House to hire them. There's a real challenge with that as well. What all that means is that this new process will be less accountable than the process that exists today. I think there's some irony in that.

Not every appointment for every entity listed in the act will actually go to the commission for review. I think that needs to be highlighted while we're debating clause 1 here as well. That's really interesting because some of the

appointments will sidestep the commission's scrutiny. That is a real concern.

A Cabinet minister or Cabinet as a whole can say, well, the situation is urgent or circumstances are extenuating and skip the entire commission process. When will government use that escape clause? Would this be the escape clause that government would have used to justify some of the appointments they've already made?

I'm not going to get into names, as some people have done here this afternoon, not at this point during the debate. I'd rather stay focused on the bill and on the intent of this legislation and some of the issues with the legislation. There have been political appointments made already by this administration which needs to be considered as we're going through this debate as well.

It will be interesting to see when government chooses to argue that circumstances are urgent or extenuating. Remember that these appointments are for key posts in agencies, commissions and Crown corporations so they're vital, and there's always going to be some urgency around filling them.

Let's suppose the government wants to sidestep the commission. They could justify moving ahead and appointing at will, just as governments have done in the past, simply by saying the situation is urgent or extenuating. This is another example of problems we see with this legislation.

I see my time is winding down, Mr. Chair. We do have major concerns. We will bring forward amendments that will hopefully improve the situation, but it won't change the fact that this legislation is very flawed and completely inconsistent with the election promise that the Liberals made back in November. Another broken promise by this administration and they're only five months in.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Government House Leader.

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

I would move that the Committee rise, report progress and ask leave to sit again.

CHAIR: The motion is that the Committee rise, report progress and ask leave to sit again.

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

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

MADAM SPEAKER (Dempster): Order, please!

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Madam Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report progress and ask leave to sit again.

MADAM SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report progress and ask leave to sit again.

When shall the report be received?

MR. A. PARSONS: Now.

MADAM SPEAKER: Now.

On motion, report received and adopted.

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Madam Speaker, number 16 on the Order Paper, I would move that pursuant to Standing Order 11 that the House

not adjourn at 5:30 p.m., today, Monday, May 16.

Further, number 17 on the Order Paper, I would move pursuant to Standing Order 11 that the House not adjourn at 10 p.m., today, Monday, May 16.

MADAM SPEAKER: The motion is that the House do not adjourn at 5:30 today, Monday, May 16 and that the House do not adjourn today, Monday, at 10 p.m.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

The hon. the Government House Leader.

MR. A. PARSONS: Madam Speaker, I move, seconded by the Minister of Education, that the House resolve itself into a Committee of the Whole to consider Bill 1.

Thank you.

MADAM SPEAKER: The motion is that the House do now resolve itself into the Committee of the Whole to consider Bill 1.

Is it the pleasure of the House that I do now leave the Chair?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

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

Committee of the Whole

CHAIR (Lane): Order, please!

We are debating clause 1 in Bill 1.

A bill, "An Act To Establish An Independent Appointments Commission And To Require A Merit-Based Process For Various Appointments." (Bill 1).

CHAIR: The Chair recognizes the hon. the Member for the District of Conception Bay East – Bell Island.

SOME HON. MEMBERS: Hear, hear!

MR. BRAZIL: Thank you, Mr. Chair.

It's indeed an honour to stand in his hon. House and speak to Bill 1, the *Independent Appointments Commission Act*. Something that I support, I wholeheartedly support the concept. I've gone through the bill and I see a number of good items there and good clauses in it.

I do have some challenges around it and, no doubt, over the next number of hours, we'll have some extreme debate around where there are some loopholes there or where there are some nuances that need to be improved on and how we can do this so, at the end of the day, the people in this province are confident that those individuals who get appointed to boards and agencies and get positions in government where they have influence and have a responsible position and a responsible duty to fulfill for the people, will actually be the best people that we could put in place.

I just want to note again for the people who may have joined us a little bit later this evening as they're getting home for their supper hour, the bill would enact an Independent Appointments Commission. I have to give credit. Back when we were gearing ourselves up for the provincial election, back in late October and November, and the Liberal Party had put out their red book, a very inclusive book, it had outlined exactly what they stood for, what their key objectives would be as a government if they won the government, what they would move forward on, and exactly what the people of Newfoundland and Labrador would expect under their regime.

What I did note, I did see an Independent Appointments Commission. I said, interesting, so I started to read, particularly in the red book. As I read it, I said I like the concept here; I like where they're going with this. I think it's

something that's probably been overdue. There is no doubt that my years as a civil servant in various administrations, I've had ministers come to me and say: David, can you get some resumes for this particular committee? Can you have a look at these individuals? We need this filled out. Then you'd submit it to the respective minister, and then you never really knew how the decisions were made because some of the names would be appointed afterwards I hadn't heard about. There would be people who I thought would probably be the seventh or eighth of the three-panel committee that would have been selected, so no real understanding exactly what the merits were, what it was based on.

When I went out to recruit people, I went out based on the knowledge I had of people's experience within whatever role it may have been, whatever that particular committee, their expertise, what they'd done in a previous life, their commitment to fulfilling whatever that responsibility may be as an appointee to a commission or a board for government.

A little caught off guard by it – and again, this is the Liberal administration, the PC administration. I've had the privilege of referring people and in some cases, a number of cases, the people I referred or had their resumes and had them fill out the appointment notice got selected. So I felt this would be another good step of cleaning that process up, making it more fluent, but particularly, they caught me, they had me when they kept saying, we want to restore openness, transparency and accountability. I felt well, what a great way to do it. This could perhaps be the best act you could put in place that would at least start the whole process of more accountability.

We had started it as an administration about openness and accountability. We had done that. We had set up a whole line department that would be responsible for that. We brought in support staff. We worked with agencies outside of government to ensure information was distributed to people in a timely fashion and that the information was relevant to what people were asking.

I was in to the point of saying: I'm going to follow this through and see where it goes. So I read a little bit more about what their concept

was. I said: Okay, I could support something like that. If they form the government, when we get to a point in the House of Assembly, if I'm fortunate enough to be elected, then I look forward to seeing where they're going with this.

Sure enough, obviously, we know the outcome of the election. As we got into it, the Throne Speech came down. At the same time it was noted in the Throne Speech and I said: Good, they're following through. Bill 1, accountability, transparency and openness and a better process, a fairer process, a more inclusive process for selecting those people who are going to represent the needs of the people in this province.

So again I said: I'm in. I'm looking forward to debating it. I'm looking forward to supporting it. I'm still looking to supporting it. I will say that unequivocally right now, the concept of Bill 1. I'm looking forward to supporting a number of things that are in the proposed bill by the Liberal government here, but I'm particularly looking at supporting an inclusive, comprehensive bill that has amendments that are being put forward by our party and by the Third Party. I would hope the Members in the Liberal government would see the merits of it and see that it takes what they are proposing and puts it to the next level, where everybody can be happy with what it represents and it will meet their needs. It will particularly fulfill what they said in their red book when they ran.

Again, in their Throne Speech – I give credit, the Throne Speech was read out by the Lieutenant Governor and it was again reiterating a commitment to openness and transparency, and the government is committed to that. It would be an Independent Appointments Commission requiring a merit-based process for various appointments.

So who could argue with merit-based? Obviously, it's a simple process that outlines, you go to the market, you go the general public, you go to people who have an expertise in a certain area, you bring in as many as possible and you evaluate them based on their merits, their experience, their education, what they worked at previously and what their beliefs are. That would make it much more efficient for how we run things in government. It was never about

remuneration or any of these things. It was about people putting their names forward because they wanted to do their part to better serve the people of the province. So I said: This is great. I look forward to it. I can't wait for it to get to the House.

We were only here a couple days and, no doubt, Bill 1 is tabled in the House of Assembly and I looked forward to it. I said: Great, I took it. It's one of the more comprehensive bills. It does outline every segment of it and every clause. I went through it. I read it. I took a full day and went through it. I noted some things. There were a number of things there I liked. I thought it went where it needed to go and it fulfilled what they had said. There was a number of things there I thought were grey areas, that were left to interpretation and worried me a little bit, and then there were some things that I said this is about don't do as I do, do as I say. It's not going to where the intent of what they said in the red book, what they said in their Throne Speech and what they were touting when they were first presenting the bill. So I had a few concerns about that.

No doubt, us as a caucus – you may notice there was no notice about it here in the last month. We've been discussing this over the last period of time about what kind of amendments should be added. We all agree with the concept of Bill 1. We see the merits of it. So what kind of amendments would be necessary to fulfill what the Liberal Party wanted to do and what we would support? But they had to be the ones that made sense. They had to be the ones that filled the gaps in this particular bill.

As the evening goes on and we get into the next number of days, they'll become more evident and we'll have a good debate around that. You'll see the merits and the argument as to why we feel this would enhance Bill 1 and would be something that would be positive.

The challenge I had when I went through it was saying we're segregating this group over here – well, they're not important to us. We'll let the commission identify the individual we wanted appointed and then they can just go through the process. The other ones, the ones that have more of a higher level of responsibility or may be responsible for change of policy or driving our

economy, we're going to hold them. We're not going to do it just on a merit based, we're going to be able to keep them to ourselves too and we're going to get a set of recommendations. Then we're going to decide who we think, from our perspective, would be the best.

Then that's when I started to worry about the transparency. You had me up to that point, the transparency and the accountability. You lost it on that part of it. There are a number of things here that open up the process where you get to a point where it's transparent, it's open, there's a proper fluent flow to it. You'll no doubt be able to acknowledge the best people for any position here and you'd have a better opportunity to serve the people of this province. Then, you have the clause around – no, no, Cabinet.

There is no doubt Cabinet has to sign off on any positions. I agree with that. I think that makes sense. Cabinet are the entity that represents the government who are elected to govern. I have no problems with that. But you can't say we're going to have it merit based and you'll ask the commission – and first of all, you're appointing that independent commission itself and I've got some challenges around that, the fairness on how that process works and keeping it non-political.

That's the thing that the government stood on. This was going to be non-political. You can't call it non-political if the political people are the ones making the appointment of the first people, who are then going to make the recommendations to the rest of the politicians, who are then going to decide whether or not publicly we tell you who we recommended and who we gave the position to may or may not have been even the group that the appointees put forward to us.

So it becomes very confusing. It takes away from the intent of what is potentially a great piece of legislation and could be an earmark for the Liberal government as your primary bill. But to do that, you've got to be open to make sure it's done right. As I said, it's not just about do as I do; it's about do as I say. And at the end of the day, it has to be the fact that the best people will be selected through the fairest process and the most transparent and open concept.

The best way to do that is have an open debate about the amendments we're putting forward and then let's move it forward so we get the best people for the best job to serve people.

Thank you, Mr. Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Chair.

It's been a good discussion this afternoon. I don't have a lot more to say about clause 1, so this will perhaps be the last time I'll speak to clause 1 before we move on to other sections of the bill. I've outlined some of the loopholes and the concerns we have generally with the bill. Clause 1 gives us an opportunity in Committee to address some of that.

There is a reporting mechanism in the bill, and we'll get to that as we get further into debate. But I'm left wondering what the reporting mechanism actually achieves. So it's hardly going to be a secret if an appointment is made to a senior position. We're going to know about it long before any exemptions are reported in this House. I think we need to strengthen those reporting mechanisms and make sure that when Cabinet makes exceptions to this process that it's disclosed quickly, very quickly, and not just when the House of Assembly is open.

I think, as I said the last time I spoke, we'll hear lots about urgent and extenuating circumstances. So we just want to make the process better.

There's another way the Cabinet can make exceptions to the independent appointments process. The act includes a list, a schedule, of those entities to which the process applies, but it says that –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. KENT: Later we'll talk about a provision in the bill where Cabinet can amend that schedule whenever it wants when the House isn't sitting. Cabinet can remove an entity from

the list and that entity will remain removed until the end of the next sitting. So that's a concern. It's another huge loophole that we feel we need to try and address.

I also am left wondering whether these gatekeepers that will be appointed have any real power. We've seen several ways the government can sidestep the commission's process for appointments, but what about the matters that the gatekeepers actually do see? How much power will they actually have?

As I went through the bill, much like my colleague for Conception Bay East – Bell Island did, I noted that there are some concerns in that regard as well because a Cabinet minister or the Cabinet itself will have the unfettered authority to appoint people at their own discretion, which is a real challenge. If you say you're going to have an Independent Appointments Commission, yet Cabinet and ministers can simply continue to appoint whoever they wish, then it's just smoke and mirrors. It makes the whole process essentially meaningless.

The Cabinet or a minister can ignore completely and continue to do things the way they've traditionally been done. Does that meet the higher standard that the Liberals have set? It definitely doesn't, Mr. Chair.

We've seen already as we've gone through this bill, and now I presume shortly we'll go through in detail clause by clause, this new commission has no teeth. Even when it's asked to make a decision, and there will be times when Cabinet will say there is urgent or extenuating circumstances to bypass the process, there's some real concern about the Independent Appointments Commission's ability to do anything.

Now the bill also amends the *Public Service Commission Act* to give them a role in this process. We'll talk about that later. So I won't get into that now, but there's an escape clause there as well. That is a real concern. It has to be a real concern for all of us.

Mr. Chair, I just want to touch on the cost issue as well. It has been said at some point this afternoon that a commissioner won't be remunerated for their duties under the act but

they'll be reimbursed for their expenses in accordance with Treasury Board guidelines. So I just want to highlight that there will be other costs associated with administering this commission. While government says there won't be, I just find that hard to believe given the amount of work we are potentially talking about.

As I conclude my comments on clause 1, this process will be a way of gathering resumes from people. No doubt about it, but will the recommendations of the commission place any sort of obligation or expectation on Cabinet? No. That is one of the fundamental problems with Bill 1. It would be better to call this an advisory board or a review board rather than an Independent Appointments Commission because it isn't independent and it can't make appointments.

It's not an independent process for making appointments. It's a process for sometimes submitting names and non-binding recommendations to Cabinet and the Cabinet will retain sole authority for making appointments at its own discretion. So nothing is changing, Mr. Chair.

There's a section of the bill that makes it clear the limitations of this process. The commission is an independent, non-partisan body whose mandate is to provide non-binding recommendations.

As I conclude my comments here on clause 1, the question that needs to be asked: Does this meet the test of the promise in the 2015 red book? Does this bill take the politics out of government appointments by making sure the most qualified person gets the job? Absolutely not, Mr. Chair, it makes sure of nothing. It takes the politics out of nothing. It changes nothing.

That's where it fails because it's simply not good enough for this new administration to say they're going to change things and then change nothing. They raised expectations in their red book, and with this bill they raised expectations even further and said things would be different. By being no different, this initiative fails. The bill is flawed. The Independent Appointments Commission is just such a flawed concept based on what's outlined here in this bill.

I look forward to bringing forward amendments that will hopefully make it a bit better. I still believe the whole thing should be referred to a committee for further work, so hopefully we could come back to the House with a piece of legislation that actually made sense.

I thank you for listening, Mr. Chair. It's been helpful to listen to the clause 1 debate. I look forward to continuing to debate the bill as it progresses through Committee.

Thank you.

CHAIR: Seeing no further speakers, shall clause 1 carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

The Chair recognizes the hon. the Member for the District of Mount Pearl North.

MR. KENT: Thank you, Mr. Chair.

We're now debating clause 2 of Bill 1. Clause 2 defines certain terms in the bill. While we debate clause 2, we will be introducing an amendment to paragraph (c) of clause 2 which defines the merit-based process. Having a process that's merit based makes really good sense.

We're going to be proposing this amendment – and I'm providing a little bit of background so that people will have an appreciation of the amendment that we're going to bring forward and why we're bringing it forward. We're actually going to propose an amendment here because of a separate amendment that we intend to bring to subclause 6(3) in a few minutes. Let me briefly explain why.

Paragraph (c) here defines the merit-based process as, "a process established by the commission in consultation with the Public

Service Commission for the purpose of executing their respective duties under this Act.” So that’s good. That sounds good, Mr. Chair.

Our amendment will add the following words after “Act,” and here’s what we’re thinking: “and also includes any process the Public Service Commission uses to recommend members of the commission.”

Then the amended paragraph (c) would read: “merit-based process” means a process established by the commission in consultation with the Public Service Commission for the purpose of executing their respective duties under this Act and also includes any process the Public Service Commission uses to recommend members of the commission.

Why do we need this? Well, because when we get to subclause 6(3) we’ll be proposing the very first Independent Appointments Commission should also be appointed through a merit-based process. Obviously, the Independent Appointments Commission cannot define that process because it won’t yet exist.

The amendment that I’m about to propose allows for two merit-based processes. One, that the commission defines with the Public Service Commission for future appointments, and one for the very first Independent Appointments Commission.

Mr. Chair, this is my first time proposing an amendment in the House so I may need some guidance from the Table, but let’s give it a whirl.

I’m proposing an amendment to clause 2, paragraph (c) here in Committee of the Whole. I’m moving this amendment, seconded by the Member for Conception Bay East – Bell Island.

The bill is amended at paragraph (c) of clause 2 by adding immediately after the word “Act” the words “and also includes any process the Public Service Commission uses to recommend members of the commission.”

Again, Mr. Chair, I submit this amendment, moved by me, as the Member for Mount Pearl North, and seconded by the Member for Conception Bay East – Bell Island.

CHAIR: The Chair will take a brief recess to consider the Member’s amendment.

Recess

CHAIR: Order, please!

The Chair has considered the proposed amendment. According to O’Brien and Bosc, page 768, it states: “Moreover, an amendment is out of order if it refers to, or is not intelligible without, subsequent amendments” Based on that, the Chair rules that the amendment is out of order.

Seeing no further speakers to clause 2, shall clause 2 carry?

All those in favour?

SOME HON. MEMBERS: Aye.

On motion, clause 2 carried.

CLERK: Clause 3.

CHAIR: According to what I have here, the next clause that the Opposition had raised some concerns about was clause 6, so we’ll go clauses 3 to 5 inclusive.

CLERK: Clauses 3 to 5 inclusive.

CHAIR: Shall clauses 3 to 5 inclusive carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, clauses 3 through 5 carried.

CLERK: Clause 6.

CHAIR: Shall clause 6 carry?

The Chair recognizes the hon. the Member for the District of St. John’s East – Quidi Vidi.

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

I'm happy to stand again and speak to this bill and speak especially to clause 6. Clause 6 is an important clause because it talks about the commission and the way in which the commission is established. There are eight sections to the clause. Most of them I agree with. I will be speaking to one that I will want to make a change to but before bringing forth the amendment, I'd like to make some comments.

I know some of my colleagues have said this before, but I think it's important for me to say it again because it is going to be the main point of the amendment I make. Section 6(2) says: "The commission is an independent, non-partisan body –

AN HON. MEMBER: Oh, oh!

CHAIR: Order, please!

MS. MICHAEL: – whose mandate is to provide non-binding recommendations respecting appointments to the Lieutenant-Governor in Council or the minister, as appropriate, following a merit-based process." And "The commission shall consist of 5 members appointed by the Lieutenant-Governor in Council on resolution of the House of Assembly."

The first thing that struck me when I read that section, when we were reading the act was, well, this is sort of like a chicken and an egg thing. We're talking about the commission, but where does the commission come from? That became the question for me: Where does the commission come from? As I started probing that, I realized a major weakness in the bill and that was that the commission, from its outset, was a commission that was actually put in place by a partisan process. It was put in place by the Lieutenant Governor in Council, so by government.

When I looked at that I said, well, this is a real problem. Because if you have a commission that's put in place by government without even any consultation – and there isn't any consultation. When you read section 6 and read through it, it doesn't say there will be

consultation, there'll be meetings or be anything. It is just Lieutenant Governor in Council shall be the one who shall put the commission in place. The Lieutenant Governor and Council shall designate one of the members of the commission to be chairperson.

Now, I don't mind the Lieutenant Governor in Council appointing the chairperson, if the whole commission had been put together by a non-partisan process. But it is not put together by a non-partisan process. This is one of the weaknesses of the bill itself.

The bill clearly stipulates in section 5 and section 23 that Cabinet or a minister's power to appoint is in no way affected by anything in this bill. That happens a number of times through the bill. In actual fact, I don't have a problem with that either because when it comes to the ultimate decision, an actual appointment, it really is government's responsibility to do the final appointment. That's a fact. That is a responsibility of government when it comes to the kinds of positions that this bill is covering, when it comes to putting people in key positions in governmental agencies, et cetera. It is government's responsibility. There's no doubt about that.

So that's why in sections 5 and 23 it actually says – I'll get section 5 and read it because I think it's important. Section 5 starts off talking about the appointments. It says:

"Notwithstanding another provision of this Act, the requirement to consider a recommendation under section 4" – that's recommendations that come from the commission – "shall in no way affect, alter or fetter the discretion of the Lieutenant-Governor in Council or the minister to exercise an authority to appoint a person under the applicable Act or another authority."

That's fine. I have no problem with it because it is government's responsibility. All the more reason for making sure that the way in which the commission is put in place is completely non-partisan. All the more reason for making sure the body that makes recommendations to council, to the Lieutenant-Governor in Council, is not a partial body, it's not a body which had been hand-picked by one group, in this case the government.

If I want to have a feeling of security that the recommendations that are going to be made to government are recommendations that are non-partisan and recommendations that are free of bias, then I'm going to want a commission that doesn't have a sense of obligation to the governing body who appointed it. I think that is really basic.

Making the appointment system of the commission non-partisan becomes extremely important in this whole process. Having the commission itself appointed by government is enough to make me say, I don't know if I can vote for this act. I haven't got a decision made yet. I want to go through the process. I want to go through the amendments. I want to see if government is going to listen.

The whole process, because of that, is flawed right from the beginning because it isn't the commission, number one, making appointments. That's number one, but I understand why the government ultimately has to be able to say no, but I don't understand government saying the commission should be set up the way that it's being set up.

It's for that reason that I make the following amendment, Mr. Chair. I would like to see subclause 6(3) of the bill amended by adding immediately after the word "members" the words "selected by an all-party committee of the House of Assembly and".

That means we would end up with section 6(3) reading: The commission shall consist of five members selected by an all-party committee of the House of Assembly and appointed by the Lieutenant Governor in Council on resolution of the House of Assembly. I have copies of this amendment for the Table.

CHAIR: We will take another brief recess to consider the amendment.