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*Speaker: Honourable Perry Trimper, MHA*

Tuesday

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The House met at 1:30 p.m.

**MR. SPEAKER (Trimper):** Order, please!

Admit strangers.

**Statements by Members**

**MR. SPEAKER:** Today we'll hear statements from the hon. Members for the Districts of Bonavista, Cape St. Francis, Harbour Grace – Port de Grave, Fortune Bay – Cape La Hune and Conception Bay South.

The hon. the Member for Bonavista.

**MR. KING:** Mr. Speaker, I rise here today to speak of tragedy, perseverance and a young life well lived. Heidi and Erica Dunn of Bonavista have been pillars of our community for years, even at their young age. Both sisters love to perform and were no strangers to singing and playing at community events, as well as being active members with number 84 RCSCC Golden Hind Sea Cadets, hockey players and dedicated volunteers.

Tragically, Heidi passed away at the age of 14 in July in an accident just days before she was to compete at the Peninsula Idol competition at the Bird Island Puffin Festival in Elliston. True to the impact that Heidi had on people, there wasn't a seat to be had or a dry eye in the house at Memorial United Church in Bonavista as her life was celebrated. Just recently, the first annual Heidi Dunn under 15 girls hockey tournament was held in Bonavista to honour her spirit.

As often is the case with tragedy, there is the spirit of perseverance. Showing courage, Erica performed at Heidi's funeral and three days later won the Peninsula Idol competition.

Please join me in celebrating Heidi's life and Erica's bright future.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I rise today to congratulate the Town of Flatrock on a successful come home year celebration. The committee worked for several years preparing for the event and what a fantastic job they did.

Chairperson Deputy Mayor Terry Humber and a team of over 20 volunteers organized a 10-day celebration filled with something for everyone. Festivities opened with the Kev Butts Memorial Softball Tournament, included other events such as the Song and Story Circle, an East Coast Trail hike, a community bingo, a tea and cinnamon bun workshop, demonstrations by the volunteer firefighters, a garden party, cemetery mass, sports hall of fame ceremony, presentation of Citizen of the Year, Mr. and Mrs. Chris Kavanagh, and a jiggs dinner that required three sittings to accommodate everybody.

There was also a senior's social, a car show with over 100 entries, a fun day, lancers and local entertainment, and an open air dance. Celebrations closed with fireworks and music by the Government Rams. Hundreds of people returned home to Flatrock and everyone I spoke to was very impressed with the entire celebration.

I ask all hon. Members to join with me in congratulating all those involved in making the Flatrock Come Home Year such a tremendous success.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. P. PARSONS:** Season's greetings, Mr. Speaker.

I would like to recognize the members of the local Church of Jesus Christ of Latter-day Saints in Bay Roberts on an annual tradition they prepare and host during the Christmas season.

Every December, people from across the province visit the church on Central Street to witness the special nativity display, a tradition which started in 2005, originally featuring 86

nativities. Over the years, the numbers of nativities continue to grow and currently there are 300 unique pieces.

These special displays come from all over the world, such as Malaysia, Peru, Poland, Angola, the Netherlands, Italy, Belize, Paraguay, Iqaluit, along with a variety of communities throughout Canada and the United States.

The display is a local favourite, cherished by those far and near. This church community opens its doors for everyone to come and enjoy the spectacle every evening from 6 to 9 p.m. in early December. Private viewings can also be arranged.

The church accepts free-will food donations for the local Bay Roberts Helping Hand food bank. The church community takes great pride in preparing and hosting the nativity and it's their way of giving back, while at the same time promoting the true meaning of Christmas.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** Thank you, Mr. Speaker.

Otto Fiander spent his childhood in the picturesque community of Coomb's Cove. As a young man, he left his hometown to attend university and began a career in education.

This career path saw Mr. Fiander – as he is respectfully known – educating students from Jersey Harbour, on the South Coast of the Island, to the Great Northern Peninsula and Labrador where he became a member of the RCMP Marine Division.

In 1954, Mr. Fiander and his young family returned to the South Coast of the Island and to his career in education, teaching in the community of Belleoram and later as the vice principal of the high school in English Harbour West. Mr. Fiander became principal of that high school in 1970, a position he would hold for more than a decade. In addition to teaching, he has been active in community organizations,

such as the Lions Club and the Volunteer Fire Department.

This past summer, surrounded by family and friends at his home in Mose Ambrose, Mr. Fiander celebrated his 90th birthday.

I ask all Members of this hon. House to join me in commending this gentleman for a remarkable career in education and a steadfast contribution to his community.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

Today it gives me great pleasure to rise in this hon. House on the occasion of the official opening of the new CBS Elementary school in Kelligrews, Conception Bay South. On November 24, I was pleased to attend the opening with my colleague the Minister of Education.

Conception Bay South is a fast-growing community, which is presently the second-largest municipality in the province. The school has 500 students attending and it's a much-welcomed addition to our two neighbouring elementary schools.

CBS Elementary is a K-7 school with 32 classrooms, two music rooms and a lunch room with a commercial kitchen. It was designed in accordance with LEED rating system, waste reduction, and daylight and water conservation are other design features.

I would like to thank both the former administration and the former MHA for Conception Bay South, Terry French, for recognizing the need and initiating construction of this new school. I would also like to thank the current administration for seeing this project through to its completion.

Mr. Speaker, this was a very proud day for the students, staff and families, which concluded with a musical tribute by all students singing the

late Gord Downey's Tragically Hip song "Ahead by a Century." So fitting.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Statements by Ministers.

**Statements by Ministers**

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. MITCHELMORE:** Thank you, Mr. Speaker.

I'm sure you'll like my statement today.

Mr. Speaker, I rise in this hon. House today to acknowledge Labrador being chosen by *National Geographic Traveler* magazine as a Best of the World destination.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MITCHELMORE:** Mr. Speaker, each year *National Geographic Traveler* magazine produces an eagerly anticipated annual list that highlights must-see destinations to visit throughout the world.

Standing shoulder to shoulder with exotic and world-class destinations like Dublin, Sydney and Vienna, Labrador was chosen because of its Aboriginal peoples' involvement in Akami-Uapishku-KakKasuak-Mealy Mountains National Park Reserve.

Mr. Speaker, as the only Canadian location chosen, this is a prestigious honour for both our province and our country.

A place of incredible scenery, people and spirit, the Big Land is truly a breathtaking location. From awe-inspiring valleys and snow-covered peaks of the Torngat and Mealy Mountains, to the unique multi-generational gathering and sharing space in Nain, Labrador offers travellers an array of culturally rich and incredible scenic experiences.

More and more travellers are experiencing what Labrador has to offer, and with this recent designation, Labrador will surely play a bigger role as we strive to increase visitor spending to \$1.6 billion annually by 2020.

Mr. Speaker, I applaud all of those involved in this industry for their ongoing hard work and commitment to making tourism in our province such a big success and I encourage everyone to visit the Big Land.

**SOME HON. MEMBERS:** Hear, hear!

**MR. MITCHELMORE:** Mr. Speaker, Labrador is a dream itinerary for intrepid travellers who want to discover a land with 9,000 years of history. It truly is one of the last untamed places left on earth.

I invite all hon. Members to join me in celebrating Labrador as one of the world's must-see destinations.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. I was proud to see Labrador being chosen by *National Geographic Traveler* magazine as a Best of the World destination. The Big Land will join other awe-inspiring locations from around the world, and as the minister pointed out, will be the only Canadian location chosen.

Mr. Speaker, I couldn't think of a more deserving place in our country, apart from the Coast of Bays, of course. While Labrador has amazing, expansive landscapes and rugged natural scenery, perhaps its greatest attribute is its people, along with its culture and its proud heritage.

Mr. Speaker, I've had the pleasure of visiting a number of areas of Labrador over my life, ever since I was a young girl visiting my family there, and have found so many fond memories.

Anyone who lives or has spent time in Labrador can fully understand this honour being bestowed by National Geographic. Hopefully, through such prestigious exposure, the number of people looking to experience all that Labrador has to offer will continue to grow. I truly believe the sky is the limit on tourism potential for this part of our province.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. ROGERS:** Thank you, Mr. Speaker.

I thank the minister. How exciting is this news? Bravo to all those who help make Labrador an amazing place to live and to visit. They should be proud. This shows how important and vital public investment in tourism is, as well as investment in roads, infrastructure, arts and culture, and true partnerships with indigenous peoples in developing destinations.

I encourage government to resurrect the plans for Eagle River Provincial Park, and a big bravo to the people of the Big Land.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** Further statements by ministers?

The hon. the Minister of Transportation and Works.

**MR. CROCKER:** Thank you very much, Mr. Speaker.

I am pleased to rise in this hon. House today to highlight the significant strides our government has made towards enhancing the quality of our snow clearing services for the 2018 winter season.

Most recently I was pleased to announce our province's first-ever tow plow – an innovative new piece of snow clearing equipment that can clear snow and spread salt on two lanes at the same time, allowing for greater efficiency and better allocation of equipment.

The new tow plow has been assigned to the Trans-Canada from Salmonier Line to Route 2 Interchange and is a welcome addition to our fleet of more than 300 flyers throughout the province.

Our government provides numerous tools to help motorists plan for a safe trip including highway cameras at 31 locations, online road condition reports, the ongoing Snow Means Slow road safety campaign, Twitter updates using the #nltraffic and more tools coming in the near future.

It is also important to highlight the hard work and dedication of the more than 700 women and men throughout the province who work day and night, often in dangerous conditions, to make our roads safe for Newfoundlanders and Labradorians. As in previous years, when weather conditions warrant, snow removal will take place 24 hours a day on the 13 busiest routes in the province.

Mr. Speaker, while we continue to provide effective snow clearing services for the safety of all those who travel our roads, we remind motorists that the best way to ensure safety is to slow down, pay attention and drive to the conditions.

Mr. Speaker, Snow Means Slow.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

I want to thank the minister for an advance copy his statement. I'm pleased to rise in this hon. House today to highlight significant – sorry, I'm reading his statement. I knew there was something missing. The wrong piece of paper. I'll go again.

**SOME HON. MEMBERS:** Oh, oh!

**MR. PETTEN:** Did you like that? I'd probably do a better job, yes.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. PETTEN:** Thank you.

Maybe I should have picked it up and done it first.

Mr. Speaker, I want to thank the minister for an advance copy of his statement. Any improvement of snow clearing operations in our province is always welcome news. I'm interested to see how this new addition to the provincial snow-clearing fleet will work and I hope that all staff will have the opportunity to do full and proper training before the winter season starts in earnest.

I'll certainly look forward to seeing the results of the pilot project, particularly in terms of safety and effectiveness of using those plows on provincial highways.

Mr. Speaker, it is great that we have more than 300 flyers throughout the province. I only hope they will all be operational this winter season. We all know how quickly the weather can change in the province and we believe snow-clearing equipment should be at the ready.

I would also like to commend the many dedicated men and women who work to keep our roads safe for the travelling public. Mr. Speaker, they do tremendous work. I certainly encourage government to support these individuals by providing safe and proper equipment and work environments.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I, too, thank the minister for the advance copy of his statement, which I won't read.

**SOME HON. MEMBERS:** Oh, oh!

**MS. MICHAEL:** Got to keep the theme going.

Here we are again facing another season of treacherous driving conditions on our highways. I hope the new technology works for the safety of those who have no choice but to drive the highways during less-than-ideal conditions.

Government says their snow-clearing services are effective, but there are many drivers who disagree. What about those who have to drive on highways other than the so-called 13 busiest routes? What analysis has the department done to make sure they will be safe?

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Further statements by ministers?

Oral Questions.

#### Oral Questions

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Mr. Speaker, yesterday when I asked the government, it only provided answers regarding marijuana production in Newfoundland and Labrador. My question is not complicated and it's not about that.

I ask the minister for NLC, the Minister of Finance: What discussions are taking place with the company Canopy Growth regarding being the sole-source provider for marijuana to Newfoundland and Labrador?

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

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

Yes, this government is preparing for the 2018 July legalization of cannabis. We have to take a number of steps to make sure we're ready. That goes from regulation right down to making sure

we have supply here. Certainly, there have been multiple companies that have been in touch with our government and with various departments to discuss the possibility of having production done right here in Newfoundland and Labrador.

What I would say is that, again, we have to look at the best interests of Newfoundlanders and Labradorians. It's not something that's fully within the discretion of the provincial government; when it comes to licensing itself, that has to be done by the feds. I can confirm that Canopy is one of the groups that have approached government.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I appreciate that information.

I ask the Minister of Finance: Did you attend a meeting on Sunday night where there was a discussion and a decision reached to provide an incentive to Canopy Growth to provide marijuana to Newfoundland and Labrador markets?

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

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

Again, I reiterate that there are a multiple number of companies that have come to government to talk about the possibility of setting up production here in Newfoundland and Labrador so that we are not reliant just on having to import this. This is something that we certainly don't want to see here in the province.

Canopy is one of those groups. I know they have reached out to this government, as have other groups, with the possibility of setting up here. What I do know of Canopy is they've set up outfits in at least three other provinces.

So, certainly, we're going to look to see what we have to do here to make sure we have supply

and that we can have production set up right here in Newfoundland and Labrador. We've entertained offers from multiple companies.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** Thank you, Mr. Speaker.

Can the minister inform this House how many child or youth deaths or critical incidents have been reported by her department to the Child and Youth Advocate's office in the past two years?

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

**MS. DEMPSTER:** Thank you, Mr. Speaker.

I thank the Member for her question. In this current fiscal year, there have been three to date is the latest information that I have received. Last year, I believe it was eight or nine.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** Thank you, Mr. Speaker.

In June 2014, the then Child and Youth Advocate requested amendments to require the mandatory reporting of all deaths and critical incidents involving children and youth receiving government services.

I ask the minister: Do you believe the legislation we will debate today sufficiently meets these expectations?

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

**MS. DEMPSTER:** Thank you, Mr. Speaker.

Just a little while ago, we did a press conference and we announced some of the amendments that will be coming to the House of Assembly today

– amendments that I think will be very important in terms of ensuring more safety and care for children and youth in this province that receive services from Children, Seniors and Social Development and Justice and Public Safety.

Mr. Speaker, the Child Youth Advocate, as an independent office of this House, has a very important role to play in this province. As we were moving toward where we're going today with bringing this amendment to legislation, we worked very, very closely. She had opportunity, on a continual basis, to give input to us, and we made sure that what we were doing today was what was supported by the Advocate.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** In November of 2014, the now Premier agreed with the former Child and Youth Advocate. His private Members' resolution read, and I quote: "... immediately introduce legislation for the mandatory and immediate reporting by all government departments and agencies of the deaths of, and the critical incidents involving, children and youth."

Why have you watered down this important legislation and are today only including just two departments?

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

**MS. DEMPSTER:** Thank you, Mr. Speaker.

I believe that it's disrespectful to the Advocate, the comment that the Member just made about watering down. Mr. Speaker, we're talking about children and youth in care, and that's not really a place that I want to play a political game for sure. But I will remind the hon. Member that four times over four years the Advocate called for mandatory reporting. The PC administration, they refused, they stalled and they delayed.

Mr. Speaker, it was a Liberal government that brought Child and Youth Advocate office to this province. It was a Liberal government that ensured that the children in this province would have an independent voice enshrined in

legislation, just like it was a Liberal government that brought an independent voice for the seniors.

Mr. Speaker, we'll continue to take action and deliver.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The Member for the District of Fortune Bay – Cape La Hune.

**MS. PERRY:** In *Hansard*, the minister herself, in 2014, stated that she believed in mandatory reporting to the Advocate by all departments and agencies.

Minister, why does your bill ignore, in particular, the Departments of Health and Education?

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

**MS. DEMPSTER:** Mr. Speaker, we have worked very closely with the Advocate. The amendments that we are bringing to the Legislature today are very much supported by the Advocate. I believe you'll see that on the evening news tonight. I wasn't there when she was interviewed, but I understand that.

Mr. Speaker, Children, Seniors and Social Development, Justice and Public Safety – we have a responsibility in those two departments to care for children and youth in this province. There are mechanisms in the education system, in health where – and parents, if my child in school is injured, I am an advocate for that child. I'm pleased that the Advocate supports where we're going today.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. PERRY:** Can the minister elaborate to this House why the Department of Health was left out?



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

**MS. DEMPSTER:** Mr. Speaker, again, I will reiterate that what we are doing today in bringing amendments that will make it mandatory for the reporting of child deaths and critical injuries in this province were aligned with what is happening everywhere – we are the fifth jurisdiction in Canada to be reporting. We are the first in Atlantic Canada.

The amendments we are bringing to this Legislature today do align with what is happening everywhere else and is supported – which is most important of all to this House – by the Advocate. I believe it will improve safety for children and youth in this province.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

Mr. Speaker, my question is for the Minister of Transportation. Your cuts to the 24-hour snow clearing, a decision supported by every single Member of the Liberal caucus, had a severe, negative impact on highway conditions last winter.

In the interest of public safety, will you reverse your 24-hour snow clearing cuts?

**MR. SPEAKER:** The Minister of Transportation and Works.

**MR. CROCKER:** Thank you very much, Mr. Speaker.

I wish the Member opposite would have read the rest of my statement where I said that 24-hour snow clearing will still be in effect on the 13 busiest routes in our province, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**AN HON. MEMBER:** As it was last year.

**MR. CROCKER:** As it was last year, Mr. Speaker.

What we've done last year, and we'll continue to do this year, Mr. Speaker, is we ensure that the 13 busiest routes of our province will have 24-hour snow clearing when snow conditions and winter conditions warrant. So if he would like to finish reading my statement, he's more than welcome to have another copy.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

The minister just said a great quote there "when." So when the weather permits. I'm asking: Why isn't it what was there before? In 2008 there was a pilot project; 13 busiest routes provided 24-hour snow clearing around the clock, you could be ready to go out and clear the roads. That was the issue last year, Mr. Speaker. Not a matter of when the snow fell, it was always available, and that was always my point and I'll continue on.

Can the minister confirm what the trigger will be for calling snow-clearing crews out this winter?

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

**MR. CROCKER:** Mr. Speaker, just to remind the Member opposite, it was the same as last year. It is four centimetres of snow, forecast of freezing rain of any amount, any type of blizzard or drifting conditions. What we are trying to do is to make sure that our equipment is ready and available when we need it on the 13 busiest routes in the province.

Mr. Speaker, if it's 10 degrees and raining at 2 tomorrow morning, we don't need to have our snow-clearing crews out. I can assure the Member opposite, our supervisors in our depots have the ability and will make the call. When it is a safety concern and we need our equipment on the roads, it will be on the roads.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** I guess this winter is going to be déjà vu, Mr. Speaker, from last winter.

My next question will be equipment availability, because that's where we're going to. Equipment availability reports for last November showed only 33 per cent of the equipment at the Donovans depot was in good working order and only 22 per cent was working at the Foxtrap depot.

Can the minister tell us what percentage of snow-clearing equipment is in good working order at these depots today?

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

**MR. CROCKER:** Thank you very much, Mr. Speaker.

Mr. Speaker, the provincial availability today of equipment is 90 per cent. On the Avalon today, we are at 87 per cent. In Eastern today, we are at 85 per cent; Central, 95 per cent; and Western, 92 per cent.

Mr. Speaker, we receive two availability reports a day. We receive one at approximately 11 a.m. and we receive a second report – I think it's around 4 p.m. That is something that we monitor very closely.

When it comes to the 24-hour routes, we also receive the forecast for every one of these regions as well. We have people in our department that take the time every day to monitor these reports, whether it's the equipment availability or weather reports. I can assure you, Mr. Speaker, it's in every single person's interest in this province and in this House to make sure our roads are safe for our families.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

In the spirit of openness and transparency, will the minister proactively release those equipment availability reports for all the depots across the province today?

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

**MR. CROCKER:** Mr. Speaker, absolutely. If the Member would like to see a copy of today's report for a region of this province after Question Period, I'll certainly bring it over and pass it to him.

Mr. Speaker, when it comes to safety in our province, it's something that affects every single one of us. We all have families on the roads; we all have friends on the roads. It's important we make sure our roads are safe. I can assure you in this province today we have over 300 flyers, we have 26 graders, 137 loaders. We have 700 women and men that work day and night to make sure our roads are safe, and I have every confidence in our employees of this province.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

I want to be on record, I support every employee that works in that department. I never question the employees' abilities – never. Give them the proper equipment and the proper tools to do the work, that's all we've ever asked. Last year they were overworked, overtime through the roof. Those people were strained. I speak to them; I think the minister should as well.

**SOME HON. MEMBERS:** Hear, hear!

**MR. PETTEN:** Last winter there was a shortage of mechanics to keep the snow-clearing equipment in working order and at times 50 per cent or more of your equipment was sidelined with mechanical troubles. We understand you're short of mechanics again this year. As of two

weeks ago, there were 12 vacancies across the province.

How many of those mechanic positions are unfilled today?

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

**MR. CROCKER:** Thank you very much, Mr. Speaker.

Mr. Speaker, for a Member opposite that spent time in Transportation and Works to stand up there and talk about availability of equipment, he should know that what happens is when we get into snow situations, when equipment comes in from its nighttime runs, there is work in the mornings. We are at our lowest availability in the mornings, Mr. Speaker, but our mechanics come in at 5 or 5:30 in the morning and they get that equipment back on the roads.

Mr. Speaker, today, the latest number I have, there are 14 vacancies throughout the entire province, six of which are on the Avalon. So the remainder are throughout the province. We are actively hiring full-time positions in the heavy-duty equipment mechanic position. We are active in doing so. So if the Member knows of people who are looking for employment as heavy-duty mechanics, we're hiring.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

Mr. Speaker, the minister just outlined the very serious problem we have. We haven't got enough mechanics to keep our equipment on the road. They should be dealing with another plan until they get enough mechanics. Whatever that means, they need to do it. Because right now if we get in the middle of a snowstorm and the roads are shut down, this minister will get up and he'll talk about all the good things they've done.

Right now, we're short on mechanics. I said 12; it's 14, Mr. Speaker. It's time for them to do something serious to address this problem. This is not a problem that's come this year; it is last year.

Minister, will you have enough mechanics to keep snow-clearing equipment operational this winter? That is the question.

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

**MR. CROCKER:** Thank you very much, Mr. Speaker.

Since about the middle of November, when I started receiving a daily availability report, Mr. Speaker, we're running about 90 per cent availability. So, Mr. Speaker, that's a very good number when you look at over 500 pieces of equipment.

Mr. Speaker, if there's a circumstance where we have equipment that we haven't got mechanics to move around to do this work, we will go out to local businesses. We have a lot of great local businesses here in this city and throughout the province that are more than willing to help assist us in the repairs that are needed.

So, Mr. Speaker, for the Member to get up and criticize what our department tries to do for the safety of the motorists in this province, it's surprising that he would ask those questions. For someone that spent some time in the department, Mr. Speaker, and knows some of the challenges that our employees face. I can tell you, Mr. Speaker, our employees are about the safety of Newfoundlanders and Labradorians.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Mr. Speaker, that's probably why I do ask those questions because I was in the department. I do know how the department works. I think the minister should probably know a bit, too.

**SOME HON. MEMBERS:** Hear, hear!

**MR. PETTEN:** I wanted to highlight something here to get on record, too. He's talking about percentages of equipment; he's talking about broad percentages across the province for every depot. You can have 20 per cent at Donovans and 20 per cent at Foxtrap and still have 90 per cent across the province when you mosh the numbers.

I think he needs to release for each individual depot and show us the two most important ones in those 13 routes. That's what he's playing with. Last winter we heard the same numbers, but it wasn't actually true.

Mr. Speaker, do you have adequate staff and heavy-equipment operators to operate all the available snow-clearing equipment this winter?

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

**MR. CROCKER:** Mr. Speaker, the answer to that question is yes.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CROCKER:** We have over 700 women and men, Mr. Speaker, that are ready and willing and able to go and clear our roads when we have the weather conditions that require that.

I'd like to remind the Member opposite, it's not this government that meshes numbers. If there was ever a government in this province that mesh numbers, it was that crowd opposite, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CROCKER:** That's the government that meshed numbers in this province, not this government, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

The Minister of Fisheries issued a press release to say he was travelling to Moncton a few weeks ago to meet with the federal minister. There was no release issued to say if any good came out of it.

What did you find out about the process changes to the federal *Fisheries Act* regarding things such as adjacency and licencing policy?

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

**MR. BYRNE:** Thank you, Mr. Speaker.

I can tell the hon. Member doesn't listen to the Fisheries Broadcast or media very often. Because there was indeed communication that was offered to the people of this province, but in particular to the fishing industry, related to my meetings with the minister of Fisheries and Oceans and the minister responsible for the Canadian Coast Guard.

I went to Moncton at our mutual agreement to discuss a number of issues, including the *Fisheries Act*, pending *Fisheries Act* amendments. And I made it very clear to the minister, the Province of Newfoundland and Labrador's ambitions and expectations that any changes to the *Fisheries Act* include important measures that are seen to be very valuable to our province, and that includes the concept and principle of adjacency.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The Member for the District of Cape St. Francis.

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

Did the federal minister offer any solution to the many problems created on the Burin Peninsula by his decision to reallocate 25 per cent of the existing Arctic surf clams?

**MR. SPEAKER:** The Minister of Fisheries and Land Resources.

**MR. BYRNE:** Thank you very, very much, Mr. Speaker, because this is a very important

question which is on the hearts and minds of many people in this province.

I did go to Moncton. I did discuss with the minister of Fisheries and Oceans, the minister responsible for the Canadian Coast Guard, the nature of sharing arrangements. Of course, as we know, sharing arrangements, interprovincial shares, sharing structures, are an important component of fisheries policy.

There has been a decision that was taken to consider increased access to the Arctic surf clam resource. I would remind the hon. Member as the minister did say to me, no decision has been taken yet. But I did take the opportunity to remind the minister that there are serious considerations that must be made (inaudible).

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The Member for the District of Cape St. Francis.

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

I know in your tweet you mentioned redfish. What did the federal minister discuss on redfish in his quotas?

**MR. SPEAKER:** The Minister of Fisheries and Land Resources.

**MR. BYRNE:** Well, what a great repertoire this is. The hon. Member opposite is providing me with a very, very unique and profound opportunity to highlight the important discussions that occur between the Newfoundland and Labrador Minister of Fisheries and Land Resources and the federal minister.

I'd ask the hon. Member opposite: How many kinds of opportunities did they enjoy when they were in government to be able to discuss with the federal minister of Fisheries and Oceans important fisheries issues? I suspect, Mr. Speaker, the answer is next to zero.

With that said, redfish is indeed an important topic. I did relay to the minister that there has been a commitment that's already been made to

share redfish in the Gulf and that indigenous communities, including the Qalipu, would be a primary beneficiary.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The Member for the District of Cape St. Francis.

**MR. K. PARSONS:** Mr. Speaker, the hon. Member, the Minister of Fisheries, I'll remind you that you were in Ottawa for a number of years and there are a whole lot of things that you didn't do.

**SOME HON. MEMBERS:** Hear, hear!

**MR. K. PARSONS:** Mr. Speaker, I also want to know if there was any discussion on seals.

**MR. SPEAKER:** The Minister of Fisheries and Land Resources.

**MR. BYRNE:** Yeah, so there were significant discussions on the seals, yes, indeed. We spoke of market access in particular, access to the Chinese market.

I understand that government over there really didn't accomplish very much with the former federal minister, Gail Shea, but we are indeed advancing the discussion. We are encouraging the federal government to move and to activate any capacity they have to be able to open up markets, in particular markets for seals in China.

China is a huge marketplace, not only for seals, but for Newfoundland and Labrador's full range of fish products. That is a market we're actively pursuing and we are engaging with the federal government to be able to do so.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I also noticed there was no mention of capelin in your release on November 8. Did that topic even come up?

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

**MR. BYRNE:** We could be here a while, Mr. Speaker, so why don't I just sort of run through some of the things that were discussed.

We did discuss the *Fisheries Act*. We did discuss surf clams. We discussed red fish. We discussed mackerel. We discussed seals. We discussed inland fisheries management. We discussed aquaculture. We discussed pelagics. We discussed groundfish. We discussed shellfish. We discussed harbours. We discussed infrastructure. We discussed a number of things.

Is there something the hon. Member would like to ask that we didn't discuss?

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. K. PARSONS:** I'll ask the hon. minister: What results did you get?

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

**MR. BYRNE:** Well, I can think of 100 million successes that we've already had, Mr. Speaker, that they have not been able to enjoy, but what we got is an ongoing dialogue. We got a capacity to be able to resolve problems, to be able to create circumstances which are in the best interest of our fishery. We were able to formulate an action plan to be able to work through some of the issues on mackerel sharing, for example. We were able to create a process to update the Canada-Newfoundland and Labrador MOU on aquaculture, for example. We were able to establish a basis that further work needs to be done on a framework for resource sharing.

Yes, Mr. Speaker, do you know what? They operate under the principle that all problems cannot be solved. We operate on a principle that solutions are all around us.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. K. PARSONS:** Mr. Speaker, joint management was also a commitment in your Liberal red book and it was a commitment in your mandate letter.

It has now been two years; did you bother to even discuss that with the minister?

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

**MR. BYRNE:** Mr. Speaker, of course we always discuss joint management whenever we collaborate; that is joint management.

When we talk about responding to the crisis in the groundfish fishery and the federal government and provincial government working with each other to make sure that the resource is not only sustainable but available to Newfoundland and Labrador fishermen, when we talk about adjacency, when we talk about historic attachment, when we talk about the rules that are established to be able to afford those sharing frameworks, that, Mr. Speaker, is a form of joint management. And, yes, Mr. Speaker, we did indeed speak of those topics.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Cape St. Francis for a very quick question, please; no preamble.

**MR. K. PARSONS:** Mr. Speaker, in our fishery there's a serious crisis when it comes to crab and shrimp allocations. Fishers and harvesters in this province are very concerned. Joint management is one of the – do we have a commitment on joint management?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Minister of Fisheries and Land Resources for a quick response, please.

**MR. BYRNE:** We certainly do have a commitment to collaborate, to work together to make sure that our two governments work in harmony with each other.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. BYRNE:** Mr. Speaker, we will often disagree – let's be clear – but we have a mature enough relationship that we don't base the well-being of the relationship on whether or not we always agree on everything, or we always disagree on everything.

Their government was about one thing and one thing only. They never engaged; they never spoke to each other. The federal and provincial governments never worked with each other. Occasionally we do disagree, but more often, we agree with each other.

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

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

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

Deaf and hard of hearing children in our schools are not receiving the same services that were available to them in the former Newfoundland and Labrador School for the Deaf, contrary to what they were promised at its closure. At the same time, the consultant position for deaf and hard of hearing and blind and visually impaired is listed on the Department of Education and Early Childhood Development website as vacant.

I ask the minister: How can he justify this vacancy when the needs of children and their human rights are not being addressed in the school system?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Thank you, Mr. Speaker.

Mr. Speaker, the Department of Education and Early Childhood Development is a fairly enormous department of government. It is the second largest department of government after Health. It has several hundred employees. I

don't on a day-to-day basis go in on the website and see which positions are vacant and which ones have been hired, or which ones are open for competitions or which ones are filled on a temporary basis, or which ones are filled on a contractual basis or otherwise.

If the Member has a specific question, she can always get in touch with the department, get in touch with me; she hasn't to date. She can get in touch with me and I can answer those sorts of questions, but I don't monitor these several hundred positions on a daily basis.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I invite the minister to go to the list of his staff who take care of the student needs and explain to us why there is no specialized consultant in place to ensure the different needs of the deaf and hard of hearing and the blind and visually impaired are understood and are being met, because there is no consultant there. My understanding is there hasn't been a consultant there for three years. So he hasn't looked at this for the two years that he's been minister.

**AN HON. MEMBER:** There was no question.

**MS. MICHAEL:** If he wants a question (inaudible). Why isn't he putting a priority on this initiative?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. KIRBY:** Mr. Speaker, when we sat in Opposition, inclusive education was a significant priority for the Liberal Party of Newfoundland and Labrador. Now we sit in government and, as everyone has seen, the Premier had the foresight to appoint three prominent Newfoundland and Labrador educators to form the Premier's Task Force on Improving Educational Outcomes. They delivered the report in the summer.

I signed letters today for the appointments to the implementation committee for the task force. Amongst the priorities that came out of that is inclusive education, which I would say is one of my top priorities, if not my top priority as minister. We will resolve the issues in special services, but we need time –

**MR. SPEAKER:** Order, please!

**SOME HON. MEMBERS:** Hear, hear!

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

**MS. ROGERS:** Mr. Speaker, the federal National Housing Strategy is \$40 billion over 10 years, with half the money coming from provinces and territories.

I ask the minister: Will her government commit to providing the required matching funding, and that it be new money, not money from the existing NL Housing budget?

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

**MS. DEMPSTER:** Mr. Speaker, I thank the Member for the question. Newfoundland and Labrador Housing provides a very valuable service in this province under investments in affordable housing, rent supps. Unfortunately, we have a lot of families in our province that struggle, and those are the people that we reach out to help.

As a commitment, and one of our initiatives in *The Way Forward*, Mr. Speaker, we are doing a number of things around housing, and we will be, I say to the Member, announcing something very soon. We've done a lot of work engaging stakeholders. We've done a full review of programs and services, and I believe the people of the province will be happy with the direction this government is going in.

Thank you.

**MR. SPEAKER:** The hon. the Member for St. John's Centre for a very quick question, please.

**MS. ROGERS:** Mr. Speaker, I ask the minister: Where is her proposed provincial housing strategy and plan to end homelessness?

**MR. SPEAKER:** The hon. the Minister of Children, Seniors and Social Development for a quick response, please.

**MS. DEMPSTER:** Mr. Speaker, the Member mentioned the National Housing Strategy, and as a part of *The Way Forward* our government has committed to a provincial housing plan. We have worked closely with our federal counterparts. We want those two programs to complement each other. What I can tell her is that homelessness and ending homelessness will be a key pillar in our plan once it comes out, Mr. Speaker.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

### **Tabling of Documents**

**MR. SPEAKER:** As required under section 51 of the *House of Assembly Accountability, Integrity and Administration Act*, I am pleased to table the annual report of the House of Assembly Management Commission for the 2016-2017 fiscal year.

Further tabling of documents?

Notices of Motion.

### **Notices of Motion**

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

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

I give notice that I will ask leave to move the following resolution:



BE IT RESOLVED by the House of Assembly as follows:

WHEREAS the Royal Newfoundland Regiment distinguished itself in a number of key First World War battles, and fought valiantly as equal members of the British Empire alongside Canada, Australia and New Zealand; and

WHEREAS the Trail of the Caribou memorials commemorate the brave actions of the Royal Newfoundland Regiment in France and Belgium but there is not, as yet, such a memorial in Turkey; and

WHEREAS this House respects and honours the bravery and sacrifice of all Newfoundlanders and Labradorians who fought and died in conflict, and today recognizes in particular those brave members who served in Turkey;

NOW THEREFORE BE IT RESOLVED that this House requests that the Speaker, as a servant of this hon. House and therefore a representative of the people of the Province of Newfoundland and Labrador, journey to Turkey to advance discussions towards a shared goal of establishing a memorial commemorating the significant contributions of the Royal Newfoundland Regiment at Gallipoli.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

**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 in the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS a year has almost passed since the tragic event of January 17, 2017 where our school was completely destroyed; and

WHEREAS we have 250 people in a building which is only equipped to handle 150; and

WHEREAS we do not have a science lab, library/resource room, cafeteria, computer room, student support suite, no wheelchair accessibility washrooms and no multi-purpose room; and

WHEREAS we have classrooms which require co-programming, but this cannot happen because of space issues in the building; and

WHEREAS government has a legal responsibility to ensure our students have access to the best education;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to commit to a new state-of-the-art K to 12 school for the students of Bay d'Espoir, announce funding in the 2018-2019 budget to begin the design and tender process and we would like the construction to be expedited.

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

Mr. Speaker, this is one of many petitions that I will be bringing forward to the House from the people from the communities of Bay d'Espoir who are still going through a very rough time. This year was incredibly traumatic for all of us. There was a lot of upheaval with the loss of our school, our police station and our town hall.

Everyone has been absolutely phenomenal in coming together to get through the worst of this, but it's really, really important that a new school be started as soon as possible. As they have put in their petition, there are 250 children in a building that's suitable for only 150 children.

They don't have a science lab. They don't have a computer room. They don't have a cafeteria. They don't have any student support multi-purpose rooms. It's not wheelchair accessible, Mr. Speaker, for the washrooms. We truly believe our children have been in old schools for a very long time. In fact, I'd say it was probably

back in the '60s when there was a new school built in the Bay d'Espoir area.

It was a very tragic time. We truly believe a new school needs to be built and built as fast as possible. So we call upon government to make this commitment to us in the budget.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you.

Further petitions?

The hon. the Member for the District of Cape St. Francis.

**MR. K. PARSONS:** 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 of Newfoundland and Labrador humbly sheweth:

WHEREAS second-hand tobacco smoke has been shown to have negative health effects; and

WHEREAS individuals who smoke near the entranceways of health care facilities are not compliant to the non-smoking buffer zone policies of the regional health authorities;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to direct the health authorities to enforce their policies relating to non-smoking buffer zones outside health care facilities.

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

Mr. Speaker, this is a petition that I had the opportunity to speak to a couple of concerned people and I know it concerns thousands of people.

The one thing when we go to health facilities, you have so many different dynamics of people who are going there. There are people going there to do different radiation and chemotherapy

for cancer. There are people there who have respiratory problems and everything else.

In particular, when I look at the Health Sciences complex, people are walking by there every day. There is a policy in place that there is no smoking in the entranceways and along the entranceways, even if it's the walkway across the way. Second-hand smoke has an effect on a lot of people.

I was told of an incident of where a young child went to the Health Sciences, we know the Janeway is onto the Health Sciences, and she had the effects of asthma. With the second-hand smoke that she inhaled, she ended up in hospital because of the second-hand smoke.

Listen, I know it's the rules of the health authority. It's the health authority's responsibility to enforce these buffer zones. I also know people had conversations with the Minister of Justice, our House Leader, and he ensured them that these buffer zones – like we brought in legislation last year – were going to be changed and there was going to be some way to enforce this.

We're asking government to really have a look at this situation. It's a serious situation. I know people enjoy their cigarette and everything else, but other people's health is affected. When people go to the hospital with serious ailments, they need to make sure there's nothing that's going to cause any effect on what they're doing going to the hospital.

I really urge government to have a look at this. The buffer zones in hospitals and all emergency areas should be zoned that no one can smoke there. This should be a policy that has no tolerance. It should be done whether we enforce it and make sure it doesn't happen so people can go when they have different treatments like chemo or anything else, they can go and make sure they don't inhale second-hand smoke.

Thank you very much.

**MR. SPEAKER:** Further petitions?

The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Speaker.

The petition of the undersigned residents humbly sheweth:

WHEREAS the inshore harvesters of Newfoundland and Labrador have serious concerns about their current union representation; and

WHEREAS the inshore fish harvesters of Newfoundland and Labrador want the right to vote on which union will represent them;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to request that government urge the Newfoundland and Labrador Labour Relations Board to proceed immediately to a vote of the inshore fish harvesters to decide which union will represent them.

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

Mr. Speaker, I have several names here again today coming from areas like Castor River North, New Ferolle, Bird Cove – a lot here from Bird Cove actually, mostly Bird Cove, I think – no, we have Twillingate, Durrell – I never heard of Durrell – Hickman’s Harbour, Clarenville, Heatherton, Robinsons, Cartyville (inaudible) –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. LANE:** Again, Mr. Speaker, there are numerous rural areas throughout our province. As I’ve said, we all recognize the value that the fishery has to Newfoundland and Labrador. And certainly what we need is unity in the fishery, if that can be achieved.

We know that over the years there have been a lot of issues. A lot of it is related to fact that we can’t seem to get on the same page ourselves. Before we’re going to make change and advocate to the federal government, I think we need to be united ourselves as a province.

What we’re seeing here right now, we do have division amongst inshore fish harvesters. Without taking any sides because, as I said

yesterday, it makes no difference to me – I don’t have a horse in the race – which union it is, but at the end of the day the fish harvesters need to bring this issue to a head, have a vote, decide who their representative is going to be and, once that’s resolved, hopefully everybody can work together for the betterment of the fishery.

That’s what is being asked here. I was asked to bring it forward on their behalf; that’s what I’m doing.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

The hon. the Member for the District of 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 residents of Mount Pleasant Manor received a rent increase in 2017 and are worried about future rent increases; and

WHEREAS many of the residents are seniors and low-income households receiving a rent supplement under Newfoundland and Labrador’s Housing Rental Supplement Program; and

WHEREAS 61 residents wrote to the Department of Children, Seniors and Social Development requesting an increase in the rent supplement and were told none would be forthcoming; and

WHEREAS low-income and senior tenants throughout the province are struggling with high rents and are deeply worried about the rising cost of heat due to the Muskrat Falls hydro project;

WHEREUPON the undersigned, your petitioners –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS. ROGERS:** – humbly pray and call upon the House of Assembly to urge government to raise the cap on the Rental Supplement Program to meet the needs of clients.

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

Mr. Speaker, these are constituents in my district, all of whom have extremely low income, many who are on Income Support or are seniors that are on GIS and OAS. The rent is a minimum of \$800 a month and it's been going up every year. Many of them are in receipt of rent supplements. What is happening is that their landlord is increasing the rent, but the rent supplement is not increasing. These folks, their income is not going up. Those on Income Support, their income is not going up. Our seniors on OAS and GIS, their income is not going up, so they're really getting squeezed right now.

We have no rent stabilization or rent control in this province so they know this year alone it's gone up by \$15 a month. The previous year it went up by that much. They don't know what's coming down the pipe now in the new year. These are folks who are getting squeezed and squeezed. The cost of heat has gone up for them. They don't know how they're going to pay their bills, and there's no extra padding here. They don't have any disposable funds. They are just eking by. They are asking the Newfoundland and Labrador Housing Development Corporation to take a look at the rent supps. The rent supps are not going up.

Not only are the rent supps not going up, Mr. Speaker, there's a growing demand particularly from seniors. They're desperately begging for rent supplements and there have not been any new rent supplements in three years, yet the demand is growing and we have increasing numbers of seniors going into poverty because of the cost of housing.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Further petitions?

The hon. the Member for Conception Bay South.

**MR. PETTEN:** Thank you, Mr. Speaker.

This petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the provincial government arbitrarily cut 24-hour snow clearing services in the 2016 budget; and

WHEREAS cutting the 24-hour snow clearing services led to unsafe road conditions and endangered lives; and

WHEREAS government has an obligation to provide a safe system of transportation that meets the needs of Newfoundlanders and Labradorians;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to listen to the people and reinstate 24-hour snow clearing services.

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

Mr. Speaker, this is an issue I've spoken about on many occasions and I'm going to continue to speak about it. When we say the 24-hour snow clearing, it affected 13 routes, but they are the 13 busiest routes in the province. It was brought in under a pilot project in 2008. It was kept until the recent 2016 budget and the government opposite in their budget line item, as much as they want to say they never removed it, it was clearly written: Removal of 24-hour snow clearing services in the province for a savings of \$1.93 million. During Estimates last spring, the former minister told me the savings was more like around \$1 million.

So you're putting a price on endangering people's lives because we read last year – it wasn't just me speaking. There were ambulance drivers, there were truck drivers, there was the travelling public and there were parents – everyone was very concerned about the condition of our roads.

When you go out and you say you're going to put snow clearing services on when weather

permits, there's a delay, Mr. Speaker. Those people are in their homes.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. PETTEN:** Those people are in their homes, Mr. Speaker, those operators. They have to be called from home to the depot and get the equipment on the road. It's a delay time response time, at least an hour, hour and a half.

Members opposite can – there are areas that they never had this. I understand they're looking at me: What are you getting on with? We're looking at the 13 busiest routes. It was there for a reason. The Outer Ring Road, for example, has 40,000 vehicles a day. It's one of the most travelled roads in the province. People's lives are in danger, Mr. Speaker. Most everyone in the province, at one time or another, used that network of roads.

It's a serious issue. Government can play with the numbers, they can do what they want, fudge numbers, play with percentages, but we know anecdotally – you can go back and look through last year's stories – it controlled the media for about two months because people were very concerned. The roads were not where they needed to be. I've spoken on it and I'm going to continue to speak on it, Mr. Speaker, because this issue will never grow old.

People need to have safe and reliable roads to travel on, Mr. Speaker. When the roads are down, when you have a washboard effect and people are afraid to drive on it, people's lives are in jeopardy. For the sake of \$1 million, that's what the savings was. Not \$1.9 million, but \$1 million. They can say that there's 90 per cent of equipment availability. We know that's province wide. When you look at those depots, they're about 30 to 40 per cent at best.

I call upon government to give serious reconsideration – I will not back away from this issue, Mr. Speaker. I think it's an issue too important to let go. I urge government to reconsider this move and to provide proper, safe snow-clearing equipment through our provincial roads this winter.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Further petitions?

The hon. the Government House Leader.

**MR. A. PARSONS:** We are going to proceed to Orders of the Day, Mr. Speaker.

**MR. SPEAKER:** Orders of the Day.

### Orders of the Day

**MR. A. PARSONS:** I would move from the Order Paper, Motion 3.

I would move pursuant to provincial Standing Order 11(1) that the House not adjourn at 5:30 p.m. on Tuesday, December 5, 2017.

**MR. SPEAKER:** All those in favour of the motion?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

The motion is carried.

The Government House Leader.

**MR. A. PARSONS:** Yes, Mr. Speaker, I would call Order 9, second reading of Bill 26.

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

**SOME HON. MEMBERS:** Hear, hear!

**MS. DEMPSTER:** Thank you, Mr. Speaker.

I move, seconded by the Minister of Justice and Public Safety, that Bill 26, An Act To Amend The Child And Youth Advocate Act, be read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 26, entitled An Act To Amend The Child And Youth Advocate Act, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Child And Youth Advocate Act.” (Bill 26)

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

**SOME HON. MEMBERS:** Hear, hear!

**MS. DEMPSTER:** Thank you, Mr. Speaker.

It is an honour today to speak to Bill 26, my first piece of legislation in this portfolio to the House. I couldn’t think of a better one, actually, to be speaking to, Mr. Speaker, than something that’s going to improve the lives of children and youth in this province. Something that’s near and dear to the hearts of all of us, Mr. Speaker.

An Act to Amend the Child and Youth Advocate Act; Mr. Speaker, this is important legislation that we are debating today because it is one that will benefit children, youth and their families in this province.

I’m going to start off by providing a little bit of history on this amendment. In 2002, the Office of the Child and Youth Advocate was established as a statutory office of the House of Assembly under the authority of the Child and Youth Advocate Act. The Advocate represents the rights and interests and viewpoints of children and youth receiving government programs and services and provides advocacy in four areas. Those four areas are individual advocacy, systemic advocacy, reviews and investigations, and education and promotion.

I believe, Mr. Speaker, all of us would agree that this is an important office and one which has provided recommendations and advice in a number of different areas, which has improved services and programs for children and their families.

Mr. Speaker, not all children and youth in our province have natural advocates in parents around them. As we talked about a few moments ago in Question Period – Children, Seniors and Social Development and Justice and Public Safety – we certainly have a responsibility to help ensure that those children and youth in our care are provided the best care possible.

It’s very important that we work closely with the advocate, an independent officer of this House, Mr. Speaker. From time to time she provides recommendations and we certainly embrace those. We welcome every opportunity we can to build upon this revitalized child care protection program.

In 2014, the Child and Youth Advocate at that time tabled information in the House of Assembly outlining the need for her office to receive reports on all deaths and critical incidents from departments and agencies providing services to children and youth.

Mr. Speaker, Members on this side of the House, we took this request very seriously. We supported a motion later that fall to change the act to mandate the reporting of deaths and critical incidents by government departments and agencies – and I was a part, a Member of the Opposition at that time who actually spoke to that motion in the House. We committed to address this issue during the election. It was included in the mandate letter for the Minister of Children, Seniors and Social Development, and it was also referenced in the Speech from the Throne in 2016.

Today, Mr. Speaker, we are moving forward to commit these important amendments to legislation. I am pleased to note that we worked in collaboration with the Office of the Child and Youth Advocate to ensure the amendments to the legislation adequately addressed all of the matters that were raised by her office.

The Child and Youth Advocate, Mr. Speaker – I can’t stress it enough – she has an extremely valuable role to play in our province. The advocate, both through individual and systemic advocacy, plays a critical role in identifying areas where improvements can be made in the best interest of children and youth. That is why the provincial government and my department, especially, Children, Seniors and Social Development, and I know Justice and Public Safety, takes all recommendations of the Child and Youth Advocate very seriously.

We have fostered, Mr. Speaker, and I appreciate this – we have fostered a co-operative and respectful relationship with the Advocate’s office. It’s so vitally important, because at the

end of the day, Mr. Speaker, we share the same goal. We want our children and youth in the province to be as safe as they can be. This collaboration has resulted in mutually supported amendments which will provide greater protection and more timely access to supports and services for children, youth and their families.

Mr. Speaker, I am confident that all Members of this House in all parties would agree that we all collectively share the same goal, as I just mentioned, namely the safety and the well-being of the children and youth in our province.

Mr. Speaker, the specific amendments in Bill 26, there are five specific amendments. I will run through each of them, starting with the definition of critical injury. The proposed definition of critical injury is one that may result in the child or youth's death "or may cause serious or long-term impairment of the health of a child or youth."

Designated services; the proposed amendment will require mandatory reporting of deaths and critical injuries that occur while the child or youth is receiving services from the Departments of Children, Seniors and Social Development or from the Department of Justice and Public Safety, or they would have received the service in the 12 months preceding the injury or death.

Timeline to report; the proposed amendment will require the Departments of Children, Seniors and Social Development and Justice and Public Safety to notify the Child and Youth Advocate as soon as is practicable after becoming aware of a death or critical injury of a child or a youth.

I'll speak to this in more detail once we move into Committee and as questions come, Mr. Speaker, but I just want to stop for a moment and speak about that as soon as is practicable. That does align with the same language that's used in the *Fatalities Investigations Act* under 13.4. Right now, we have a policy in place where we have been reporting deaths in this province since 2014 to the advocate. We will now broaden the scope of that to include injury.

Generally, Mr. Speaker, when a death does occur the name of the child or youth and a limited amount of information is reported to the Advocate within the first 24 hours. Then there's a notification form where a more detailed incident report goes within five days. I don't believe, Mr. Speaker, there's been a time when we have not reported within a 24-hour period. So I just wanted to expand on that a little bit.

Designated reporter; the proposed amendment will specify that the deputy minister of a department or his or her designate shall report the death or critical injury to the Advocate, and protection for employees providing the information. So the proposed amendment will provide individual employees who report the death or critical injury with protection from being sued provided that they acted in good faith.

Mr. Speaker, there are a couple of amendments about which I want to speak in a little more detail. When the former Advocate brought forth the request for these amendments, she asked for the reporting of deaths and critical incidents. The amendment to include deaths continues our existing practice of notifying the Advocate when a child or youth, who is receiving services or who had received services within the past 12 months, has died. The amendment to include reporting of critical injury will be the new piece over and above what we're doing right now.

Some people may ask why these amendments are moving forward as critical injuries instead of critical incidents. The Member for Fortune Bay – Cape La Hune is listening; I'm going to talk a little bit about that now. She had some questions during Question Period. We're always happy to answer any questions in this House when we're bringing in legislation. It is very, very important that we have debate and that we have questions on the floor that, hopefully, we can provide the answers to. It's very important in democracy, Mr. Speaker.

During our consultation with the Child and Youth Advocate, we had discussions on the appropriate definition needed to capture the scope of reporting required. We needed to determine exactly what information the Child and Youth Advocate required in order to do her job to the best of her ability.

We also reviewed, Mr. Speaker, all other Canadian provinces and territories to determine what they report to their child and youth advocate. So we did a jurisdictional scan to look at provinces and territories that were reporting, what they were reporting. It became very clear to us that in those provinces which report deaths and critical injuries, they use that terminology, that same terminology: critical injuries.

In fact, I am pleased to report that we will be the fifth Canadian jurisdiction and the first, Mr. Speaker, in Atlantic Canada to legislate this information to the Child and Youth Advocate.

**SOME HON. MEMBERS:** Hear, hear!

**MS. DEMPSTER:** In full agreement with the Child and Youth Advocate, this amendment is for the reporting of child and youth deaths and critical injuries involving those receiving services, and will also include situations where the child or youth had received services in the preceding 12 months.

Mr. Speaker, just to be clear, critical injury will include an injury that may result in a child or youth's death or cause serious or long-term impairment to the child or youth's health. The definition includes reporting events involving serious physical and/or psychological injury to children and youth that may result in serious or long-term impairment.

Mr. Speaker, having said that, we recognize that not all critical injuries are physical in nature and that is why we have included psychological injury, which will include events such as witnessing a traumatic event, a murder, suicide or being a victim of a serious assault.

Other examples of critical injuries include situations where a child or youth is seriously injured in a car accident and admitted to the intensive care, or where a child or youth might ingest pills and is unresponsive and requiring hospitalization; if a child or youth witnesses a family member stab another family member; if a child or youth attempts suicide and is admitted to hospital for psychiatric assessment and follow-up.

Those are the types of situations that would fall under a critical injury and we are legislating that

would be reported to the Advocate. As I said earlier, these are things that we work very closely with the Advocate to try and deliver to the House of Assembly today a piece of legislation that would align with what she was requesting to allow her to continue with the scope of her work.

Another point I would like to discuss in some detail is which departments are subjected to these amendments and therefore required to report critical injuries and deaths. In discussion with the Advocate, it was clear that the priority must be on those departments which are responsible for the care of children and youth.

Mr. Speaker, this primarily would be my department: Children, Seniors and Social Development. We have about 350 social workers around the province who do important work every single day to ensure that children and youth are safe. Not only the children and youth that are in care, but there are many children and youth that are not in care of the department, but we also provide services to those families. Under Justice and Public Safety, they have youth who may be retained in correctional facilities and things like that.

In my department, we protect children and youth from maltreatment by intervening with their parents or caregivers. In some cases, we place children outside their family homes to ensure their safety; in the Department of Justice and Public Safety, youth that have committed or have allegedly committed criminal offences and may, therefore, be placed in correctional facilities under government's care.

The proposed amendments to the Advocate's legislation focus on these departments specifically, given they are responsible for providing services to some of the most vulnerable children and youth in our province.

Mr. Speaker, I can't state it enough that we have worked closely with the Advocate. I have tremendous respect for the Advocate, Ms. Lake Kavanagh, and the important work that she does in Newfoundland and Labrador. We worked closely with the Advocate to develop these amendments and ensure they fully address the Advocate's role in the protection of children and youth.



These are serious and difficult matters that are of critical importance; therefore, we have committed to the Advocate that we will provide this information as soon as is practicable. This means that within 24 hours of becoming aware of a critical injury or child death, it will be reported to the Advocate. Furthermore, detailed information will be provided, as I said earlier, within five days. Mr. Speaker, this approach is consistent with other jurisdictions and with our current practice of reporting child and youth deaths to the Advocate.

Over the last several months, Mr. Speaker, three or four months – it hasn't been that long – I have had the pleasure of meeting with many of my front-line social workers and discussing some of the complex issues they are addressing. I think I have been to eight offices around the province. I have been out in Gander, Grand Falls, Deer Lake and Corner Brook. I have been to Sheshatshiu, Hopedale and Natuashish. We have met with leadership of the Innu, Chief, Grand Chief; I have met with some of Nunatsiavut Government; I have met with social workers from our department in about eight different places.

Mr. Speaker, every day I sit in my board room and I'm surrounded by senior staff and we do important work on behalf of the people of this province, but very important to me from early days to get out whenever there was an opportunity, out and about in those offices in the province to see first-hand, to talk to the front-line staff, for me to gain a greater understanding of the types of work they do on a day-to-day basis, often heavy work, Mr. Speaker.

Since I've come into this job, my eyes have been opened in a completely different light, Mr. Speaker. I guess you realize the tremendous blessing of those families that are stable. I think about my children and my daughter now, and many of my colleagues around me that were fortunate to grow up in the environment they did. But, Mr. Speaker, that is not true of all families in Newfoundland and Labrador.

Sometimes parents, for various reasons, need support to provide care to their children. Where possible, our social workers work – they are very highly trained professionals, and where possible they work with the families to ensure

the children stay in the home. Sometimes, Mr. Speaker, in the best interest and safety of the children, they are removed from the home, but if that happens it's a last resort. It's always with a goal to reunify the children with their families.

On a daily basis, Mr. Speaker, social workers are intervening with children and youth in situations of physical, sexual and emotional abuse. They are highly trained professionals who use their assessment skills and practice experience, complemented by strong supervisory support to make clinical decisions. I have seen that, Mr. Speaker, again and again in just my short time coming in to this role. I have tremendous respect for those employees that are out on the ground dealing with challenging work that they do every single day, but very, very, very important work.

Mr. Speaker, my colleagues have heard me say it again and again. I often reference the infrastructure and the roads and the capital works, the things we need to advance our region, but in this department and parts of Justice and Public Safety, I think we deal with the really, really valuable things in life. Because if our people aren't well, as the Minister of Health would attest to, and if our children and our families aren't safe, the rest of us at the end of the day, it really doesn't matter. I think we all have a duty to do what we can to protect where we can.

While the Advocate and my department agree it is the more serious of these cases that will be reported to the Advocate, I want to assure the Members of this House that my department will continue to respond to all situations of maltreatment and situations of harm. Each situation reported to CSSD is reviewed by a social worker who is trained to review the circumstances of each event and assess the intervention required. Further, the social worker with management support will determine if it constitutes a critical injury.

Mr. Speaker, I'm going to pause there for a moment because as I mentioned in the press conference earlier, it is highly unlikely – I mean, once you get down into the weeds of is something black, is something white, is something an incident, is it an injury, what will be reported, what won't? It is quite likely that in the initial months there will be over-reporting to

the Advocate, and that's okay. Because it's much better to have something reported and determine it is actually an incident and it could have been dealt with the support services, with the counselling and the types of work the social workers deal with every single day, than to miss the opportunity of having an injury reported.

Mr. Speaker, this is our mandate: that every day we continue to provide services to this vulnerable group in our population. We are absolutely committed to ensuring the safety and well-being of children and youth in the province.

Mr. Speaker, I have been in this role as Minister of Children, Seniors and Social Development for just a short time. It was an honour for me, an absolute honour when the Premier asked me to be minister in this department. Because those who know me, my colleagues and my friends here, when you look at the various departments that there are, if I could have chosen where I would have wanted to end up, I would have chosen here, Mr. Speaker.

In fact, the types of work that this department does, everything from care to children and youth, to seniors, to disabilities, to poverty, they're all things that are really, really near and dear to my heart. Mr. Speaker, it's a big shift and there's lots of change we would like to see happen, but it takes time to make that happen.

I think today is a very important good step toward children and youth with this legislation that the Advocate has called for over a number of years, and pretty humbling for me actually to be the minister today to stand here and to introduce those amendments to the House of Assembly.

In fact, Mr. Speaker, of all departments in the provincial government, as I said this is the department that I feel the closest ties to. Make no mistake, while this department deals with very challenging and difficult situations, there are most definitely many, many rewards, too.

I wish I had the time, Mr. Speaker, to talk about some of the things we celebrate. There are so many people in this province doing tremendous work helping us. The Department of Children, Seniors and Social Development is a large

department doing important work. We couldn't do it on our own, Mr. Speaker.

Attending the proclamation of foster families is coming to my mind, as I went over to Corpus Christi church that day. I met families that have been fostering for 25 and 30 years, Mr. Speaker, that have their own children and have opened up their homes to take in more children that are in need of care. I think about that commercial that used to come on many years ago when I was young. Some here might remember it, where this little child is saying: I grew in my mom's heart and not her tummy. We have a lot of people doing really valuable work, many stories.

I remember talking to one young man, about my age, so I would say he was a young man. I said: I'm just so impressed with the fact that you've opened your home for 25 years doing this. Then he quietly said to me on the side when no one was around: You know I was a foster child. He said: I kind of banged – was his words – around from home to home. He said: I ended up in a place where the family kept me until I was 17 and ready to go to post-secondary. It gave him an opportunity, Mr. Speaker. Those are the kind of people that I'm always really proud to recognize.

Like a quote I read in the office of a social worker in Natuashish that said: Every child is one caring adult away from being a success story. Those are the kinds of things we're talking about here today, Mr. Speaker. We're bringing amendments to the floor, aligned with what the Advocate wanted to allow her to continue to do this important work. But besides that, every day we deal with children that find themselves in unfortunate circumstances. When we do, it's so rewarding to see staff that goes above and beyond. I've seen many examples of that and partners out in the community, people like foster families that work with us to do what they can for those children.

We are continuing to build a revitalized child protection system that is responsive to the priority needs of our children and youth, as well as continuing to make significant progress in creating a culture of accountability. Mr. Speaker, now that's a mouthful: a culture of accountability. It's absolutely essential going forward. We're not talking about projects, as I

mentioned earlier, infrastructure and things like that. We're talking about children, children that when given an opportunity, what road they go on makes all the difference.

I'm thinking about another lovely story from the West Coast, in Corner Brook. Mr. Speaker, as most here would know, if a child is in foster care, once they turn 17, they age out.

Unfortunately, sometimes when a child hasn't received that love and care, they age out; they don't have anywhere to call home. They go down probably what is not a productive road.

Thinking about a couple of siblings, 14 and 17, on the West Coast, and a family – and as most would know, often with adoptions people are looking for the younger child or a newborn, and not so much the teenagers that might come with, I can say, a little bit of baggage, because I'm a parent of a young adult. But there was a family that adopted those two siblings, 14 and 17.

These are the kinds of days that we celebrate in the Department of Children, Seniors and Social Development, and we're so grateful that there are people like that out there in our society, Mr. Speaker.

We are continuing to build a revitalized child protection system that is responsive to the priority needs of children and youth, as well as continuing to make significant progress in that culture of accountability, excellence and consistency, Mr. Speaker. It is so important that we have consistency.

I mentioned I've been out in eight offices, and the location actually really does vary. Sitting in a boardroom of a CSSD office in Gander is a world away from when I was sitting in a CSSD boardroom in Natuashish or Sheshatshiu, but vitally important that we have policy, that we have regulations that allows for us to offer consistency to the children and youth that we provide services and care to.

Mr. Speaker, I have personally met with the Advocate since becoming minister, and I know that we both share the same commitment and passion to protect children and youth. I believe Newfoundland and Labrador, as a province, we're extremely fortunate, we're very fortunate right now to have an Advocate of the calibre of Ms. Lake Kavanagh. She cares very deeply

about the work she does as an independent office of this House, takes her work seriously, understand things can't be the same everywhere around the province. Also, has made it her mission to get out and about early in her mandate, meet with various groups and travel. As said earlier, I've tremendous respect for the work she does.

This is important work, Mr. Speaker, and today's proposed amendments advances further protections for the children and youth in our province. That's it for my opening, and I will very much look forward as I sit here listening to my hon. Members from across the way and anyone else who participates in this debate today.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Reid):** The hon. the Member for Fortune Bay – Cape La Hune.

**MS. PERRY:** Thank you, Mr. Speaker.

It is certainly an honour and a privilege to rise in this hon. House here today and speak to this very important piece of legislation. Mr. Speaker, I do believe all the legislation that comes forward in this House is of great importance, but this piece of legislation, in particular, affects our children. We all, in this province, place very high priority on all of our children who are our future. We want to do our very, very best to ensure that all children of Newfoundland and Labrador have the best opportunities available to them.

I do agree with the minister in her comments about some of the great success stories that we do have in this province and some of the people who are doing absolutely tremendous, tremendous work. I guess what we, as Opposition, want to see is that we continue to do the best we possibly can. That we strive to have more and more success stories and the tragic stories like we've heard in the past become a thing of the past. That's where we feel this bill, in particular, had the ability to make us a leader in that regard.

For the people viewing at home or watching the video or reading about this debate in *Hansard*, I'd like to bring the debate back to what this legislation is really about. This bill has been brought before the House because it's about protecting children and young people who are vulnerable. It's not just about finding out what happened after it's too late to make a difference.

There are numerous stories in this province of children who have suffered or died in tragic circumstances that might have been preventable. There are also stories of children who have been left to suffer after someone noticed that something was wrong. There are stories of children whose plight should have been noticed but wasn't.

Societies aren't perfect, governments aren't perfect, systems aren't perfect, but the day that we allow that to become an excuse for not doing more is, I believe, the day that we lose our moral right to be here. The whole point of this bill is to acknowledge that we need to do more to protect vulnerable children and youth. It's applaudable that we prioritize the most vulnerable children and youth, but all vulnerable children and youth need the protection of their government.

People at home may wonder why it is that here in the House we cannot refer to one another by our surnames. The reason is simple and it goes to the heart of our democracy. Even though we are a democracy, it's obviously impossible for half a million people to make each and every decision about how our society will function, so people go to the polls to elect Members to stand in their place and I stand here in the place of the people of Fortune Bay – Cape La Hune. Another Member stands in the place of the people of Cartwright – L'Anse au Clair. Another stands in the place of the people of St. John's Centre. I stand here not just as one person, but representing some 7,000 people and many of these people are not even old enough to vote – they're children.

The responsibility weighs on my shoulders to make decisions that are in their best interests on their behalf. So it is for all of us who sit here in the House of Assembly. Even though we are divided into parties with particular views of how best to serve the people, we have to keep before us the faces of the children of Newfoundland

and Labrador. The choices that are made in this House and the choices made by the government can protect these children more effectively, and certain choices can also leave them more vulnerable.

Who is the vulnerable child or young person? It is certainly the child who is in the care or custody of the state. The child in foster care or the young person in secure custody is the direct responsibility of the state. But what about the young person in hospital or an addictions treatment centre receiving care from a department, other than those defined in this bill? This bill is limited to just two, Mr. Speaker.

What about a young person who's in school? What about a young person who's being bullied by a teacher? That teacher has friends in the administration so the teacher is protected, but not the student. What happens in those cases? This legislation doesn't cover it.

What about children and youth who are not in the care or custody of any government department or agency? What constitutes a state of vulnerability? If a child has died, then tragically it is too late to protect that child. Perhaps the child was vulnerable before passing away and something can be learned so that justice can be served and lessons can be learned that will protect others.

This bill covers critical injuries which are defined as "an injury which may result in the death of a child or youth or may cause serious or long-term impairment of the health of a child or youth." Is this definition broad enough to cover physiological trauma, emotional trauma, the kind of trauma that may not become fully apparent until later? Is the definition broad enough to cover situations where the child may have been at significant risk without having suffered an injury?

The former Child and Youth Advocate recommended using a broader term called "critical incident." It would have made this province a national leader in the protection of children, and we would have been ahead of all the other provinces. But today, we're being told it's okay to be in the middle of the pack. We're doing no better than the others and that's okay.

This legislation applies to children and youth who are in the custody or care of receiving services from the department of child, youth and family services, or those in the custody of Justice and Public Safety. This bill does not cover the youth involved in with the health care system, or those involved in the education system unless they are also on the CSSD caseload. This means that deaths and critical injuries which may occur in a school, the Janeway or a youth addiction centre are not mandated to be reported unless through another process; for example, the *Fatalities Investigation Act* or the *Patient Safety Act*.

Officials in the department did point out during our briefing that incidents can be reported to the Child and Youth Advocate without having to fall under this legislation, but it's a may situation – it's not a shall. They indicated that parents and youth can always call the Child and Youth Advocate office and that there are other mechanisms within the health and education system in which incidents are reviewed. Those mechanisms were in place when we had the tragic incidents that we had years ago, Mr. Speaker. They didn't solve the problem then and we need stronger mechanisms today. This legislation was the opportunity to do that. They indicated that these mechanisms are in place, and we're certainly glad they're in place, but we're advocating for even stronger mechanisms.

What about the mandatory reporting of what government officials become aware of? It's not there. Health and education were initially included in this legislation. They were certainly included in what the Child and Youth Advocate was strongly advocating for when this discussion began. They were going to be included up until 2015, but they've since been removed for some reason that we still fail to understand.

Officials indicated that other jurisdictions concern themselves with the reporting of the child welfare and justice departments, with the exception of BC who also covers some mental health and addictions.

Within this bill, there's no requirement for a critical injury which happens in the health system or the education system to be reported. The *Fatalities Investigation Act* requires that

deaths of children are referred to the Child Death Review Committee. The Advocate reviews their recommendations and follows up on their recommendations, but there's no reference whatsoever to injuries or incidents which can be just as serious and certainly if they were to be brought to the Child and Youth Advocate's attention in a mandatory way, perhaps further serious injury can be avoided.

The *Patient Safety Act* also indicates that if a close call or occurrence of an incident occurs in the health care system, then the regional health authority shall review and report on it and give notice to the minister, but there is no reference whatsoever to mandatory reporting to the Advocate.

This was one of the key issues of concern back in 2014. Today I ask: Is it good enough what we've brought forward, or should we be heeding the advice of the former Child and Youth Advocate who examined, personally, so many tragic cases before issuing her recommendation that she be informed of critical incidents immediately when they occur? Remember, it's about protecting children – all children, all youth, and treating them equally.

At one point in our history, taking children from their homes and placing them in orphanages and residential schools was considered appropriate care in the best interest of the child. We have since learned how tragic these choices were for so many children. Well-intentioned people sometimes get it wrong. When someone tells you what they are going to do is good enough, we should always question them. That's our role as an Opposition: to raise these questions on behalf of the children. This legislation is leaving out some very, very, very important elements that may protect the lives of children in the future.

In fact, Mr. Speaker, there was once an Opposition Party that brought forward the following resolution to the House of Assembly. I'm going to read this resolution back into *Hansard* because it bears repeating, Mr. Speaker. This resolution was brought to the House of Assembly in November of 2014:

WHEREAS the province's Child and Youth Advocate has requested that government

introduce legislation for mandatory and immediate reporting of all government departments and agencies of the death and critical incidents involving children and youth; and

WHEREAS government has not taken a lead in notifying the Advocate's office of such incidents and, instead, the Advocate has relied on calls from the public and the media to be made aware of cases needing her involvement – which is what the legislation is still going to allow it to do, by the way – and

WHEREAS legislating a direct reporting mechanism from all departments and agencies to the Advocate would help improve outcomes for all those involved, as it would improve outcomes for other children and youth receiving services; and

WHEREAS as a direct result of earlier intervention in specific cases where a death or critical incident has occurred or indirectly systemic issues can be more readily identified and addressed;

THEREFORE BE IT RESOLVED that the House of Assembly urge government to immediately introduce legislation for the mandatory and immediate reporting of all government departments and agencies of the death of and critical incidents involving children and youth.

Notice the wording, Mr. Speaker, because the words are important: The Child and Youth Advocate has requested. Who is the Child and Youth Advocate? It is an officer independent – a non-partisan Officer of this House of Assembly, answerable not to the government, but to the people of this fine province.

What did the Advocate request? Mandatory and immediate reporting. She simply wanted to find out, as quickly as possible, that the government was aware of something serious happening to a child or young person. When which government officials became aware of such an incident? All government departments and agencies.

She was comprehensive and so was the resolution that was brought forward by the then-Opposition. On what kinds of incidents? The

deaths and critical incidents involving children and youth.

Incidents are not confined to injuries. You can use your imagination to see situations where children and young people are at serious risk because of incidents that have not yet led to injuries. Remember, the ultimate goal in all of this is the prevention of harm to our children. Many times, the best way to prevent harm is to catch the warning signs, Mr. Speaker.

That resolution was brought forward by the then-leader of the Opposition, today's Premier. It clearly stated incidents as well as injury and it clearly stated all government departments.

What if a school bus driver is caught driving drunk while transporting children, but no accident or injury occurs? Is that a serious incident that needs to be covered by this legislation? What if a spy camera is located in a school washroom or drug-tainted needles are located behind a school? What if someone enters a school with a firearm? If no child is aware of the incident or injured, isn't that incident still serious enough to require that the Child and Youth Advocate be made aware that it has occurred? I would think so.

Why are the regional health authorities not included in this bill? Why are the school boards excluded? What about children and youth who are vulnerable in other situations? The question here is: Does this bill go far enough? We have to ask that question because the bill certainly falls short of what the Child and Youth Advocate and government opposite called for in its resolution of 2014.

So let's look at some of the things Members opposite said at that time. Here are the quotes from the now Premier in that 2014 debate. I quote: "The motion today will be legislating the mandatory reporting of deaths and critical incidents to the Child and Youth Advocate in our Province."

"... the Advocate once again reiterated or called for mandatory reporting to the Advocate by all departments and agencies of the deaths and the critical incidents involving children and youth.

“When we have asked the question why the critical incidents piece, in this case the Advocate is very concerned and believes and feels this would help prevent further deaths, deaths by children who are in care from departments and agencies in our Province.”

“What we see here is after thorough investigations or three major investigations within the Province,” – and, unfortunately, many of us can remember those – “the recommendations came back after investigation suggesting that we have mandatory reporting of deaths of children and critical incidents within the Province. This is the view of the Child and Youth Advocate in our Province right now.”

These are quotes that I’m reading directly from *Hansard* from the 2014 debate, Mr. Speaker; just to put the tense in proper context.

“... why not just go to the next step and make that notification part of legislation so it becomes mandatory?” Why not? It’s only a matter of adding the wording to this legislation that we are spending the time here debating today for the children of our province. Why not make it stronger?

“... why not just go to the next step and make that notification ... so it becomes mandatory? That would include not just the Department of Child, Youth and Family Services but indeed all agencies within government.”

Again, still quoting from 2014’s debate, “... she feels that she could fulfill her mandate in a much better fashion by the immediate reporting of critical incidents and deaths in the Province. Indeed, she could intervene and reduce the harm to other members in some cases.”

“As an Officer of the House of Assembly, this will allow – and she agrees that she will be able to fulfill the mandate she has been given, to do her job in protecting children, and not only children in care, but children who are receiving services from various departments and agencies in the Province right now.”

“I really believe what the Advocate is actually looking for here right now is a mechanism that will allow this individual to do a better job in her position in making sure children in our Province

are safe when they receive care, safe when they receive services from Child, Youth and Family Services and all the other agencies we have in our Province.”

In fact, Mr. Speaker, the then Leader of the Opposition, today’s Premier, actually talked specifically about our health care workers in his debate. But this bill does not extend to the health department or the regional health authorities.

He concluded by saying, “We cannot get hung up on making sure that the definition of a critical incident, in this particular case, is something that will hold up this piece of legislation.” That was the words in 2014. “What we are asking for is let’s get those definitions done, and let’s get this legislation introduced in this House of Assembly so that we can have a Child and Youth Advocate who will be better equipped to do her job.”

“... it is important enough that we create that sense of urgency in this House today. That is the reason why we have put forward, and I have moved this private member’s motion today legislating the mandatory reporting of deaths and critical incidents to the Child and Youth Advocate.”

“... we as members would stand her debating the words in a piece of legislation that could actually be an intervention in stopping one critical incident or, in a worst-case scenario, prevent a death.”

Mr. Speaker, this is what our current Premier asked for in 2014, but this is not what is being delivered by the government today.

**SOME HON. MEMBERS:** Oh, oh!

**MS. PERRY:** I don’t know why they are heckling over there, Mr. Speaker. It’s a very important issue.

If the Member for Lab West is actually listening, what I’m saying is this was your leader who said this was what they wanted in the legislation. This has not been delivered today.

Those were the things the party, now in government, were calling for while in Opposition. They are the things the Child and

Youth Advocate was calling for. They are the things this bill is missing.

When the Members opposite went to the people to seek a mandate in 2015, they laid out their policy intentions in their Liberal red book. It is interesting to consider the wording of this particular section of their red book. It was numbered section 4.3.2. It was entitled, “Mandatory Reporting of Deaths and Critical Incidents to the Child and Youth Advocate” and it read like this, verbatim from the red book:

“For years, the Child and Youth Advocate has been calling on the PC Government to make mandatory the reporting by all government departments and agencies of the deaths of, and critical incidents involving, children and youth receiving government services.

“Liberals believe the Advocate shouldn’t have to learn of children falling through the cracks through the public or the media. Mandatory reporting could save lives.

“A New Liberal Government will legislate mandatory reporting of deaths and critical incidents to the ... Youth Advocate.”

Mandatory reporting was also outlined in the mandate letter to the former minister, when government first got established. The mandate letter reads, verbatim, I quote: “I expect you to work with your colleagues and the Child and Youth Advocate to develop legislation for the House of Assembly that will make it mandatory to report deaths and critical incidents to the Advocate.”

It is important to note that the mandate letter says incidents, but this is not what the legislation covers. The legislation covers injuries only. And, Mr. Speaker, we can’t get a clear answer as to why that’s the case.

Mandatory reporting was also mentioned in the 2017 Throne Speech, right here in this hon. House. It reads: “Our Government will continue to work cooperatively with the Child and Youth Advocate to develop legislation on mandatory reporting of critical incidents and deaths to the advocate for consideration in the House of Assembly.”

Again, the Throne Speech says incidents, but the legislation says injuries. So there it is. Either the Liberals believe in what they said or they don’t. They now, though, are in a position to do what they said. So they can heckle from across the way about what did or didn’t get done by the PCs. They have the opportunity to do it now, Mr. Speaker, and they’re not. They are not.

By the bill that we see before us today, we see the legislation as it currently stands falls far, far, far short of what they called for and what they promised. It doesn’t apply to all government departments and agencies. It doesn’t include critical incidents. It maintains a situation where the Advocate will continue to have to learn of children falling through the cracks through the public or the media. It reduces the scope of mandatory reporting that could save lives.

The irony is that our PC government was actually in the process of following the recommendations of the Child and Youth Advocate in 2014 and ’15. The premier’s mandate letter to the minister actually called for this legislation to be implemented. We made the same points when speaking to the Liberal’s resolution and voting in favour of it. The difference is that we intended to work with the Child and Youth Advocate to ensure that the legislation reflected what she was calling for in the recommendations based on the three very, very, very serious reports she produced on the tragic situations she had to review.

We spoke in favour of mandatory reporting. We spoke in favour of immediate reporting. We spoke in favour of a broad scope. We referenced departments not covered in this bill and we spoke of defining incidents.

The Liberals, in 2014, said bring forward this legislation right away; don’t even bother to consult with the Child and Youth Advocate before bringing it forward. They opposed our decision to include the Advocate in drafting the legislation. When they were elected, they did not do it right away, either. This is more than two years later. They did not pay attention to the recommendations of the Child and Youth Advocate who demanded mandatory reporting, and they have brought forward a bill that does not live up to their own promise, or their resolution or their words in debate, or what the



Child and Youth Advocate has demanded in her recommendations.

This is not the bill they promised to deliver. Why not? We can only conclude that it is part of their pattern of hiding as much as possible from scrutiny and accountability. What could be wrong with immediately notifying the Child and Youth Advocate about more rather than fewer incidents? Really, what would really be wrong with that? What is the issue with it?

If the government is aware of a serious incident, what could be wrong with passing that information along immediately to the person whose job it is to look out for the best interests of children and youth in our province? First and foremost, this person is independent of government, an independent, non-partisan position responsible to the children of our province. What's wrong with informing her immediately? What is the issue?

Where is the harm in informing the Child and Youth Advocate? Is the government saying that she can't be trusted with this information? I don't think so. That would be shocking. But if they are not saying that, then why would they build a wall instead of a channel for the free flow of information to the Advocate's office? We don't understand it.

Let's consider what the Child and Youth Advocate actually is. It's not an office or department of the government; it is not an office that answers to the Premier and Cabinet. This office answers to the people, to the hon. House of Assembly. This is an independent office, just like the Auditor General is independent. This officer can go where others cannot, look into what others cannot and report on what others may not. This officer is a voice for all children and youth in this province.

Where does this office come from? It didn't always exist. In December of 1994, the House of Assembly appointed a Select Committee on Children's Interests. Its chair was the former MHA for Conception Bay South, the late Pat Cowan. When the committee reported in 1996, the committee comprised of MHAs Gerald Smith, Harvey Hodder and Mary Hodder; all fine parliamentarians who were genuinely

interested in advancing the best interests of children.

The report was entitled, *LISTENing & ACTing: A Plan for Child, Youth and Community Empowerment*. It recommended the creation of a child, youth and family secretariat within government and it called for the establishment of a Child and Youth Advocate reporting to the Legislature.

The PC Party adopted this recommendation as a policy, which we held from that time forward. In 2001, after years of pressure from the Opposition to implement this all-party recommendation, the Liberals were finally dragged kicking and screaming into bringing forward the legislation.

Lloyd Wicks was appointed to serve as the first Advocate. On November 2002, he was finally able to get down to work, advocating for children and youth. We finally joined other jurisdictions across the country with similar offices.

Establishing the office is only the beginning. The really important part, Mr. Speaker, is what follows. The Advocate's job is to dig into things that otherwise might be left undisturbed. It's like the Auditor General's work. It can be embarrassing for a government to be held to account and have its work under the spotlight of scrutiny. It is embarrassing and onerous, but absolutely necessary.

Governments demand constant scrutiny, and governments, being human institutions, are always imperfect and always in need of scrutiny. In fact, it is sometimes a conflict of interest for officials to determine whether an incident is serious enough to warrant reporting to the Child and Youth Advocate. They are essentially investigating themselves and their colleagues and deciding whether to report on what may be even their own failings. People should not investigate themselves. Let the Advocate determine what is serious after she has been informed.

The government opposite is developing a disturbing tendency to hide more and more from the spotlight of scrutiny and accountability. They may think this is wise, but it's actually

dangerous. When it comes to protecting the best interests of children and youth, the dangers are borne by the children and youth themselves.

The government needs to be reminded that it's not about doing what is easiest or just doing enough to get away with, just enough to tick off the box, oh, that's done for the mandate letter; it's about doing what's right. If this means inundating the Child and Youth Advocate with information about incidents where children and youth in the province are at risk of harm, then is that the wrong thing to do? I certainly don't think so. Wouldn't it be better to let the Advocate sort out where to place the attention than to have the filter at the government level, where factors other than protecting the best interests of children might come into play?

Governments and departments and agencies and their officials sometimes have a tendency to minimize the importance of things and sweep them under a rug to avoid embarrassment or other consequences. Instead of thinking is a child at risk, they could be thinking would this reflect badly or lead to embarrassing consequences?

The Child and Youth Advocate would focus solely on whether a child is at risk. Nothing else would be considered by the Child and Youth Advocate. And isn't that how it should be? I certainly think so, and Members on this side of the House think so, too.

I'm sure the minister's officials laid out all the ways things could go badly if the bar is set too low, and too much information is sent to the Advocate. But if the government is truly concerned with advancing the best interests of children and youth, it will have the courage to put those considerations aside and set the bar very low, so information on children and youth in all sorts of dangerous situations is passed along to the official whose job it is to advocate for them.

Let's look at the protocol that is currently in place regarding incidents. A critical incident is defined as an extraordinary or life-threatening incident that directly impacts the safety and well-being of a child or youth such as violence, assault, injury, other serious criminal matters and significant threats of self-injury or harm or

suicidal ideation requiring hospitalization beyond the initial assessment and treatment.

The protocol actually lists some examples of critical incidents: a suicide attempt, a child or a youth who is abducted, a child or youth who is involved in a serious criminal matter. These are just some examples of critical incidents. If they do not result in a death or long-term injury, this bill would not mandate they be reported.

Essentially, these situations would be reported now through the critical incident report and protocol, but they would not be legislatively mandated to be reported once the bill comes into effect. This bill might actually be a step backwards from what is being voluntarily practiced right now. Mr. Speaker, that would be an absolute tragedy to see us move backwards.

Mandatory reporting to the Advocate by all departments and agencies – key, key, key recommendations, Mr. Speaker, during the 2014 resolution debate, and the current Minister of Children, Seniors and Social Development, the Member for Cartwright – L'Anse au Clair, actually used the phrase mandatory reporting by all departments and agencies during that debate in 2014 as well. So we see strong support for it, but we don't see it in the written context of the legislation today.

At the news conference we had earlier this afternoon, the minister spoke repeatedly in her notes about critical incidents, which is the broader term that interestingly enough this bill doesn't actually use. So we're left to wonder, do they really want to do what they promised in the red book and did they really want to do what they asked for in the debate of 2014? Because if we were to believe that, then we would see a much stronger bill before us here today.

We would see a bill that includes all departments and agencies, not just Justice and CSSD. We would see a bill that includes all critical incidents, not just critical injury, and we would not just be reporting with respect to children and youth in care, but we would be reporting with respect to all children in Newfoundland and Labrador.

It was stated by the former Child and Youth Advocate in a CBC report, actually, in April

2016: “Every child and every youth deserves the same level of service.” While we agree that vulnerable children are an absolute priority, we also feel very strongly all children are deserving of the same level of service, care and attention.

I can’t say it often enough: If we can have the strongest legislation, if we can save a life, it’s all worth it. It’s only a matter of including some sentences that were advocated for years and years and years by Members opposite. The bill we see before us today is strangely void of this language and we don’t understand it.

I have no doubt the minister is sincere in wanting to protect all children and youth to the greatest extent possible. I have every confidence the minister is going to do a fabulous job in her department and is a great leader. But I just wish the legislation included the wording that was advocated for by our current Premier, by Members of government opposite, by the former Child and Youth Advocate and what we believe in here, as well, on this side of the House.

If only they would stand by the words they said in the debate of 2014 and in the red book and in the mandate letter and in the Throne Speech. If only they would stand by these words, we would have a very strong piece of legislation here today, Mr. Speaker, and one that we would find no fault with. The two key issues of concern are the exclusion of critical incidents and the exclusion of all government departments.

It was the former Child and Youth Advocate who saw all the cases that caused her to ask repeatedly for broad and tough reporting legislation. She asked for more than this. Would this place an onerous burden on government? Would it overload the Advocate’s office?

We’re here this week to debate a bill to increase the size of the Independent Appointments Commission and all they do is secretly report to Cabinet that can secretly ignore them. So it baffles me why we would be debating a bill later on that’s going to increase the size of the Independent Appointments Commission, yet we’re not talking in any way about, well, if the Advocate’s office would need additional resources to do this work, then she should have them. Again, it’s quite baffling to us.

The Child and Youth Advocate bill is about protecting children and youth, and if more resources are required to do that, I don’t think anybody in the province would argue.

I don’t know if it’s possible at the Committee stage to propose amendments to reflect what the Child and Youth Advocate called for in 2014 because the rules on amendments are very strict around changing the intent of the bill, but there is not such a limitation preventing a minister from making a friendly amendment. It would be a friendly amendment to expand the scope of this bill to reflect what was called for and what was promised, all departments and agencies, all critical incidents and deaths of children and youth.

This is one of those circumstances where less is certainly not more. Less is less. Less is children and youth who are going to continue to fall through the cracks, and this legislation is going to do nothing to help them. Legislation has children and youth remaining in dangerous, harmful situations that might lead to consequences we wish could have been prevented.

They say hindsight is 20/20, but sometimes foresight is also 20/20. In this case, we can see clearly that providing the Child and Youth Advocate with more information will probably lead to fewer oversights and fewer children and youth falling through the cracks. So let’s do the right thing and vote in favour of the children and youth who cannot stand in this place to speak for themselves. Let’s be bold and set an example for the country, just as we did before on policies such as poverty reduction. Our children and our youth deserve all the protections we can give them, Mr. Speaker.

Before I close, I want to say again we just fail to understand why they have excluded critical incidents, why they have excluded all departments. We’re not getting a clear answer on that whatsoever. It’s very, very baffling to us, Mr. Speaker.

I will close by saying that we truly do hope the minister considers a friendly amendment to put in those missing pieces that were called for by our current Premier, that were called for by Members opposite, that were called for by the

Child and Youth Advocate in her recommendations and all of it for the purpose of helping our vulnerable children and youth who deserve all the protections that we can give them, and they will grow to thank us for having put their best interests first and foremost above all else, Mr. Speaker.

So while we're happy to see this legislation come before the House, we're certainly very disheartened by its shortcomings. We hope that as the debate progresses we can strengthen this bill so that the children and youth of Newfoundland and Labrador – all children of Newfoundland and Labrador – are truly protected in the best possible manner that we, as legislators, in this House of Assembly can do for them.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. HOLLOWAY:** Thank you, Mr. Speaker.

It's certainly a pleasure for me to stand in the House today as we're talking about An Act to Amend the Child and Youth Advocate Act. As I sit here, honest to God, I struggle with some of the verbiage that's coming across this House today. As I think about what's gone on since the Child and Youth Advocate came into being and that office was set up – I actually remember that time in 2002, Mr. Speaker. I was keenly interested. I was doing a lot of work in the community on behalf of government and the people of this province. I was doing a lot of work in child welfare and in youth diversion. So when the office was being talked about and being set up, I watched it very closely.

I remember at the time Dr. Phil Warren, a former hon. Member of this House, he and I had great conversations about the type of individual that you'd want in that office who could perform that advocacy role on behalf of all children and youth in this province who, from time to time, need our care.

Now, as I listened to the Member for Fortune Bay – Cape La Hune and I'm reminded of some

of her commentary today, I have to say, Mr. Speaker, I am scratching my head. It makes no sense to me, none whatsoever, when she talks about that – and I've heard this. Ever since we formed government, I've heard this time and time again about how this government has never gone far enough when that government did nothing – absolutely nothing.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HOLLOWAY:** Mr. Speaker, I really want to give you some examples of what went on while they were in power. I'm going to go back – and I'm going to talk about a sensitive issue about a child who lost his life under their care. I will talk about that. It's in the media and I'll talk about how we have taken some steps to look into that issue.

In Question Period today, the Member opposite referenced about 2014. Well, Mr. Speaker, at the time there was a media story that came out. Just to help us set it up a little bit, I want to go back and talk about the Member's statement, the Member for Fortune Bay – Cape La Hune. In September 2016, she did a press release and she talked about how when we were in Opposition, how we failed to follow through with changes that promised to protect vulnerable children in our province.

Now, today, she's saying we're not going far enough. She stated: "The previous administration undertook a fundamental restructuring to establish the Department of Child, Youth and Family Services in order to focus more attention on the needs of vulnerable children in light of recommendations we were given. That work took time, but it was beginning to bear fruit."

Well, isn't that amazing because in a five-year period – and it's interesting how the story came out. This is a story that goes back to August 19, 2014 and it talks about the then Child and Youth Advocate, Ms. Carol Chafe, who was there at the time and she became aware of 26 deaths of children and youth in this province. The deaths happened when the previous crowd was in government. The minister at the time was a former Member for the District of Terra Nova, Sandy Collins, who is now their policy advisor, their researcher. We've seen what he's been able to do since he's been in that position.

When the Child and Youth Advocate at the time went asking about the children who had died, it says that according to the documents, 26 children and youth under the age of 18 have died while under the province's care – a number that the then Child and Youth Advocate, Carol Chafe, was very concerned about.

The Member opposite today talks about that we're not open and transparent; we're not going far enough. Well, openness and transparency when the other crowd was in office, the Child and Youth Advocate said she knew about six of those deaths – only six. So we're open and transparent and we're getting all that information and we're sharing it with the Child and Youth Advocate.

She learned about the 20 from CBC. Not from the minister, the minister who has responsibility, yet condemning us today about not going far enough. Oh my, my Lord. The types of deaths: Protective Intervention, 18; Youth Services, 3; Youth Corrections, 2. One child is certainly too many.

I find it interesting now that the Members in the backbench on the opposite side – this is such a serious issue and they're over there laughing – laughing. You tell me that's appropriate today. It should not be happening in this House, I can tell you that.

The Child and Youth Advocate at the time said: I was aware of some of the deaths, but not all of them. But now that you have made it known to me, I have made a formal request for the information on all those cases. So she had to ask for the information. Now, the Member opposite today said that it should be forthcoming. Oh, it's holier than thou. Now all of a sudden as we're in government and they're in Opposition, we can't get anything right and they did nothing about it. Isn't that completely interesting?

Out of the 26 youth who died, three of the cases were children in foster care; 18 were receiving services from Protective Intervention; three were involved with Youth Services; and the remaining two were in Youth Corrections – all receiving services from the Government of Newfoundland and Labrador that was under their administration.

The minister at the time, Sandy Collins, the former Member for the District of Terra Nova, was asked: Okay, Minister, so what's going on here? Tell us what's going on. Sandy Collins was the minister at the time, former Member of the District of Terra Nova. So do you know how serious he took this situation, Mr. Speaker? He's quoted. And the reason I can reference this today in the House is because the Member opposite in Question Period referenced 2014 and what they were doing as a government – or not doing, as we're seeing.

He said: "I'm only a young man, I have a young family. Any time you hear about the death of a child it's concerning" – well, would you believe that? – "you feel it in the pit of your stomach. That was my initial reaction, I have to be honest," says Mr. Collins.

So the Child and Youth Advocate goes on the say – the story goes on to say, I should say, Mr. Speaker: "Collins said making any change to the existing legislation would involve other departments ...." He says: It's great what we are doing. "It's great where we are, but I know there's room to move and room to improve." That was it. That was the entire commitment.

I have to really tell you about a serious, serious incident that happened also under his watch, and it relates to a 15-year-old boy. His name was Stephen Brown. I said to the Minister of Children, Seniors and Social Development today because she knows this family really well, just like I do. Now, Stephen, I knew him ever since he was about five. His mom used to come to meetings that we'd have in the community, so I watched him grow up.

At the age of 15 – I'm going to tell you the story of what happened to him. At the age of 15 he was on a dirt bike one afternoon and he went in a road. It was a road that was a public road, but this person had put a chain across the road and he didn't mark it. It is tragic that the front wheel of Stephen's dirt bike hit the chain, it rolled up and it struck him and it killed him.

Now, the mom, Michelle Brown, who I consider to be a great friend – I know Michelle would not be concerned today that I am referencing her in this hon. House or her son. Sandy Collins was the minister responsible.

**AN HON. MEMBER:** Who?

**MR. HOLLOWAY:** Sandy Collins was the minister. He was the minister of Child, Youth and Family Services, and she begged and she pleaded to him as a minister to investigate the death of her child, to engage the Child and Youth Advocate. That information did not come forward. She had no success. In her mind, the death of her child was really unanswered. There was very little investigation by a number of departments in government.

When I was seeking to run in this position as the Member for Terra Nova, Michelle called me one night and she said: If you get elected, can you do one thing? Can you help me have a meeting with the minister for children? I said I will do that. I promise you that tonight. I didn't make many promises during the election other than I would work very hard for people, but I said that I would get the right people to that table.

Now I can tell you, Mr. Speaker, a year October past, 11 months after I was elected, we had everybody who needed to be around that table with Michelle Brown to talk about what happened to her son. Her son is gone. The Child and Youth Advocate was not engaged, so we opened up a door.

When I listen to the Member opposite talking about we don't go far enough, we haven't fulfilled our commitments in the red book, well, I think we've gone a lot further. We're actually achieving the stuff you talked about you'd like to do or the former minister said, think what we're doing is fine. Twenty-six deaths, it's not good enough as far as I'm concerned, Mr. Speaker.

So the amendments that are coming forward today are the right amendments to help protect the children and youth of this province, who receive services on behalf of the people of this province.

Mr. Speaker, I look forward to other discussion on this bill today, I look forward to the Members opposite really realizing that this is the right step forward and that they actually do some real soul searching today and they vote in favour of this legislation.

Thank so much for this opportunity.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

It's a pleasure to get up and speak on all legislation in this House. I guess on this Bill 26 it's a – how would you put it? I listened to some of the commentary opposite, actually, and it takes me back a bit, so I – you know, to put your thoughts in perspective.

I'll start off by saying, Mr. Speaker, I spent 20 years of my life working in the mental health field. I got first-hand experience. I dealt with a lot of children that were in special needs. They are the vulnerable in our society. The role I played for 20 years was a very – I used to say sometimes trying to explain it, you were going around with their life in your hands. They were so dependent on every move. Every decision I made, their life was dependent on my decisions as well.

We worked closely with social workers, families, medical professionals, educational people, doctors. That was my life for 20 years. I get a lot of the commentary that goes on there. I understand the sensitivity of this issue.

They even flip it back to being a child. The area I grew up in, there were a lot of children in care. If you want to simplify, we didn't use it back in those days. There were a lot of – back in the day they were in foster care.

I'm very familiar with this. I get it crystal clear, Mr. Speaker. I understand the need for this legislation. I understand the need for the Child and Youth Advocate. I understand the need for all the services. I totally get it. I understand what can happen in our system with one mistake.

One missed reporting, one error in judgment can be so catastrophic. You can never understate the importance of all the checks and balances we have in place. Not only with this legislation, Mr. Speaker, right through all our legislation we bring to the floor of this House of Assembly – it's meaning. This one here has a more special

meaning because, ultimately, there's a life at play, there's a life at stake. They are the most vulnerable. We always say our children and our seniors are the most vulnerable.

Now, I can go down the road of what I just heard from the Member for Terra Nova and some of the commentary that's come across the way. I can go down that road, but I'd like to stay above that because I think it's too important of an issue to get into catcalls and this blame and this disgust that they find. Why are you getting on? Who are you to make this comment? I'm not going to go there, but I'd just like to emphasize this is too important.

For me personally, I'm the Member for Conception Bay South. I'm one of six. Well, one of seven, soon. I'm one of forty, but I represent the district.

These concerns that we're talking about in this bill, they're happening in my district. They're happening in yours. They're happening in every district. Every Member in this House deals with this. People can laugh, they can accuse others of laughing, they can point fingers and whatnot. At the end of the day, there's a vulnerable child or minor in society that's looking for us as a Legislature, looking for government power, to bring in the proper legislation that's going to protect them.

If you're not bringing in legislation, Mr. Speaker, no matter if it's on this issue or any issue that's going to make improvements and make things better, we're failing. To say the PCs didn't do this, okay, fair enough. I guess no one can dispute that. I wasn't part of the former administration. I know people who were and there are probably reasons it wasn't brought in, but if you use that analogy: the PCs didn't pave this road, so we're not going to. They didn't build this school, so we're not going to.

Mr. Speaker, that to me is tough to rationalize in anyone's mind, because one party or one group never did something we're not going to do it. You're elected by the people of the province to do what's right. It's as simple as that.

This government has made lots of mistakes. So has that government. Every government that will ever come into this House of Assembly, they

will make mistakes. They will not carry forward with legislation, but most times there's a reason. Collectively as a caucus, as a Cabinet, they make a decision: we're going to go ahead or we're not going to go ahead.

I had the opportunity for years to be in the minister's office. I know how it works. Sometimes they'll be ready to go and they'll say no, they have concerns. The minister may have concerns. Other people in Cabinet may have concerns. They pull back. Does that mean it is right? No, sometimes certain things are missed. Certain things should have been proceeded with, but for whatever reason the government of the day – and that's what they're duly elected to do – will decide they're going to pull back, they're not going to do it and they live with those decisions. But to be turning a situation like this political, I think, is a bit distasteful, personally. Again, I could single out and I can get into catcalls back and forth, but I don't think that's going to solve any problems here, or it's not going to make anything better.

On a personal note, and me as one voice in 40, I feel that is distasteful. I have personal experiences. I've been very close – this stuff hits home in a lot of ways, Mr. Speaker. A lot of this stuff hits home and I've been there. I understand it and I have my own stories to tell, too. But they're not going to solve the issue today.

All we're asking for – as we say, this legislation, we think this is good. Mandatory reporting, we think, is good. We just want to make sure it includes all – everything that we feel should be included in this legislation, we just want to make it better. We want to make this the best piece of legislation that this House can pass. We want to be the best in the country. Isn't that what we're here for?

I don't think we should be aiming to be second best. I don't think we should run the gamut of having a little piece of legislation that's not going to hit the mark. Why? No, we're not going to change that because that crowd over there didn't know anything about it. If that's where we are as a government, if that's how we're going to do legislation, I think we're in serious trouble, Mr. Speaker.

We know a lot of decisions were made over the years. Governments are stubborn, and I get that, too. But on these sensitive issues, on issues like this when you're thinking about our most vulnerable – I keep going back to the most vulnerable because seniors and children and those in need, those with various issues, they are the most vulnerable. They are the ones we should park everything by the door and do what is best for those people.

Government opposite, several weeks, a month ago or whatever, they put in the inclusion, the parking spots. We should have done it. This government here, the former government that was over there should have done that. I don't think anyone would dispute that. It was one of those ones that – I don't know the reason; I wasn't there to make the decision. They were working on it.

I know my colleague for Conception Bay East – Bell Island, when he was in Service NL, it was an issue that was important to him, but never got to the final date to it. They did it and they should be commended, and I commend them for it. But does that mean because we never did it, why wouldn't they do it? They did it because there were people with disabilities who needed that, and I commend them for it. Again, that's what we're here for.

So I'll go back to the part that kind of hit a nerve with me personally: We should not make this stuff political. Just because one person and one group never did it, and one Member said this and one Member said that, you're not going to do it to spite that person, who suffers? The most vulnerable, the people that need this, Mr. Speaker.

There are a lot of vulnerable people in our society. So if you have a child that's coming into the school, if you have a child that's going into a hospital setting, make this legislation to be the most inclusive so that we're not going to have anybody fall through the cracks. When you do that you're still going to have – unfortunately, there will be ones. That's going to happen. That's the reality. That's human nature. That's going to happen; we're not in a perfect world.

Don't leave anything to chance. Every possible avenue you have to tighten up this legislation

and make it stronger, why not? Why not, Mr. Speaker? Why do you leave something to chance? Well, okay, we're going to go to the hospital; they will report it. The doctors will report it; the nurses will report it because it's the right thing to do. I think they will most of the time, 99 per cent of the time.

Go into a school, teachers will report it, guidance counsellors. Parents may see it. Friends may tell their moms. They will report it. I get that. Again, maybe upwards of 99 per cent of the people will get it. They'll do that. What about that other 1 per cent? That's what we're looking at here, Mr. Speaker. It's not a perfect science.

Again, even with everything included in that legislation, even if you had a list of instances like that, Mr. Speaker, you had a stack of papers that high to cover everything, you're still going to have cracks, but let's minimize it. You can't do it to perfection, but you can minimize. I think that's where we need to be.

I'm getting kind of – as the Members opposite, the newness is coming off this House. I've been in lots of debates and I see lots of stuff. Contrary to what people may think, there are a lot of things come from the opposite over the way and I agree with some, not everything. I agree with some commentary across the way – I do. I think that anyone in this House who watches me, they know that. I'll make my little comment here and there.

Certain things – they make sense. I'll nod my head in agreement. I'll listen to what they say; I try to listen to most comments. I don't feel that we benefit our districts, I don't believe we benefit this Legislature, I don't believe it will benefit the people of this province that put us here to be getting on with some of the nonsense I hear some days. I hear it right through this House sometimes, Mr. Speaker.

When you have been close to this stuff – and I've been very close to it in my own home – to make it political, to getting up and recalling the former ministers or why didn't you do it, the gall of you, I'm at a loss. I take personal exception to it. It bothers me. It hits a part of my stomach that it doesn't feel good.



As an example, I was sat here just now while people were up speaking. I didn't even know if I was getting up to speak on this bill. I get up and speak whenever I'm requested to and I was always tossing it around. But as I started hearing some of the back and forth, I said, no, I'd like to speak on this bill. I'm glad to be up speaking, by the way. I probably would have gotten up anyway, but it motivated me to get up and speak. We can go on, I can take up this bill and I can go to every little clause and go through – there's not a lot to this bill, but this bill is very important because it's to do with a child.

What's more paramount in our society, if you're not looking after the most vulnerable people? You read about it and you hear it on the news. We all say you hear these stories – we heard one there a while ago. I won't get into details of that one; I think we all know. It was pretty horrendous and it ended up in our court system. How did that happen?

I asked it. I'm sure everyone here did. You go home and you ask your wife, you sit down and you say: How did that ever come to be? We have a great system. We have a Child and Youth Advocate, who I happen to know from her previous life and I think she's fantastic. I have great confidence in her abilities. I think she's sensational, actually. I know her personally. I can't speak for the former one, the Child and Youth Advocate, but I know this one in particular and I have a lot of respect for her. It's not about her and her abilities because, like I say, I think she's second to none, but make sure we're doing it right.

There are concerns in this legislation, as my colleague for Fortune Bay – Cape La Hune pointed out. We're not bashing government for this. We think there are concerns. We have concerns. We are the Opposition. Like it or not, that's the role. We have to play a role. Opposition is not opposing for the sake of opposing. Opposition is working to make a bill a better piece of legislation.

As the Government House Leader alluded to back when we debated in September or October on the elections bills, the Legislature was in disagreement. We debated – as an Opposition we opposed things in that bill. At the end of the day, we got something on the special ballot we

were all accepting of. We all agreed it wasn't everything we all wanted, but we agreed upon it. That's what the Legislature is for: to make things better.

We do things with them. We make amendments to certain legislation. Again, you don't get everything you fight for, but you fight for it. Put it on record, get it out there and people then can make their own judgments. We have a role to play, Mr. Speaker, and if we see a piece of legislation where there are areas in this legislation that could be better, could be improvements, it might only be changing a word, it might only be changing a clause, so what's wrong with that? What is wrong with proposing that?

We know there are 30 Members opposite. We all can count. We know the numbers. We know that every piece of legislation that comes through this House, they will wait us out and eventually they'll get their bill. We know that. We can't filibuster anymore, as we talked about last night, but all that being said, we still have a role to play. We all get our time to get up and speak on this legislation and be on record of our concerns.

We're not knocking the government. The minister did a great job in explaining the bill, the Minister of Children, Seniors and Social Development. There's nothing about that and that's why I don't want to go down any road with – I'm trying to keep on the high road. I really hope that government kind of looks – we are not asking for the world. We think there are serious flaws, but we generally support the concept of mandatory reporting. That's not an issue. We feel it needs to be tightened up.

When you have schools excluded and health, those are two big areas. I guess that's the front door where you're going to find a lot of these concerns, you're going to get them, that support. That's where you're going to get them is in the schools or in hospitals, you're going to find these incidents. A child is going to come in for an examination, they're going to notice there are marks, they're going to notice there are other things, the child is probably going to speak.

You're going to see it in school when they're talking to their friends and the teacher sees them. Those are the things – and unfortunately, we live

in a very challenging society and things happen. Things that we can always say it should never happen; we should never need these rules. If we lived in a proper world, we don't need any of this, but we don't live there. Unfortunately, we don't and that's the world we live in. We have to have that. I'll come back to it and I can never say it enough and I'll not say it enough: You have to protect your most vulnerable.

Asking for changes or probably some modifications to a piece of legislation that's going to make things better, not leave anything to chance, what's wrong with it? I just challenge anyone – can anyone tell me what's wrong with that? If anyone opposite is going to get up and say because we never did it, that still doesn't tell me what's wrong with us wanting changes to it. If you say, okay, we agree, so are you going to change it? No, but why? Because you never did anything about it. That makes no sense, Mr. Speaker. It's what you get in a schoolyard – like I said, because we never paved the road, oh yeah, we're not going to pave that; they never.

We're not building that school, no, no, the children can stay up in the parish hall. We're not building it because they never built the school. That rationale, that analogy, is just totally – that's half the reason I stood on my feet.

Another part of the reason I stood on my feet is I have from a personal perspective – without getting into great detail, I watched this personally. I watched where the Child and Youth Advocate should have been in place, where what a difference that could have made to a lot of children's lives when my child that I was fortunate – I lived in a decent home, but I know a lot of my friends did not. It's a sad situation and a sad reality and something that I lived with and to be honest it's something that I've lived with for a long time and I still have to live with it. There's nothing you can do.

The system failed a lot of children back in the day, Mr. Speaker, when I was a child growing up because we never had the protections in place. We never had the Child and Youth Advocate. We never had this legislation. We never had Bill 26. We never had this. These people fell through the cracks.

We've come a long way, but why not go the rest of the way? Why not go until we got it right? So we say mandatory reporting, what's wrong with it? Again, I challenge every Member opposite, what is wrong with mandatory reporting? To do it right now, if we just had mandatory reporting to include everything – not just incidents, injuries, everything – include every group, school, hospitals, why not? And I think that's the point they're trying to hammer home: Why not?

My colleague for Fortune Bay – Cape La Hune in her speech, people opposite were getting frustrated and they were shaking their heads. She's not against this. She's with me; we're all together on this. I think we should be together in this House on it. Do it right. It is as simple as that: Do it right. If you're going to do it, do it right. Don't go next year when you come back when this happened and we should have included this and that was an error in that bill – we've heard that happen before. And we've gotten criticism. We've criticized each other. We've criticized ourselves. Do it right.

If someone could say what's wrong with including what we want to include in that legislation, what is wrong with it? I'm at a loss. I don't know if anyone else here can tell me what's wrong with us – why can't we go ahead and do that?

So, Mr. Speaker, as my time is winding down and I could have gotten in to the guts of the bill, but I don't think that's necessary, I just think that we need to do mandatory reporting, include all incidents, all injuries. We got children in care, but maybe we need to have this continuous cycle. Even if they're not in care, maybe we could even do it better to include those not in – we need to protect our children. Every family model, no matter what the family model is set up, it's not perfect.

We need to make sure whatever we can do in this piece of legislation to protect everyone – and I mean everyone, and we're still not going to get them all – we should do. It's something that is incumbent upon us as a Legislature, each and every one of us. Like I said, I'm one of 40. We all should feel the same way and we shouldn't make it political; we should do what's right for our most vulnerable.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I'm very happy to stand and to speak to this bill. It's Bill 26, An Act to Amend the Child and Youth Advocate Act. Mr. Speaker, this has been a long time coming. We know that this legislation, the amendment to the *Child and Youth Advocate Act*, was proposed – or actually the former Child and Youth Advocate asked for this three years ago and here we are finally today debating this bill.

I would like to start by saying that the Child and Youth Advocate and the Office of the Child and Youth Advocate is for every child in Newfoundland and Labrador. It's not only for a certain subset of children in the province; it's for every child in the province. It is also for every parent in the province. It is also for every government department and every agency in the province. It is for everyone.

The Child and Youth Advocate office, their commitment is the protection – and not only a reactive commitment to do reactive work in terms of protecting children who have already been hurt, but they are also very proactive.

Again, I would like to applaud the staff at the Office of the Child and Youth Advocate for their very committed work, for their expertise, for the hard work, often very, very difficult work that they do. I would also like to stress once again how pleased I was for the appointment of Jackie Lake Kavanagh as our new Child and Youth Advocate because of her past experience. She has worked at Iris Kirby House, which is a shelter here for women and children who have been victims of domestic violence. She has been a long-time staff in the Department of Justice. I believe that her life experience, her educational experience, her work experience is so valuable and an asset that she brings to the office.

So there are a few issues and confusions about this act. I'm looking forward, when we get to

Committee, to address some of those issues. My colleagues from the Official Opposition have raised some of those issues. Now, I have spoken with the Youth Advocate. I also want to thank those who have given us a very thorough briefing on this act.

Some of the concerns that have been raised I also had running around in my head as well. I believe that once we get to Committee stage there may be some interesting discussions on, for instance, the issue of why critical injury, instead of critical incident, and why only youth who are in care, why not mandatory reporting from all government departments and agencies.

In my conversations with the Youth Advocate, I feel a little more confident in why some of those decisions have been made and why the amendments appear as they do in the act. I think it would be really interesting to discuss some of those issues and to have the opportunity to ask the minister about why some of those decisions were made. I think that will be a very interesting discussion.

I have had the honour of working, in a number of instances, with the Office of the Child and Youth Advocate on behalf of my constituents and sometimes on behalf of children who were not even my constituents. I've always felt the children were well represented, that the advocates really worked on their behalf.

Also, in my discussions with both the Advocate and the Office of the Child and Youth Advocate, I have brought issues to their office that may not have been related specifically to an individual child with a reportable incident, but related to the potential problems of certain government policies, or the potential problems that might arise for children in my district because of some of the issues, whether it be safety on the streets or other issues, whether it be economic issues and what happens to children in families when there's a real problem with economic issues.

Again, I would like to say thank you to this office for the incredible work they do, for their attention to detail and to their commitment to doing outreach, their commitment to be proactive, to not just only receive complaints or not only just reacting to responses to requests for investigations.

We know that – and the discussion that we may have around some of the decisions that were made to be included in this amendment about why not mandatory reporting by all departments and agencies. In fact, Mr. Speaker, I believe that part of the application of this amendment – and, again, we must keep in mind that this is simply an amendment to the *Child and Youth Advocate Act*; it's not the whole act.

In fact, it is amendments dealing specifically with children who are in care who are often our most vulnerable children in the province and, also, who may not have parents or guardians who are able to play that role of really watching out for their children, making sure their children are receiving what they need, making sure their children are safe, and advocating on behalf of their children. For the most part, Mr. Speaker, most parents are able to do that for their children. So I do believe this is an attempt to be respectful of that process.

So, (a), it's about really focusing on the children who are most vulnerable in our communities, in our society; and (b), also respecting the rights and the authority and the agency of parents who are taking care of their children. We don't want government agencies or departments constantly, constantly and lightly, opening files on every child.

Mr. Speaker, I think it'll be an interesting discussion to see where that balance really sits. Also, ensuring that all of our children are safe, are protected, have what they need to thrive, to live fully; and, if not, that somebody knows about that, and that someone somewhere will be advocating on their behalf. I know it's not always the case, and that there are potentials.

It'll be interesting to see the rollout of this legislation. Both the minister and the Advocate have said there may be initially over-reporting. That might not be a bad thing at first, because we're going to see how this rolls out, how different government departments and agencies – who, by the way, do report to the Advocate, but they are not mandated to. Again, in this case we're focusing specifically on children in care.

So it'll be interesting to see how that's rolled out. Also, how existing protocols, for instance, in the Department of Health, in the Department

of Education, who have protocols for the reporting of critical incidents, serious incidents in their departments. It'll be interesting because this is all about the whole network of all of our legislation in all of our government departments and agencies and how they serve our children.

Also, one of the issues is we must constantly see that our laws, our legislations, must be – as our human rights legislation – must be living, breathing documents, and must be responsive to the needs and the changing communities that we live in and to our changing understanding and expertise of different issues, of different ways of providing care for our children.

As my colleague from the Official Opposition, my colleague from Fortune Bay – Cape La Hune, pointed out, we have had different ways of caring for our children. There was a time when we felt it was proper care to send children to orphanages. We now know that is no longer proper.

There are other instances where we have changed our practice. Again, legislation must be a living, breathing document that is changed and responds to the movements, to the changing expertise, to the changing ways we do our work within our societies.

Again, I would thank the Office of the Child and Youth Advocate for their dedication to the work they do, and again to remind all of us this is a section of the act, and that it is a focus on the most vulnerable children in our communities. I look forward to the discussion we may have in Committee about answering some of the outstanding questions that I myself have, that our caucus has, and also that the Official Opposition has. I look forward to that dialogue with the minister.

Thank you very much, Mr. Speaker.

**MR. SPEAKER (Trimper):** The hon. the Member for the District of Lewisporte – Twillingate.

**MR. D. BENNETT:** Thank you, Mr. Speaker.

I'm honoured to stand here in this House of Assembly today to speak to Bill 26, An Act to Amend the Child and Youth Advocate Act.

I'd like to start off by thanking the Members for Fortune Bay – Cape La Hune, Terra Nova, Conception Bay South and St. John's Centre for their comments earlier.

I do have to agree with the Member for Conception Bay South about his comment about not making this political. However, I do remind him, the Member opposite for Fortune Bay – Cape La Hune began this debate by making it political and in my opinion undermining the qualifications and abilities of our Child and Youth Advocate.

Mr. Speaker, I can assure you, the Members opposite and the viewing public that this legislation was done with the full consultation and support of the Child and Youth Advocate. I think maybe the Members opposite should have a meeting with the Child and Youth Advocate to discuss this legislation further.

I can assure everyone that over the past two years our government has made great success and working toward the best interest of all children and youth in our province, and we will continue to do that, Mr. Speaker.

She also made reference that we are accepting being the middle of the pack. I just want to remind her that this is the first: we are the first in Atlantic Canada to put this legislation forward and I think we are making some great progress in that, Mr. Speaker.

Mr. Speaker, this amendment, although not lengthy, is significant and very important for children, youth and their families. The Minister of Children, Seniors and Social Development has done an excellent job of outlining and explaining the details of this legislation earlier during her speech.

I've had the honour to serve as parliamentary secretary with the minister since 2015, and it has been one of the most pressing issues for this department. I can assure this hon. House that there has been significant work and consultation with the Office of the Child and Youth Advocate over the last couple of years on this important issue.

I want to spend a bit of time discussing the Office of the Child and Youth Advocate. This

office was created in 2002 by our government as an independent statutory office of the House of Assembly. This is an important point because it means the office does not report to any one department of government. As an office of the House of Assembly, it is independent and autonomous. This arrangement provides the office to carry out its mandate, which is extensive.

The Child and Youth Advocate is responsible for: protecting and advancing the rights and interests of children and youth throughout the provision of advocacy services; ensuring that children and youth have access to services and that their complaints receive appropriate attention; informing the public about the needs and rights of children and youth; providing information and advice to government, agencies of the government and the two communities about the ability, effectiveness, responsiveness and resilience of services to children and youth; making recommendations to government regarding legislation, policies, programs, services that are designed to meet the needs of our children and our youth; and also conducting independent reviews and investigations.

Mr. Speaker, I believe every one of us as legislators value and respect the work of the Child and Youth Advocate. Government shares the goal of the Child Advocate, which is the safety and well-being of children and youth in our province.

I have seen first-hand the respect the Department of Children, Seniors and Social Development has for this office. The department is co-operative in any way with requests from the Advocate and is committed to recommendations the Advocate's office makes as a result of any investigation or report.

Mr. Speaker, that has been quite evident over the last two years with the reports that have been submitted by the Advocate. We have worked diligently to make sure these recommendations were put forward and that we made the necessary steps to improve them.

One of the things the office has been requesting for several years is the need for mandatory reporting. I believe this was a request by the former Advocate that she had raised several

times before, before placing it in writing to the House of Assembly in 2014.

Mr. Speaker, as the minister stated earlier, this side of the House of Assembly took this request very seriously. We introduced a motion to this act. We included the commitment in our election platform. The Premier included it in the minister's mandate letter and it was a commitment in the Speech from the Throne. It stands to reason that any amendments to the *Child and Youth Advocate Act* must be done in conjunction with the Advocate's office and that the amendments you see here today are a result of our collaboration.

Both the former minister and the current minister have met several times with the Advocate on this matter. I had the privilege of sitting on some of those meetings, too, Mr. Speaker. We have built a co-operative relationship with the Child and Youth Advocate, Ms. Jackie Lake Kavanagh, and her office in order to determine the exact information the Advocate needs in order to do her work.

There have been several meetings held between the Advocate and the deputy ministers of Children, Seniors and Social Development and the Department of Justice and Public Safety. Further, a committee was also established with representatives between the two departments and the Advocate's office with numerous in-person meetings and other communications, which has ensured collaboration and communication throughout this process.

Mr. Speaker, the minister has described five amendments we have proposed. It is very important that all Members of this House of Assembly, media and members of the public who may be watching today understand that these amendments are in collaboration with the Child and Youth Advocate. Although the original request used the terminology critical incidents, and Members opposite keep referring to that, it was through these meetings and communication that it was determined critical injury best captures the scope of reporting the Advocate required.

Jurisdictional scans also show that the reporting of critical injuries is aligned with the practice of other Canadian provinces and territories which

report critical events. It should be noted, as the minister previously noted, this province will be the first in the Atlantic provinces to enshrine critical injury reporting in our Legislature.

In the department's jurisdictional scan it was also evident that those provinces and territories which report to their advocates, the departments are the equivalent to the Department of Children, Seniors and Social Development and the Department of Justice and Public Safety. During ongoing discussions with the Office of the Child and Youth Advocate, it was determined that information from these departments would adequately address the information the Advocate needs. This is where the priority needs to be.

Mr. Speaker, it became quite evident to me when I first became parliamentary secretary the devotion and passion the social workers and other employees of Children, Seniors and Social Development have to their work. I have participated in a number of site visits and meetings with social workers in this area and I'm always impressed by their commitment to their work, the families they serve, and the safety and well-being of children in their care.

The work to protect children goes on daily. Through these amendments, the most serious of situations that meet the criteria of critical injury will be reported to the Advocate. Mr. Speaker, I want to make it very clear, regardless if a matter meets the criteria and is referred to the Advocate's office, our department will continue to respond and act upon each appropriately as required under our legislation and policy.

Mr. Speaker, these amendments are positive ones to the Child and Youth Advocate's legislation. There has been a lot of good work done in order to advance these important amendments by our provincial government and the Child and Youth Advocate.

For those who may have missed the minister's speech, I will again reiterate the five specific amendments to Bill 26. Definition of critical injury: the proposed definition of critical injury is one that may result in the child or youth's death, or cause serious or long-term impairment to the child or youth's health.

Designated services: the proposed amendment will require mandatory reporting of death and critical injuries that occur while a child or youth is receiving services from the Department of Children, Seniors and Social Development and the Department of Justice and Public Safety, or within 12 months of receiving these services.

Timeline to report: the proposed amendment will require the Department of Children, Seniors and Social Development and the Department of Justice and Public Safety to notify the Child and Youth Advocate as soon as practicable after becoming aware of a death or critical injury of a child or youth.

Fourthly, designated reporting: the proposed amendment will specify that the deputy minister of a department or his or her designate shall report the death or critical injury to the Advocate.

Finally, protection for employees providing the information: the proposed amendment will provide individual employees who report the death or critical injury with protection from being sued, provided they act in good faith.

Mr. Speaker, in closing, I just want to say that I'm supporting Bill 26, An Act to Amend the Child and Youth Advocate Act, and I ask all hon. Members to support this bill.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. LANE:** Thank you, Mr. Speaker.

I'm just going to take a couple of moments to speak to this bill. I guess this is probably one of the most important bills we have debated and probably will debate during this sitting of the House because, as has been said, we're talking about children. We're talking about the most vulnerable amongst us.

It's hard to wrap your head around it, as a parent myself, two daughters of my own and a grandchild on the way at some point in time, hopefully. I can't imagine some of the situations that you hear about in the media and through other means of how children, whether they be

children in care of the province or whether they be children in care of the parents or children in alternate arrangements. It's hard to get your head around how anybody could ever do harm to a child, but it happens nonetheless. Unfortunately, it happens.

We've seen it so many times and what we're doing here is we're just putting measures in place that's going to further protect children. We do have systems in place now, but we do know there are gaps in the system. One of the gaps of course was the mandatory reporting of deaths and serious injuries to children to the Child and Youth Advocate's office. That's a gap that's being closed. It's certainly something that's been called upon over the last number of years by the former Child and Youth Advocate. Unfortunately, it didn't get done at that time and now it's coming forward to be done.

I'm sure every member in this House – I know every Member in this House is going to support this bill. Why wouldn't we? Like I said, we're here to protect children and it's important that we do it.

So with that said, Mr. Speaker, I guess I'll just go on record to say I support the bill 100 per cent. I'm glad the government is bringing it in. That said, as has been said by other Members here on this side of the House, there are some questions and concerns that we have. We had the briefing and so on, on the bill, and I want to thank the staff for the informative briefing that was given. But there's no doubt that there are some concerns here in the fact that we're really dealing with two departments in terms of the requirement to report to the Child and Youth Advocate. We're talking about the Department of Children, Seniors and Social Development, formally CYFS, and we're talking about the Department of Justice for children that are in care and receiving services from those particular departments.

What is not being covered off here, as has already been said, are children that are having dealings with, in particular, the Department of Health and Community Services, as well as the Department of Education. I know I've heard some commentary, well, if there are children, if there are concerns that arise from that that doctors and nurses, in the case of health care,

they have a responsibility. Teachers, guidance counsellors and so on, they have responsibilities and so on.

I'm sure that in all cases, or most cases, that will happen. I know they take these responsibilities seriously. I'm sure that in most cases these things will be caught up on. Nonetheless, there still remains that gap that's not covered and I don't understand why we wouldn't just simply add those two departments in particular to the two that are already considered in the bill. It would just seem reasonable that we would do it. I can't understand why we wouldn't do it.

The only thing I heard from staff or the sense I got from staff was it might be an issue of resources in terms of there's only so much that the Child and Youth Advocate's office can handle and perhaps adding those two departments might add to the workload that exists in the Child and Youth Advocate's office. If that's the rationale, then I would like the minister to simply state that is the issue. Tell us that's the issue and what resources would be required over and above what's currently there to include this, if that indeed is an issue.

Beyond that, as I said I'm supportive of the bill, but I really do think that we should be including education and we should be including health care. Another comment I heard is that parents have a responsibility, and there's no doubt parents do have a responsibility but, then again, we've heard of scenarios, unfortunately and sadly, in the community where the parents were the actual perpetrators. They weren't just not protecting their children from others; they were the actual perpetrators themselves.

Unfortunately, those things have happened. Hard to imagine, hard to get your head around, but nonetheless, it's the reality.

I would personally like to see the Department of Health and the Department of Education included. I also have a concern or a question around what they call emancipated youth, children who may have been, I guess for lack of – I'm not sure of the exact term. I'm going to say a ward of the state, so to speak, but when they turn 16, they can basically sign off a waiver, if you will, to say that they no longer, at the age of 16, report to or receive services from CYFS and so on. They are called, I think,

emancipated youth is the terminology. What happens to those children between 16 and 19? Do they fall through the gaps, between the cracks, if you will, with this legislation?

We can all talk about the fact that this was something that was asked for in the past, whether or not former governments had an opportunity to put it in place and they didn't – and I'm sure they can explain their own reasons. Maybe they had good reasons or maybe they didn't, I don't know. At the end of the day, just because the other administration didn't do it and just because this administration is doing it, which is a good thing, Mr. Speaker – it's a good thing; it's a positive thing – that doesn't mean that we simply say because you're doing something that should have been done and wasn't done, then we just accept on face value 100 per cent that what you're doing now, while it's better than what we have today, which is nothing in this regard, that doesn't mean we say because we had nothing now we have something and we have something good that we shouldn't improve it or we shouldn't raise concerns.

As has been said, that's the whole idea of debate in the House of Assembly, that we have that debate back and forth and Members on this side of the House can offer suggestions, bring forward concerns that they might have with the legislation. I'm sure that the minister and so on and Cabinet, I'm sure that these issues are not new –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. LANE:** I'm sure those Members asked the same questions we're asking, and maybe there is a good reason why it is the way it is. I don't know those answers because I wasn't there. I don't know, but I can guess. I'm sure the minister responsible for this department and other ministers and Cabinet, they would have asked the same question: Why is health not included? Why is education not included?

I'm sure there was a reason given and a rationale that maybe they're more aware of than we would be aware of. Hopefully, when we get into the Committee of the Whole, we can get the answers to those questions as to exactly what the



rationale is. Maybe it's good rationale; maybe it's reasonable. Maybe at some point in time, this is a first step and they're going to enhance it as we move forward – perhaps, I don't know.

Certainly, from this side when you receive this and you get your briefing and you find out there are departments that are not being covered off that would definitely involve youth, whether it be health, whether it be education, then you have to ask the question why? Why are they not included? Wouldn't it be better to include them? Would it not be better to close off all the gaps?

That's my commentary, Mr. Speaker. It's nothing new. Other Members here have said it. I share the concerns. I look forward to some answers on it when we get to Committee.

With that being said, although I have those questions and concerns, I still support what's being done here. I do believe it is still good legislation, something that should have been done a long time ago. I'm glad this government has taken the initiative to actually do it, and I'm sure it is going to pay off and it's going to be beneficial to many children.

God knows, we would hope they would never need to avail of some of the services or they wouldn't require the advocacy that would be provided because we would hope that things would never happen to them, but we know, if we look through history, right up through the years, sadly, we know that for many reasons, whether it be because of neglect, whether it be because of mental health, addictions issues that perhaps parents and caregivers might have and a whole host of other things, unfortunately, we know there are going to be more instances in the future where children are going to need this required protection.

The fact that we're putting this protection in place is a positive thing, and I will be supporting the bill 100 per cent. Again, just adding to it, I think it could be made a little bit better if we had to include those other two departments within the bill; other than that, congratulations to the government, to the minister, kudos for doing it.

Thank you, Mr. Speaker.

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Mr. Speaker, the House of Assembly this afternoon is debating a very important bill, maybe the most important bill the House has discussed this fall; if not, certainly one of the most important. To me it's a very, very important one. We're talking about mandatory reporting, and when we're talking about mandatory reporting for health and children, I don't think there's anything more important that we could talk about.

Mr. Speaker, my comments this afternoon are going to focus on a couple of key areas on this relatively short amendment to the *Child and Youth Advocate Act*. Mr. Speaker, this goes back a couple of years. The *Child and Youth Advocate Act* was first brought forward, I think it was, in 2002.

In 2014, the Advocate herself – the Advocate at that time, who's no longer the Advocate – had asked for amendments to legislation arising from her many years of experience and incidents she had experienced during her time as the Child and Youth Advocate. I can tell you, in 2014 when she raised this – for me, I know it was a very serious issue, a very serious matter – and through the fall of 2014, into the fall of 2015, during the following year, there was a considerable amount of work done to try and finalize those amendments.

I know Members opposite want to stand up and say, oh, you didn't do this, you didn't do that. Well, Mr. Speaker, I really don't want to go down that road because it's not about that. I can tell you and I can tell you quite confidently, and ensure you from my own personal knowledge, that there was a tremendous amount of work done by a working group made up of senior officials in four departments: Child, Youth and Family Services, as it was at the time; the Department of Justice and Public Safety; Health and Community Services; and also the Department of Education. There was a tremendous amount of work done by officials in those departments.

At the same time that this was taking place – I remember clearly sitting in government – the Opposition, who is now the government, at the time were lobbying and pushing very, very hard for this legislation to come through. I know earlier speakers have talked about what their commitments were and what they were looking for back in those days and I'm not going to rehash all of that here this afternoon, but I will just remind the House that in the mandate letter of the former minister, who first started in a role when the change of government happened, it referred to this very matter.

The mandate letter said, and I quote: I expect you “to work with your colleagues and the Child Youth Advocate to develop legislation for the House of Assembly that will make it mandatory to report deaths and critical incidents to the advocate.”

It's important to note, Mr. Speaker, the letter indicates incidents. This is not what the legislation today covers. Today is about critical injury.

Mr. Speaker, I suggest to the House, and stand here today, that there is a significant difference in critical injury, as defined in the bill, and a critical incident. They are not the same thing at all, Mr. Speaker. The mandate letter refers to critical incidents. Actually, the 2017 Throne Speech also refers to this. I think this was referenced earlier by my colleague from Fortune Bay – Cape La Hune, who I think did a fantastic job in discussing details and the concerns from Members on this side of the House and providing a little bit of history and background.

The 2017 Throne Speech reads: “Our Government will continue to work cooperatively with the Child and Youth Advocate to develop legislation on mandatory reporting of critical incidents and deaths to the advocate for consideration in the House of Assembly.”

So, Mr. Speaker, after a year's work by officials in 2014-2015, and two years of work by the current government, three years of work in total, we are now here debating this amendment that is before the House.

Mr. Speaker, it's not so much about what's in the bill, because I support as well the concept of

what is in this bill. We support the concept, but as the Member for Mount Pearl – Southlands just talked about, there are other concerns and other issues because, for me, it's about what's not in the bill.

In Question Period today, the minister was asked why Health and Community Services was not included as a designated service in the bill, and I didn't hear the rationale for that. I heard about what's in the bill. I heard about what's included and what's being done, but I didn't hear rationale for why it's not included.

Education is another area. What the government has proposed here, to be clear, in this bill, in this amendment to the *Child and Youth Advocate Act*, is to define a critical injury – not a critical incident, but a critical injury, meaning an injury which may result in the death of a child or youth or may cause serious or long-term impairment of the health of a child or youth.

Mr. Speaker, my concern is that there can be a broad variety of critical incidents that don't necessarily result in a critical injury. In cases such as that, then they will not be required to be reported to the Child and Youth Advocate.

As well, the bill this afternoon designates services and it defines designated services. Under the bill “‘designated services’ means the following services provided directly to a child or youth ....” It's not just services for a family, but it's directly to a child or youth.

It's two parts: “(i) services provided by the Department of Children, Seniors and Social Development under its protective intervention, kinship, in care, youth services and community youth corrections programs, and (ii) services provided by the Department of Justice and Public Safety to children or youth in custody at the Newfoundland and Labrador Youth Centre or a designated youth holding facility or to children or youth temporarily held in adult correction facilities administered by Corrections and Community Services or a successor division of the Department of Justice and Public Safety.”

Mr. Speaker, essentially what this says is that if a child or youth is in custody under the Department of Justice and Public Safety, under Youth Corrections or in an Adult Corrections

facility and there's a critical injury, it must be reported, or if a child is directly receiving services from the Department of Children, Seniors and Social Development. What it doesn't say, Mr. Speaker, is all of the other critical incidents that can occur and have occurred in the past.

Colleagues on this side of the House have made a choice not to bring in specific incidents to this debate. I can tell you, Mr. Speaker, I gave considerable thought that because there are, I'm sure, many incidents that I could try and refer to and relate to and use as examples, but I am choosing not to do that. I don't think it's necessary to do that. I don't think it's respectful to circumstances that families or communities have experienced in the past, but I may refer to a such as or some will refer to as a hypothetical circumstance. I'm choosing not to do that. Others have, but I'm not going to do that. I don't think it's necessary or appropriate.

Under the bill, under critical injury, if you think about the difference of critical incident – and there are a number of examples that you could think about with a critical incident. There could be the attempts that we sometimes hear or there is a risk or something was about to happen. There was an intervention that prevented it.

There are health care examples that we could consider and ask about. If in a neonatal unit, as an example – strictly and completely hypothetical – a child all of a sudden couldn't be located, but is located fairly soon after and there wasn't a serious known outcome, that may not be considered to be a serious incident. Under this bill – because Health and Community Services and regional health authorities are not included – that would not have to be reported.

What if that happened in a facility a second time in a short period of time, or a third time in a short period of time? Under this bill, a circumstance like that, Mr. Speaker, does not have to be reported. While a single incident wouldn't be a serious injury or a critical injury, it could be considered to be a critical incident. Or when reported to the Child and Youth Advocate, the Child and Youth Advocate may say let's keep an eye on this; it looks like an innocent occurrence that happened. It looks like the regional health authority responded

appropriately and we don't need to do anything with it. We don't need to look at it further. The Child and Youth Advocate can decide to do that.

If it happens a second time or a third time over a short period of time, or a matter of months, or whatever the case may be – again, it's strictly hypothetical – then the regional health authority, the Department of Health and the government are not obligated to report such an incident. I would suggest that if it was a repeated occurrence especially, that many would consider that to be a critical incident, even though it may not be a critical injury.

Mr. Speaker, one of the questions that remain unanswered for us as an Opposition is what is the rationale for Health and Community Services, our regional health authorities and Education, including the school boards and delivery of services through education, through schools which are done by school boards, school authorities? Why are they not included? I just can't, for the life of me, understand that when the government themselves were on this side of the House, continued to advocate, consistently advocate and push for such an inclusion in their bill.

So somewhere along the way, the government's changed its mind and changed its focus. As a matter of fact, my understanding is that the working group of senior officials under our government included Children, Seniors and Social Development, as it is known now, the Department of Justice and Public Safety, Health and Community Services and Education and, through the new government's initiative, eliminated Health and Community Services and Education.

So we intend to try and seek more information from the minister on how that happened, why it happened, what's the rationale for it. And what is the benefit of leaving those circumstances out of the bill? What is the benefit to children and youth by leaving that out of the bill and the bill remaining as silent on it?

The other aspect, Mr. Speaker, if I move to paragraph (2) – so the amendment is to amend section 16, to add after 16, 16.1. Paragraph (2) says: "Where a child or youth dies or experiences a critical injury while receiving a

designated service or within 12 months of receiving a designated service, the deputy minister of a department, or his or her designate, shall report the death or critical injury to the advocate.”

Now, two things I'd say about that here in second reading – again, when we get to Committee I'm sure we're going to discuss this further. But, Mr. Speaker, what if it's 12½ months or 13 months after a service, or 18 months after a service? Maybe there was a long, extended period of a designated service, which is very narrow, as I've already talked about. It's essentially if the child is not in a secure facility, then receiving services from the Department of Children, Seniors and Social Development. But what if there was a long trail and 12 or 13 months later – what if a child is a child that is adopted, and two years later there are some issues arise? Should that not be included in what this bill would cover?

There are a number of scenarios and circumstances that we could discuss and consider, especially based on history and past practice and knowledge, but we could make, I'm sure, lots of reasonable what-if suggestions. But it still remains why not? Why not have those included and why not broaden the range of what's included under the bill?

So, Mr. Speaker, they are just some very high-level concerns we have on this bill that I, myself, as a Member of this House, have on this bill. What is here on this bill, I know for the government, it will check that box and it will say we did what we promised to do. They'll be able to say: Oh, we did it; we made mandatory reporting.

They also made an Independent Appointments Commission that has no authority to appoint, but it checked the box. They were able to check the box and say: Well, we promised to create an Independent Appointments Commission. But what they've appointed is an Independent Appointments Commission that doesn't have the authority to appoint.

They've said we're going to create a Seniors' Advocate. Well, they've created a Seniors' Advocate that has no authority to advocate for seniors. The Seniors' Advocate has no authority,

nothing anywhere remotely similar to what the Child and Youth Advocate has to advocate.

Mr. Speaker, there are other examples. This will check the box for the governing party on bringing forward mandatory reporting, but my submission on second reading here is that it comes up far short of what we need in our province.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the hon. the Minister of Children, Seniors and Social Development speaks now, she will close debate.

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

**MS. DEMPSTER:** Thank you, Mr. Speaker.

I just want to thank the speakers to the bill here in second reading and I'm sure there'll be lots more dialogue as we go into Committee. There were three – the Member for Fortune Bay – Cape La Hune, Conception Bay South, St. John's Centre, Terra Nova, Lewisporte – Twillingate, Mount Pearl – Southlands and Topsail – Paradise that spoke today; but, Mr. Speaker, I'd be remiss if I sat down and I didn't address some of the feedback that I heard here this afternoon.

First of all, Mr. Speaker, somewhere along the line most of the speakers this afternoon missed the memo that what we are doing today, what guided the amendments of the *Child and Youth Advocate Act*, is that we were responding to what the current Advocate wanted.

The Member for Fortune Bay – Cape La Hune, she threw a lot out in a short time and basically what I extrapolated from what she said was we had a former Advocate, she wanted something, we were there, we didn't listen to her when she was there, now she's gone, you guys are in, would you listen to her. That's basically what I got from what she said. We were in government and when the former Advocate was there she called four times over four years and they didn't respond. So now she wants us to listen to the former Advocate.

What I want to say to the Member for Fortune Bay – Cape La Hune: She talked a lot about the Advocate today; we're talking to the Advocate. We're talking to the Advocate today, Mr. Speaker. If she's following what CBC is reporting today, what the Advocate is out saying about where we're going in this House, it's very, very positive. I'm quite encouraged.

I did make a couple of notes on what the Advocate said. She said: Today, there has been significant development for advocacy in our province. The Advocate today said: "This has been a long time coming." I suppose it was, Mr. Speaker. They had 12 years to do this and nothing was done. The other thing that's really, really important for people to note here, Mr. Speaker – and I picked up on this in the Advocate's coverage today in the media – she said: "If gaps are identified ... she will ask for further changes."

When I was leaving the Broadcast Centre today, the media centre, I had a brief exchange with her. We thanked each other for the work that's happening. She plays a very important role and I guess I have been given a portfolio with a tremendous responsibility. At the end of the day, we both want the same thing: safer children, safer youth, stronger families in Newfoundland and Labrador.

Mr. Speaker, at the end of the day, if what we did today was not enough – it is certainly what the Advocate wanted; it was done in support of her – I am sure she will be back with recommendations. I want to reiterate to this House that any time the Advocate comes with recommendations, we embrace them wholeheartedly. There are not enough checks and balances that can be put in place for the care of children.

I have to say again, Mr. Speaker, I found it offensive today. What the current Advocate asked for, what she wanted, what guided our amendments was completely dismissed. The current Advocate, in collaboration with Children, Seniors and Social Development and Justice and Public Safety, determined that the definition of critical incidents was broader than necessary. That was the Advocate. I respect that. I respect the work she does. She determined it was broader than necessary. As I said earlier, a

jurisdictional scan showed that what we are doing is in line with other provinces and territories.

Is the Member for Fortune Bay – Cape La Hune suggesting we dismiss what the Advocate wants, an independent office of the House, and we dictate to an independent officer? Well, Mr. Speaker, we know our place and we know that there are lines and there are boundaries that we don't cross. We work in collaboration with her, but we do not dictate how she runs her shop down the road, doing very valuable work for the children in this province.

Mr. Speaker, the Member for Fortune Bay – Cape La Hune referenced a PMR from November 14 and what was called for in the House. Well, I would say to her: You were in power in 2014. You were in power in 2015. Why didn't you do it?

The Member for Conception Bay South said: If you don't get it right, then you fail. Well, I want to say: You guys obviously failed miserably because you did nothing over a 12-year period – nothing.

**SOME HON. MEMBERS:** Hear, hear!

**MS. DEMPSTER:** Mr. Speaker, the Member for Fortune Bay – Cape La Hune talked about the tragedy of getting it wrong and seeing today as a step backwards. Once again, we have staff in CSSD who put a tremendous amount of work into this. We did it again in line with what the Advocate felt was needed to carry out the important work that she does.

Mr. Speaker, when people throw around words like tragedy, I'm not going to go down that road today, but there are some of us who understand a little bit more than others in this House what it means to live with a tragedy. I can tell you today, I'm encouraged by the media that I'm seeing play out since we have announced this that we are making very, very big steps today with mandating the reporting of deaths and critical injuries of children in our province.

I also took great offence to the implication that our highly trained professionals would hide information. The Member for Fortune Bay – Cape La Hune is on record today in this hon.

House. I have so much respect for the people I have been working with over the last four months since I have been in this portfolio. I take great offence to the implication that those professionals who work – registered professionals with a professional code of conduct and there would be an implication that they would hide information, Mr. Speaker.

I think it's important in closing that I talk about, again, a moment of the mandate of the current Advocate. The current Advocate has a very, very, very broad mandate. While we are mandating the reporting of deaths and critical injuries, Mr. Speaker, any child in this province can go to the Advocate with a concern; any parent in this province can go to the Advocate, and if the Advocate so chooses, she can investigate. She has a very, very broad mandate in this province.

Mr. Speaker, we've heard from the speakers, a number of them, asking questions about the definition of injury versus incident. Critical incident is a broad term that covers many of the day-to-day work of child protection. So I don't know if the Member for Fortune Bay – Cape La Hune was insinuating we no longer need social workers doing their important day-to-day work and everything can just go to the Advocate. I'm not sure. There were a lot of broad, sweeping statements made.

Mr. Speaker, we have to be respectful here of parents who lose children when we're thinking about death. If we have a child – and we do, there are parents that live with this reality every day. If we have parents that lose a child to cancer at the Janeway, that's not a natural cause of death, but I certainly don't know if those parents want that death to be reported to the Advocate and investigated.

I know what I'm talking about, Mr. Speaker. I am well connected with a lot of families who sadly have lost children in this life. Many of them do not want that being reported to the Advocate. We need to bear all that in mind.

I think the part that got lost in this today, Mr. Speaker, is that what we are doing, we did it in full collaboration with the current Advocate. She felt the definition of critical incidents was broader than was necessary for the scope of

reporting. I'm very pleased to be a part of that. I look forward to Committee. I look forward to answering some of the direct questions that may come.

Health came up a number of times, and I just want to touch on that for a moment, Mr. Speaker. Through the provincial occurrence reporting system, the regional health authorities, the RHAs, have a process in place to review and investigate occurrences that result in serious harm to any patient that accesses health care services through an RHA.

Mr. Speaker, we already have processes in place in that area. The Minister of Health, my colleague, we were all very pleased here in the spring of '17, I believe it was, when he brought in new patient safety legislation that standardizes and imposes a legal obligation for this process to occur. Information will be disclosed to the patients and their families and they can then decide if they need to take further action, which may include connecting with the Advocate.

So, Mr. Speaker, it is a bit unfortunate – you're talking about a heavy topic here, the mandatory reporting of deaths and critical injuries, and then politics get into play. I find that difficult to talk about as well.

Mr. Speaker, this legislation includes all children receiving services from CSSD, not just those in care. I just want to make that clear for the record as well because, Mr. Speaker, I was asked a question in Question Period: How many children are in care? There are around 1,013 now, but my department supports many, many more children than that. We actually are working with around 3,000 families in this province, families that for various reasons need that extra support. We have very highly trained, qualified staff that works with those.

Mr. Speaker, does the bill go far enough today? We have heard a number of Members get up and say the bill doesn't go far enough. The Advocate feels it's sufficient and it does go far enough. As minister of children and youth in care and protection, I am more concerned about what the Advocate wants and the direction we should be going in than some other hon. Members – no disrespect, Mr. Speaker – in this hon. House.

It mandates those departments who service the most vulnerable to report to the Child and Youth Advocate, the Office of CSSD, the Office of Justice and Public Safety, children in our care that don't have the natural advocates out there that maybe would advocate for them. The Advocate agrees and, Mr. Speaker, I am pleased with that.

With that, I'll take my place, Mr. Speaker. I'll just clue up with saying it is hard to sit and listen when somebody is bashing, bashing, bashing a bill on such an important, heavy topic, when four times over four years the Advocate called on the PC administration for mandatory reporting and they refused, they stalled, they delayed, they never did it.

Mr. Speaker, it was a Liberal government who put the Office of the Child and Youth Advocate in place and I am pleased now to play a tiny role in being a part of a government that is enshrining in legislation an independent voice for children in our province and playing a little role in helping to move this really important bill, Bill 26, An Act to Amend the Child And Youth Advocate Act, to mandate the reporting of deaths and critical injuries in our province.

I look forward to working with all Members in this House as we move this bill into Committee and get into more specific questions.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

The motion is that Bill 26 be now read a second time. Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

This motion is carried.

**CLERK (Barnes):** A bill, An Act To Amend The Child And Youth Advocate Act. (Bill 26)

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

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

**MR. A. PARSONS:** Presently.

**MR. SPEAKER:** Presently.

On motion, a bill, "An Act To Amend The Child And Youth Advocate Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 26)

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

**MR. A. PARSONS:** Yes, Mr. Speaker.

I would call from the Order Paper, Order 8, second reading of Bill 24.

Motion, second reading of a bill, "An Act To Establish A Serious Incident Response Team For The Province." (Bill 24)

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

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

I'm glad to rise this evening and speak to Bill 24, An Act to Establish a Serious Incident Response Team for the Province.

This particular bill will establish the civilian-led Serious Incident Response Team, referred to as SIRT. It will provide oversight of policing by providing independent investigation. The team will be responsible for investigating all matters that involve a death, a serious injury, things like a sexual offence, domestic violence, and other matters of significant public interest that arises from actions of police officers in the province.

According to some of the consultations and some of the things we've been presented with and discussions we've had here and presentation by the minister, extensive consultation was done with necessary stakeholders. What was relayed to us, there was much agreement in regard to progressing ahead in what we find in Bill 24.

I understand, too, there was a lot of interjurisdictional review done in other parts of the country in regard to where such an entity exists, what that entity looks like, certainly what the pros and cons of that institution is. I'm sure in looking at that, that was adapted to what's presented here in Bill 24.

Many of the items that would be covered are issues of important public interest that may have arisen from actions of a police officer in the province. A director would ultimately determine if something is to be considered a serious incident that would need to be part of the Serious Incident Response Team for the province and referred to it.

This particular entity and the legislation in particular would be relevant to both the RCMP and the RNC – two of the police forces, as we know, that provide the service to our province – are able to investigate, my understanding, on- or off-duty conduct, and the director would be responsible to the Minister of Justice and Public Safety for certain aspects such as budget, but the team, which importantly, is my understanding, would be operationally independent. So while the funding would be provided for the team, the team would need to have that unbiased, separate entity, function and focus to be able to carry out independent reviews of any particular investigation.

The director and investigators, as we understand, is outlined in the bill and what we received in a briefing. The director would be a civilian, someone who has never served as a police officer and possibly held, at some point, maybe by a lawyer, and Cabinet would determine the salary of this individual – the director.

So the director would be appointed by the Lieutenant Governor in Council. I think it's indicated for a five-year term, with the ability to reappointment for an additional five-year term. So it could be a possible 10-year term for that individual that's appointed as a director. It will not go through the Independent Appointments Commission because it's a public servant position, we're told.

There were some concerns raised in regard to the potential level of optics for Cabinet appointing an independent body to fill these

positions, but the point was made that it would be no different than any appointment of the superintendent of prisons. This is very similar in terms of the process and what would take place in regard to that appointment.

Cabinet may appoint, under what is being proposed, an interim director for a term of not exceeding one year, where the director ceases to hold office or is unable to perform the duties. So that would go to, Mr. Speaker, certainly the incident where if someone in the position needed to vacate it for any number of reasons, and for an interim period of time of the year, Cabinet or government would have the ability to temporarily appoint that position, so in terms of carrying out of legislation and having continuity of the process that would exist.

The director of SIRT may, after consultation with the director of Public Prosecutions, designate a Crown attorney to be the acting director while the director is absent or unable to perform their duties. So that's how that process would evolve in terms of getting that temporary position.

An acting director can be appointed for no longer than an actual three-month term. So that would relate to the director who provides the oversight. Then we have investigators that would carry out the work and, I guess, carry out interviews, collect data, all of those things that are needed in particular investigations like this. My understanding from what has been outlined here, they could be ex-police officers, seconded police officers or civilian investigators.

So during our briefing as well in regard to some of the issues – and we may talk about this in Committee – there was some concern raised regarding the fact that having a police officer seconded to investigate other officers and then subsequently return to service, could have an element of police investigating themselves. Because while they've been seconded away from their normal duties and wouldn't be associated with or involved in that particular police force or a division in it and would be autonomous from that current police force or the organization, would be outside of it serving with this new body, at some point they would return to a police force or the prior organization which they serviced. Maybe we'll have some questions



on that again as we get to Committee stage and the minister can speak to that.

Cabinet will determine the salary of the investigator, as I just described, and both the director and the investigators in accordance with the legislation and bill will be considered peace officers.

I mentioned the investigators and who may be part of that group. There was an option to have seconded officers that would be taken from a police force and seconded for a period of time to do a particular investigation. In that particular case, once seconded, that police officer reports solely to and is under the direction of the command of the director of SIRT. We certainly understand and recognize the importance of that because that goes to the autonomy of this SIRT and the organization or the entity and the legislation and the independence to provide that independent oversight and investigation.

Officers can be seconded for a specific incident or for a two-year term, so based on what's required at any particular time. The seconded officer could be seconded for a specific incident, to review it or to a period of a two-year term.

In an attempt to eliminate any potential conflict of interest, the seconded officer cannot be a team leader or lead investigator of a police officer from their home agency, which brings to that issue of independence to be outside of that interaction or scope of involvements with individuals to give that air of independence and no bias. So certainly we recognize what that provision is looking to achieve.

A model similar to one proposed here, is my understanding, re: seconded officers have been looked at in other jurisdictions, I believe Alberta, Nova Scotia and Manitoba, to look at how that actually operates in other jurisdictions related to seconded officers. That is in line, it's my understanding, with the jurisdictions, as I said, of Alberta, Nova Scotia and Manitoba.

We have gone through the appointment of the director, how that comes about, duration, time, authority and scope, then the investigators that would report to the director and their secondment. Then, we would get into the actual investigation or the activities and how it would

be carried out in a particular case, as has been identified, or instance or activity that would be reviewed.

Both provincial police forces would be required to notify SIRT of incidents that may fall within its mandates. SIRT has the ability to initiate its own investigation, so it could happen either-or. It could be something that's called on or asked for, or it could be SIRT itself has some concern, something comes to its attention or has identified something and has indicated and has the authority to proceed with investigations. Referrals for investigations may be accepted from public or the Minister of Justice and Public Safety.

What happens to start this process? Notifying the director of a serious incident, what happens then? "A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred."

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. HUTCHINGS:** Or "where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director." I guess there are a couple of avenues here for this investigation to be initiated and for who would initiate it in particular.

Upon being notified, the director may do the following, and that gives the director authority and autonomy to proceed in regard to the investigation: arrange for that investigation to be undertaken, which may involve taking over an ongoing investigation at any stage; refer the matter to an agency to conduct the investigation; upon consultation with a chief officer, assign one or more police officers to assist or advise an agency that is investigating a serious incident or assist or advise the SIRT investigation into that serious incident.

The director can "(d) enter into an agreement to have an independent team or agency from another province conduct an investigation; (e) direct that the Serious Incident Response Team oversee, observe, monitor or review an

investigation by an agency; (f) appoint a community liaison or observer to work with the Serious Incident Response Team in the course of an investigation; (g) refer the matter to the chief officer or Royal Newfoundland Constabulary Public Complaints Commission under section 19 of the *Royal Newfoundland Constabulary Act, 1992* ....”

So the director can also avail of current legislation, or a process that would exist if the director thought it was appropriate, and one in particular would be the RNC Public Complaints Commission under section 19 of the RNC Act. In addition, the director can refer the matter under the complaints process in Part VII of the RCMP Act – again, another piece of legislation which would be a federal statute, I would assume, that could be referenced by the director.

As well, the director can determine that the matter is not within the mandate of SIRT. So if something came up there would be an evaluation done – it could be from the public or elsewhere – to investigate a certain occurrence or happening, and at that time the director and SIRT could determine that it wasn’t within their mandate to do so.

So as you can see here in regard to notifying the director of a serious incident and when that happens and upon notification, the authority that is held by the director is significant and has broad discretionary power in terms of how you would move forward once that complaint was made or discovered. The broad discretionary power to investigate, with the ultimate decision to investigate or take over an investigation referred to another agency, is left to the director of SIRT. As I said, that’s a broad spectrum of discretion and power that the director would hold under the current legislation we’re talking about, Bill 24.

There is also duty to consult the director of Public Prosecutions. So upon the conclusion of an investigation, the director of SIRT must consult with the director of Public Prosecutions. My understanding is the final decision on whether to lay charges is with the director of SIRT. So they’ve gone through, done their investigation, used the avenues that are available to them in regard to the investigations, investigators and all of that process, they would

come to a conclusion, the director of SIRT would, in regard to the laying of charges.

As well, this bill will deal with investigative summary and update at the end of the process, and there’s a time limit in regard to the response and turnaround time once that investigation is completed. Upon conclusion of investigation, no later than three months, the director will be required to issue a public summary of the investigation to the minister of Justice and Public Safety, chief of the relevant police agency that the investigation is involved, as well as the police officer under investigation and the person directly affected by the incident.

That could be someone in the general public, someone associated in the police force, whatever the case, these are the parties, within three months, must be notified of the conclusions of the investigation. They are the Minister of Justice and Public Safety, the chief of the relevant police agency in question here, the police officer under investigation and the affected person involved in the incident that was investigated.

There’ll be a duty to provide an investigative update within 45 days and then every 45 days thereafter. This will not be done in the circumstances that such an update would negatively impact an active investigation. That gets to the point of an ongoing investigation. The public realizes that something has been referred to SIRT, a particular occurrence or concern, the investigation is ongoing and in that process, as it goes forward, there will be an attempt through this, my understanding, to provide an investigative update.

That investigative update, as long as it doesn’t negatively impact the ongoing active investigation, as sometimes depending on what may transpire could indeed, my understanding would be a call made by the director in providing those 45-day updates.

As well during our briefing, there was discussion about rather than a summary of the investigation there would be required to issue a full report, similar to what we saw recently in the Barry inquiry for report at that time. An annual report will be tabled each year and will let the public know what the activities of the

SIRT are and what's being carried out over that 12-month period.

That would look at the number of investigations started and concluded in that particular year, the nature of each investigation. I guess we could quantify or qualify the types of investigations that are ongoing. In some cases, maybe there was a trend or you could certainly identify what types of things that SIRT is looking into and the result of each investigation; what happened, what was the investigation summary and those types of elements that flowed out of the investigation and the work that was done.

As well, the annual report tabled each year would look at the number of charges against police officers laid in that year, if any, or how many. Other administration and financial details, as the minister may direct – I guess the minister at some point may have issues in regard to how the office functions, what actions it carries out, results and information it acquires and how you can use that to make information available to the public in regard to specific actions by any police force that are being investigated or being reviewed and those other matters as prescribed by regulations.

The act would give authority, as most legislation does, to invoke regulatory framework and regulations that would define in greater detail the authority, direction, the expectations of what this organization, as set up, should do and that could evolve in the future. So regulatory changes or regulatory framework could be adopted, it could be changed, it could be modified based on the function of the entity and the results it has or if for some instance in the future it's seen that changes need to be made.

The regulations are to be set out in further detail. The minister may make regulations related to “(a) prescribing the duties of the director; (b) respecting notifications of serious incidents; (c) respecting investigations; (d) respecting investigation updates; (e) respecting investigation summaries; (f) respecting annual reports; (g) defining a word or expression that is used but not defined in this Act; and (h) generally, to give effect to the purpose of the Act.”

So a lot of what I just described there is much of what we talked about in regard to the setting up of this particular office, and the response team, and what their role would be, and the ability to set up a regulatory framework and as well any time thereafter to amend or assist in changing that regulatory framework to meet the needs of the day.

And no doubt something like this and the response team when it's set up from what it's originally set up as and its function, what we think it may be used for, and foresee today in years following there may be other items that come up that we become aware of that we need to have the regulatory framework changed and the legislation certainly allows us to do it.

SIRT will be subject to ATIPPA, but will not apply to ongoing investigations nor will it apply to a case where there is only a suspicion of guilt, but no charge laid. So as the summary report is completed by the response team, at that point then there would be applications in regard to ATIPPA and an ongoing investigation.

This is a piece of legislation that we support and we certainly look forward to Committee and having further discussions and questions in regard to the piece of legislation. I want to thank the officials for the briefing and information they provided and look forward to when we get to Committee stage and having a further discussion.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I'm happy to stand and to speak to this bill for SIRT, Bill 24. What Bill 24 does, Mr. Speaker, is it establishes the Serious Incident Response Team which would be responsible for investigating all matters involving a death, a serious injury, a sexual assault, domestic violence and other matters of significant public interest that arise from actions of a police officer in the province.

I want to thank the officials from the Department of Justice and Public Safety, in particular Paula Walsh and Steve Ring for their very thorough briefing.

Mr. Speaker, because of the incidents we have seen over the past few years here with the RNC, this is a particularly important and timely piece of legislation. It's also very complex. We know how important our police service is, whether it's the RNC or the RCMP to our province, to the people of Newfoundland and Labrador.

We know how important it is for people to have high regard for the important work the police do on behalf of the people of the province. We also know that, for the most part, the people of the province are very appreciative for the work the police do. It's not easy work. It takes a special person to be able to serve the people of Newfoundland and Labrador in this way. So this is important legislation.

It's particularly important legislation right now because of the past few incidents over the past few years that have shaken, for some people – some people, their confidence in the police service has been shaken. It's so important to be able to regain that trust, to regain that confidence again. I know the RNC has worked really hard on that.

It's very interesting to watch the evolution of policing in our community over the last few years and the work the police have done in reaching out into the community, to working with civil society, to train their staff to be open and responsive to the changing needs, to the changing demographics of our community. Everywhere from seeing the police take great pride in the fact that there are more women recruits, there are more women officers.

As a matter of fact, we've just seen one RNC constable raised to the rank of sergeant. The RNC are very proud of that. They're very proud of the work they have done with the LGBTQ community. They're very proud of the introduction of using the Memphis approach in working with people who may be having serious incidents because of mental health issues.

I want to applaud the very progressive and the very deliberate work that the RNC have done

and the RCMP have done in our province. It comes from their commitment, the commitment of all those who are working in the RNC. It comes from the commitment of their superiors. It also comes from the great work that civil society has done with the police to ensure there are working relationships and that they push each other.

The police push themselves to do more and more education and awareness work, and civil society is also asking that of the police. Whether it be working with children, with people who are working in the sex industry, or people with mental health and addictions issues, it's really, really important work. Again, I would like to applaud those men and women who have dedicated their lives to serving our people in this way.

The RNC has had a series of serious incidents over the last years which have caused government to have to bring investigators in from other parts of the country to investigate the RNC. Not specifically to investigate the RNC as a whole body, but when there have been serious incidents that have been identified, whether it's criminal conduct by individual RNC personnel or by a few. It's been difficult. It's been a difficult few years for the RNC.

One of the incidents that have been very difficult, both for the RNC and for the people of the province, is the tragic shooting of Don Dunphy by a police officer. The RCMP was asked to investigate and then we had a \$2 million inquiry conducted by Justice Leo Barry. This issue went on for about two years, Mr. Speaker.

It was really, really difficult. It was difficult on the RNC. It was very, very difficult for the family of the late Mr. Don Dunphy. It was very, very difficult for the citizens, the people of Newfoundland and Labrador, because it did somewhat – it was shocking. It was absolutely shocking. Someone lost their life. People don't expect this to happen in Newfoundland and Labrador. It is a very rare occurrence. Investigators were brought in from across the country.

There was a trial of a 10-year veteran of the Royal Newfoundland Constabulary who was

found not guilty of sexually assaulting a woman shortly after giving her a ride home from downtown in a police cruiser in 2014. The verdict was a very controversial one with some members of the public. This was a situation where the officer was on duty. So it was very, very controversial. Again, very difficult for the woman involved; very difficult for the officer and his family; very, very difficult for the RNC as a whole service; difficult for the people of the province, and particularly very, very difficult for women who have been victims of sexual assault and sexual violence.

The RNC was under criminal investigation by the Serious Incident Response Team, a civilian-led agency from Nova Scotia. The investigation involved senior RNC managers and is focused on their use of a criminal as an informant during a high-level investigation.

After an 18-month investigation, Ronald MacDonald, the director of the Nova Scotia Serious Incident Response Team, cleared the officers of obstruction of justice. I'm sure that is something we are very happy to hear. That these officers were cleared of obstruction of justice, but those are the kinds of issues that are investigated. It's about restoring confidence, making sure that justice is seen, and that also we can restore confidence in our police service.

In 2010, the Ontario Provincial Police were called in to investigate after \$14,000, which was being held in a temporary storage locker inside the RNC building in St. John's, was reported missing on December 13, 2009. The locker was not accessible to the public, no one was ever charged with the theft and the money was never recovered. So that's one that wasn't quite solved.

It's important that we are able to have these kinds of incidents investigated and investigated in a professional manner, investigated thoroughly and to make sure there is expertise brought to the investigation, (a) for the protection of the public and (b) for the protection of the RNC as well.

Government committed to the creation of SIRT back in March 2016 following years of calls for better civilian oversight of the RNC and the RCMP. In the past, outside agencies were being

hired or commissioned to come and investigate our law enforcement services. With this bill, we have a local – at least for now – committee or a team which will be able to investigate serious incidents as defined above in the act.

Now, I will have some questions for the minister and I look forward to the Committee on this bill because I do have some questions. He has alluded to and in the briefing that there will be an Atlantic provinces SIRT. I'm not quite sure what shape that will take, and I'm sure the minister will be able to talk to us about that.

Also, how many cases can we reasonably expect that our SIRT will have to investigate? How does that intermingle then with the SIRT that would be an Atlantic SIRT? Those are questions I will have for the minister, and I'm looking forward to hearing any kind of clarification that he will have.

Our team, our SIRT, like most SIRTs across the country, will consist of a civilian director who has never served as a police officer. Then the director will be hired by Cabinet, and this is not an appointment under the Independent Appointments Commission, as this is a line position in government such as a superintendent of prisons.

We know that we've heard from the minister how SIRT will be composed, and I will have some other questions for the minister. For instance, SIRT in Nova Scotia currently is all white men. That's probably not how we want the diversity of our communities represented in our SIRT. I'm wondering if there's going to be anything either in the act or in the legislation to ensure that our SIRT covers a certain diversity.

Also within the Alberta SIRT in 2014, ASIRT, which is the Alberta SIRT, increased its staffing by adding two full-time investigators that hold unique Aboriginal portfolios. These investigators bring valuable knowledge and experience in working with the Aboriginal communities. Maybe that's something that government will consider for our SIRT as well. Again, that SIRT be reflective of the diversity of our communities so that those perspectives are brought to the work of SIRT.

We know how important it is to have a SIRT that has civilian oversight. Judge Barry found that the RCMP in the inquiry over the death of Mr. Don Dunphy, Judge Barry found a few things in terms of the policing investigation of what happened. He said that the RCMP were too quick to accept the constable's version of events in this case and that their investigation into Mr. Dunphy's fatal shooting by the constable was less than robust; he also said but ultimately not flawed.

He outlined that there are a number of defects in the Mounties' investigation. So this was the police investigating the police. He said: The defects that he found in the Mounties' investigation were permitting the constable to meet with RNC colleagues before giving a statement; agreeing to delay that statement for about 24 hours; going too easy – these are the words of Justice Leo Barry – on the constable during his interview; failing to rigorously challenge his version of events; failing to maintain an appropriate degree of suspicion; and supplying the constable with unnecessary information during and after his interview.

So these are all troubling findings that undermine public confidence in the ability of police officers to investigate fellow police officers. That's really what we want to be careful of. That's why it's so important to have a civilian as a director of the SIRT.

Mr. Speaker, I've spoken in this House before about the necessity for a civilian oversight commission for the police; for all policing services for the province. It exists in other parts of the country where that civilian oversight is different than the police complaints commission. They're actually part of, for instance, hiring the police chief. They're part of identifying what are the priorities and goals and objectives of our police service in the community. It's comprised predominately of civilians. They're also involved in even helping to set the budget for the police service. How ideal – this is best practices in police servicing.

I would hope that government will look at this particular issue, as well, for our police service here in the province, where the civil society works hand in hand with our police service and has a hand in helping to direct what are the goals

and objectives of our police services, has a hand in also hiring the police chief. I believe that's a progressive thing to do. I believe that we can do that here, that we can do that in our province. I believe that would go hand in hand also with ensuring a SIRT with absolute integrity, transparency and accountability.

I believe, Mr. Speaker, that, in fact, we are ready to move in that direction. I believe with all the incredible community work that the RNC has done in the province, I believe the RNC is ready to move in that direction. I also believe the people of Newfoundland and Labrador are ready. They, too, are ready to move in that direction. I also believe because in the past few years the serious incidents that we have experienced within our police force, that it is time to move in that direction.

Again, I would like to thank those who have dedicated their lives to public safety, who have dedicated their lives to serving the people of Newfoundland and Labrador through the RNC, whether they are officers within the RNC or civilian workers within the RNC, and also within the RCMP.

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

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. A. PARSONS:** Close debate.

**MR. SPEAKER:** Okay.

If the hon. Minister of Justice and Public Safety speaks now, he will close debate.

The hon. the Minister of Justice and Public Safety.

**SOME HON. MEMBERS:** Hear, hear!

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

I'm happy to stand here and continue progress on this bill, the Serious Incident Response Team. It's a very important piece of legislation. I'd like

to firstly thank my colleagues across the way for their comments and their contribution to this debate. I know there will be a number of questions that will be asked in the Committee stage. I'll certainly try my best to answer those as we progress through that, with the undertaking that if I'm not able to provide what we consider a satisfactory answer, I'll certainly have it for third reading.

A lot of the hard work here certainly wasn't done by myself. There are people – and I appreciate the Member opposite naming Paula Walsh and Steve Ring. They've done a lot of work on this, a lot of the analysis that goes on, a lot of the behind-the-scenes work. So I appreciate them and others that have contributed.

On that note, what I would say is that one of the benefits of a constituency week – and sometimes a delay from the time you introduce a bill to the time you debate it – is that it gives people more of an opportunity to discuss it, to talk about it, to mention it to you for you to hear about it. That's just one of the benefits.

What I can say as it relates to this bill is that the only concerns I've had about this piece of legislation – and it's not about the legislation itself, it's about the program. Some people will say: What about the cost? I think I made my point originally that as it relates to the integrity of police and to the public perception, we need that confidence and we need that support. That cost is priceless; it's immeasurable. I think it's a very small cost.

The fact that we are catching up to the rest of Canada here shows that there is a need. In fact, we've seen those stories out there in the papers, out in the media. Every time that comes out, we know there's a process that has to be followed.

One thing I would say is, especially in the last couple of days, we've had an incident where the police have come to us, come to the department and said we want to retain an independent service – and we're having trouble. We're having trouble retaining the outside service because they have their own work to do.

It's just another example of where people don't want and we don't want and the police don't

want to have what they call blue-on-blue investigation. They don't want that. In many cases it's doomed before it starts, because no matter what the job is, there's a perception that it's not above board.

We know we'd like the independent oversight here. We think this is a very strong, good piece of legislation, modeled on other jurisdictions that will allow us to bring in a model – is it the right one for Newfoundland and Labrador, whether it's stand-alone, whether it's regional, whether it's between just one other province.

I will sit. I will look forward to the Committee stage, which we'll be calling right now. In closing, I'd like to say I'm very proud of the work done by my department on this and for the contributions made by the Members, and we'll continue on.

Thank you, Mr. Speaker.

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

The motion is that Bill 24 be now read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

This motion is carried.

**CLERK (Murphy):** Bill 24, Serious Incident Response Team Act.

**MR. SPEAKER:** This bill has now been read a second time. When shall this bill be referred to a Committee of the Whole House?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

On motion, a bill, "Serious Incident Response Team Act," read a second time, ordered referred

to a Committee of the Whole House presently, by leave. (Bill 24)

**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 24.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The motion is carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We are now considering Bill 24, the Serious Incident Response Team Act.

A bill, "Serious Incident Response Team Act." (Bill 24)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The Chair recognizes the hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Chair, for that.

Mr. Chair, I'm not going to make my commentary very long. I did mean to speak in second reading, but I stepped outside the Chamber for a moment. When I came back in

we were done. That was my fault; I thought there would be another speaker.

I just want to say for the record that I do support this particular bill. There's no doubt about it that we have two very professional police forces here in our province, being the RCMP and the RNC, but this is a tool now that will be put in place just to instill more public confidence.

We know there have been incidents that have occurred, particularly over the last year or two. We know of a couple of cases in particular that have been somewhat high profile in the media and so on. I think it's important that we have this Serious Incident Response Team in place to deal with issues when they arise.

We know we're dealing with human beings and as great as everybody may be, we know there are times where there could be individuals who don't act appropriately. That needs to be addressed. Sometimes there are allegations made by the public that things weren't done properly, but they actually were. In that case, we need to have an independent oversight to be able to investigate and to basically give us confidence that, yes indeed, things were done properly and the officer did nothing wrong. It can work both ways, but to have that independence, I think, is important to instill confidence, as I said, in our two police forces.

I certainly commend the minister and the government for bringing this forward. I will be supporting it. The only question I had, or issue I had – which I'll just put on the record, perhaps the minister may respond. If he already did when he was up speaking while I stepped outside, I apologize; I didn't hear him. The only issue I had was the fact that there would be investigators – well, first of all, we have a person who's going to be in charge who's going to be civilian, which is great. They will be in charge overall.

In addition to that, there would be investigators who would be assigned to investigating complaints and concerns when they come forward. These could be retired police or peace officers. They need not be. They could be a retired fisheries officer or something like that. They don't actually have to be police officers, but someone who would have experience in



doing investigations. Like I said, that could be a fisheries officer. It could be a health and safety inspector for that matter. They do investigations. There is no doubt; there will also be police officers who will be involved in doing the investigations. They could be retired, or there are provisions here that officers would be seconded.

Now, officers could be seconded from both forces, either on a case-by-case basis or someone could be seconded to that particular team for a two-year period. They would come for two years, be seconded there as investigators for the Serious Incident Response Team and then once their two years are up, they would go back to their job as a police officer with the RNC or the RCMP.

I realize with the investigators there is a provision that says if there was an investigation on, we'll just say, a member of the RNC, as an example, then the lead investigator could not be a seconded RNC officer. I think that's correct. The lead investigator would have to be RCMP or possibly someone else who's one of the members of the team who may be a retired fisheries officer, I don't know, but certainly it couldn't be an RNC officer as the lead investigator investigating an incident at the RNC. By the same token, you couldn't have the lead investigator being an RCMP officer while investigating a complaint about the RCMP.

We do have the fact that we have the person who is ultimately in charge, who they report to is not associated to either force and never was. So that's good. The lead investigator won't be associated to the force. That also is good.

The only question is, let's say if you have two investigators on a file, even though the lead investigator may be from the other police force, the second investigator, if there were two, could be from the same force they're investigating. In theory, you have a person who is involved in an investigation of one of his or her colleagues and then after two years or even after that one incident, goes back to work with that same said colleague or colleagues that were being investigated.

I know we have those two layers in terms of the independent civilian administrator who's in

charge, the lead investigator from the other force, but the only gap I see is, again, there could be that second investigator who is actually with the force that's being investigated.

Now, I'm sure the people that will be there doing this are going to be professional people. I know they will, and I know, of course, they still have to work with the lead investigator. They have to work with the person who is ultimately in charge. All of that is great, but I'm not pointing it out because I necessarily have concerns per se, but in terms of public perception.

I realize no matter what we do, there will be people who will think the whole thing is a sham. If we brought in people to investigate from some other part of Canada, they'd say, well, there're still police. If you brought in someone from the United States, they'd say, well, they're still police. No matter what you did, there will be always someone out there who would try to find something wrong with it. I'm not trying to pick holes in it for the sake of picking holes in it. I'm just pointing out the fact that you do have one person in theory who would be, albeit not the lead investigator, but involved in investigating one of their own.

I understand the professionalism. I understand the safeguards of the lead investigator, the person overall in charge. All that's good, I accept that. I still support the bill. I just wanted to put that point in there that someone could look at it and say there's some kind of a concern or a conflict. I just throw it out there. I don't think it's going to be a big deal because of those other two safeguards, if you will, that are going to be in place.

I suppose what you could do is if you're going to be seconding people on a case-by-case basis, or you could be seconding one or two people from each of the police forces, at least, whenever possible, I'd recommend that if it was an RNC officer being investigated, why not have both the lead investigator and the second investigator both be RNC officers? If it was the RCMP, have two RNC officers, if that's reasonably practical to do so.

Other than that, I think it's a good bill. I support it 100 per cent. Kudos to the government for doing it.

Thank you, Mr. Chair.

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

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

I will speak to the point raised by the Member for Mount Pearl – Southlands, which I think is a reasonable question to ask given the circumstances here because what we are dealing with is independent oversight of police.

I will disagree with one part of his language and I'll agree with the other, because he said that it could be a gap. What I would say is that's very much a hypothetical – I don't think it's a gap, but I will provide an explanation to why I think that.

The other thing is I get where he's going to say, look, this could be theoretically something that happens. So if it could happen in theory, it's something that we should address. Although he also said, I don't think this will be a big deal and I don't think it will happen. But, you know what, we should talk about it.

The model that's being proposed right now – again, the legislation does allow for a stand-alone model, a partnership with one other province – say, for instance, Nova Scotia – or an Atlantic model. That decision has not been made. We will make this decision. The legislation allows for the contemplation of any of that. We're going to do what we think is best.

One of the reasons why I agree with Justice Barry and think there are a lot of positives in an Atlantic model is it allows for situations which could definitely avoid the situation that you bring up. Because what would happen there is we could have officers from PEI come here, our officers go to New Brunswick – again, to completely avoid the perception.

The reason I don't think this is going to be an issue is this: the civilian oversight comes from the director who cannot have been a police officer. That part is what constitutes the civilian

oversight. That is the overseer, and that is a very important position. I think the credibility of the entire organization rests with whoever that individual will be. I've met with all the other directors. If you don't have someone that's a good leader, you're not going to have a great organization.

Again, part of this organization comes down to credibility, integrity and perception. One of the things you want to do is avoid putting in to a situation something that could cause this perception. This is exactly the thing we're talking about here is that you could have police investigating police. In many cases, it's done right and it's done fair, but if it creates the perception that something is not above board, this is the issue we're trying to avoid. That's why I think the director in these situations will take all necessary steps to ensure that you don't have RNC investigating RNC, RCMP investigating RCMP, because I get that that creates the perception here.

The model that will be set up is civilian director, three investigators, hopefully one admin support. That's the contemplation we have now. Two of those will be seconded, one from each force, plus one other investigator who could be anybody. It could be a retired police officer. It could be retired CSIS. It could be somebody who wants to currently leave CSIS. It could be fisheries. It could be – name it.

At the end of the day, what will happen is there will be a – basically, similar to any other job that's created within government. The Public Service Commission and HRS will sit down and come up with the skill set, come up with basically the template of what should this person have. That's only easy to find, because we can look elsewhere and see what they have.

I'm hoping that when this happens we get applications from everywhere. I hope we get tons of applications because we want the best individual for this position with the greatest background that's going to do a service to this. So depending on how this works, at the end of the day, the first thing is that the civilian oversight starts at the top; they are involved in absolutely every file.

The other thing I would say is this has been contemplated and done in Alberta and Nova Scotia. It has worked. We have not seen issues there and both are bigger jurisdictions with more files that are happening. They do have bigger forces. Don't get me wrong, they have more resources to expend on this, but it has not been an issue. In talking to the individuals there, both civilian directors and people involved that have had police background, this has not been an issue. They have not seen it, so I'm glad to hear. That's the reassurance that we'd like to see.

The other thing I would say is we have had restrictions placed on hiring in other provinces. British Columbia said we can't hire anyone who has been police in that province over the last five years. They've since come back and said this is an issue, because it's preventing us from hiring people that want to do the job. BC is telling us that themselves.

I would note that BC has made changes recently by bringing in the head of Nova Scotia's service, who is now the head of BC's service. That's a name that is familiar here, Mr. MacDonald, who has actually done work here in this province and has quite a solid reputation across the country for the work he has done in Nova Scotia.

I think the key to coming back here, the acceptance comes down to the messaging by the director. Whoever this director is, they have to ensure they are maintaining public confidence by what they do. If they make negative choices as it relates to investigations, that's going to affect what we do. That's going to affect this.

Again, the director is a position that obviously will be selected by government. This is going to be a crucial position – absolutely crucial – because that's the person you want to then help pick whoever else is there. They will go through this process. We want the best people for the position. I don't care where they're from, I don't care who they are. I have no idea; I just want these people to be the best and to have that commitment and desire.

As I've said with our police forces, and as I've said with anything in government, how these agencies do and how they're regarded is a reflection on us. If you put someone in that is clearly not up to the task – and that's the same

with any agency, any group. If you're not putting in the people that have the right skill set, you're going to get yourself in trouble.

I think this is going to work. I do appreciate the question from the Member. It's a good question. You know what? I bet he's not the only person who has wondered this because we all have this concept of how can they have a police background.

You can't just bring anybody in to do this; there is a skill set that is necessary, an investigative background. In many cases, the police I've talked to said you need police to investigate police. You have to understand that mindset, how they operate, the protocol. Again, that's what I've been told by police themselves.

We haven't seen an issue in the other jurisdictions we've looked to. We think it will work here, but I do appreciate the question from the Member. Hopefully, that's satisfied the question anyway.

Thank you.

**CHAIR:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Chair.

I'd like to ask the minister: How many cases does he think may pop up on an average in the next few years, per year? Also, what is his idea of an Atlantic SIRT? I'm not sure if it means that people are borrowing from each other's SIRT in the Atlantic provinces, or is it a combination of SIRTs from different Atlantic provinces? If that is the case, why would government strike a SIRT here now if, in fact, the goal is to have an Atlantic SIRT? So if he could just clarify that for me.

Thank you.

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

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

I appreciate the question from the Member opposite. We're anticipating roughly 25 cases,

but obviously it's hard to tell, a year; that's per annum. What I will say is if it does go that high that would be higher – in 2015, there were 20; in 2016, there were 13; and in 2017, there were six. Those are cases that could have been dealt with by a SIRT.

**AN HON. MEMBER:** (Inaudible.)

**MR. A. PARSONS:** What's that?

**AN HON. MEMBER:** (Inaudible.)

**MR. A. PARSONS:** No, because they weren't used. Some of these were. The ones in 2017, we've already started going out of province – some were – but there are some of these cases have been done internally. What I'm saying is that we're anticipating up to 25; that could be higher. I hope it doesn't get that high. We hope for zero, but going by these past numbers that's the number that we've come up with.

What I would say is that we haven't set up a team yet. The purpose of this legislation is to set up a framework so that we can start the team. There's still a lot of work to do. There is no decision made on which model we will use. I've spoken very clearly about what I think. I think there are a lot of positives in using an Atlantic model; the economies of scale; get some expertise from other areas; allows for more resources to be shared amongst the provinces. And again, Nova Scotia has that experience as well.

But we cannot guarantee that we get the co-operation of the other provinces. We hope to. We've had that discussion. It's very positive. I'm having it again very soon. The premiers have talked about it, but the way this legislation is set up is to allow us to ensure that we are getting a team, whatever model.

Some people say you could do it this way; you could do it that way – do you know what? There's logic and probably a reason for each. We're setting ourselves up to do what we need to do. We haven't made that yet. I think I said when we did the press conference, I'm anticipating six to eight months before we get this operational.

Two points I would make. After speaking with all the directors, the first thing they said was if you rush it, you're going to get yourself in trouble. It happened in BC; it led to serious issues. They're saying, look, you want to get it done, but don't rush it and take the time that's necessary. All of them have also said make sure you adequately resource it. If you don't put the resources in, you're going to have yourself an issue.

We've taken both of those pieces of advice to heart and those will help guide us in determining the model that we have. Again, in determining the model, we've laid out what we think here. But after we have the continued meetings with our counterparts, what will the Atlantic one look like? Hard to tell. Will it be one director that's based somewhere, would be an assistant director – the big thing to me is the resources in terms of the investigators. That's one of the big things, having that pool of resources elsewhere that have the backgrounds that can do the work, but maybe don't have that familiarity that the Member for Mount Pearl – Southlands talked about where you're not investigating your own people that you work with.

So I think that's the answer to the question, but if I forgot anything, please stand up and I'll go back at it.

**CHAIR:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Chair.

So I'm not quite clear, then, on your concept of an Atlantic model. Would that be a model that would include members from all provinces and work as one body, as one SIRT? And if that's the case and you're saying that you see six to eight months before the SIRT for Newfoundland and Labrador is operational, why would you not wait and see what the Atlantic model would look like? Where are you in your discussions with the potential of an Atlantic model?

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

**MR. A. PARSONS:** Well, this is the thing. The Atlantic model could be whatever we want it to

be. But I see a team, a structure that has resources from all provinces that can be shared and deployed all over the place. Again, we will leave it to these people to figure out the operations side. What we're doing is setting up the legislation to allow that.

When we talk about the six to eight months, that's the framework, that's the timeline we would like to see a team here. But again, we know there are still some moving parts here. The fact is, given the fact that the director of Nova Scotia is gone, that in and of itself has created a delay because Nova Scotia is trying to figure out what they're doing. They've got to fill this position. As I've said, and everybody knows, that's a big position; it's important. So they're going through their own process.

I'm actually meeting with most of the ministers again in the next two weeks to discuss this. It's hard for me to say right here where we are. Let's just say the premiers have talked, we've talked, there's still more to do and there's still work to happen. I think the big thing putting this legislation now – we're not going to rush it. I've always said I don't like to put timelines on something, especially something you don't control entirely yourself. I've said six to eight months, but if it takes longer, it takes longer. Not very often things happen quicker than you want.

What I wanted to do and what I've said and I think we've committed to is I promised to have the legislation on the floor here this fall. This gives us the ability to be ready for it. And similar to when we changed the *Judicature Act* to take our judicial complement from 21 to 24, we didn't get those 24 yet. We're working on the 24, but there will be nothing worse than the feds saying we want to give you extra judges, extra positions, and you have to change your act and what if it's in June and the House is closed? So we've changed our act to allow for that. This is the same thing. We have the legislation now that allows the creation of this team and we're being proactive here.

We have the legislation, we'll continue work and I do anticipate that, as we continue on, we're going to have regular updates on this. The public is very interested in it. I'll put it out as soon as I

can, as we get there, but I think that's the best I can answer the question at this point.

**CHAIR:** The hon. the Member for St. John's Centre.

**MS. ROGERS:** Thank you, Mr. Chair.

So it's still not quite clear whether the minister is saying that he will establish a separate SIRT here, but there is a possibility of an Atlantic SIRT. I'm just not quite clear on that. I'm not objecting to anything here; it's just sort of, for me, a matter of clarification.

The other thing is that, again, we've seen in Nova Scotia SIRT it's all white men; and we've seen that Alberta has taken a very inclusive model and hired and added two full-time investigators that hold unique Aboriginal portfolios.

I would ask the minister: Would he make some kind of commitment, either within – I always think it's much better to have it within legislation rather than just in regulations, particularly if there's an Atlantic SIRT – but even within our own province, to ensure that there is diversity within the SIRT? I wonder if the minister can speak to that.

The other thing is that we have heard some concerns that people have raised – certainly not big objections, but concerns about if government is looking at an Atlantic SIRT, why do this now? Why not just develop an Atlantic SIRT? Those are some of the issues that people have brought to us, and I know that you somewhat answered that, Minister.

Also, some folks have commented to us that there isn't enough distance from or independence from the police service here in the province in terms of if we have investigators from within the province because our police service is so small.

What I'm sharing here with you, Minister, are issues that people have raised with us: What about this; what about that? Given the relatively small policing community in this province, that could be tough for investigators. Really, how much distance or independence is there? Again, I appreciate that the director will not come from

within a police service, but again, these are issues that are raised to us.

One issue that was raised – and I do believe that we do need a SIRT, but perhaps the Atlantic model may serve the Atlantic provinces. Some folks are concerned about the cost, and I imagine that the minister has weighed the cost in terms of having our own SIRT-based service, or whether it's Atlantic or bringing in people from outside.

I know using a SIRT from outside – and I know that the minister has spoken about the fact that you can't always get a SIRT from another place because they may be very busy, but these are just issues that I bring to the floor because they've been raised to us from people.

Thank you.

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

**MR. A. PARSONS:** I'm going to apologize in advance to the Member because she raised a number of points, valid, and my ability to retain all of that – so again, if I don't cover it, please stand up and ask again because I do want to answer it.

I am going to refer to something actually the Member for Mount Pearl – Southlands said: No matter what we do here, there will be individuals that it's never enough. We've seen this in the news where if we don't do this, it undermines the credibility of the police. They absolutely refuse to trust police. Whereas if we do it, they're going to say, well, my God, you're spending too much money. I will not be frustrated by that. I'll accept it. That's a part of not just this decision, any decision that we make, anybody makes, is that there's very little that you do that will have universal support amongst everybody.

I think, to address the cost part, what I would say is that we have had incidents in the past where the cost by not having this has been significantly higher in terms of, even, dollars. We've had that. We want to avoid that in the future. The other cost, though, the cost of people losing faith in police – I've said this – we can't have it. It undermines everything.

When you have police saying to you, personally, I do good work. I know I do good work; I want people to trust what I do. In fact, when people don't trust, they don't speak to the police. When they don't speak to the police, it compromises the investigations that they're doing, it compromises safety and it leads us down a path that we don't want to go to.

So while I understand the point – I get it; I can see why the point is brought up. I've had it brought up to me. I've sat down over the last well over a year, and asked a lot of these questions myself because you have to be, in some cases, your own devil's advocate and ask these questions. So I see that.

I think the cost – here's the other thing. We've budgeted, I think, roughly we're anticipating \$794,000 per year, which is a significant sum, but a couple things we have here now, we do have to spend money having these investigations. The second part, even if we wanted to spend \$1 million on an investigation, in some cases now, we're to the point, we can't get anybody to do it and that is a problem.

It brings us back to the situation we had where people lose their faith. What I would say – I put this out just because I want it reflected – I have the ultimate faith in our police. I've said this before and I just wanted to make sure that it's in *Hansard* again. There is not a single profession out there where one person who does wrong affects everybody else: politicians, teachers, doctors, armed forces, you name it, police, lawyers. The fact is we are all human. People make mistakes. They make errors in judgment. I don't like to think that one tarnishes the lot.

So the fact is when I say this, people need to know, too – I'm sort of rambling, I apologize, aside from the point, but when we get back to the bill as a whole, the police want this. The police forces support this. They came out, both have spoken publicly, and said we want this because our people do good work. Bring on an independent investigation. We need that.

I think one of the questions the Member asked was about the individuals working. What I would say is that at the end of the day my primary concern is qualifications. Our job is to

pick the director and I think the director will be responsible for the hiring.

A lot of this will go through – I’m not completely familiar with HRS and PSC; that would be the Minister of Finance and it comes to their policies for hiring. I obviously welcome the idea of diversity. I take your point when you say five white men doing this, that creates an issue. What I would say is this – and it’s not my position to put conditions in here that may limit us – I need to make sure the positions are filled.

I hope that it’s there. This has gone through a screening with just about every agency within government in terms of PSC, Women’s Policy. It’s gone through everybody. What I would say is that these concerns have not been brought up.

When I met with the other individuals, I know that they’ve taken steps. What I would suggest is this. The other places have had the advantage of starting off and seeing how it goes and how it progresses. What I would say here is that this is the start. This will change down the road. Everything changes down the road once we have an opportunity to see how it works. I want to see how that goes.

The advice I have been given is to ensure that we get the people in there. I hope we get so many applications that the tough job is on the people to pick through that and pick out just five. That’s going to be the hard thing. I’m not closed to that, but this bill was very much drafted with the advice of a number of individuals, so that’s what we’re proceeding with. The biggest thing that I think we’ll start off is the civilian director is going to be huge. We need to bring in the right person there.

I don’t know if I’ve covered off everything. I come back to the point: We want a SIRT. Whether it’s Newfoundland and Labrador or Atlantic, or Newfoundland and Labrador and Nova Scotia, that hasn’t been decided. There’s going to be a Serious Incident Response Team in Newfoundland and Labrador. This legislation will create for it, but the decision will be made down the road in terms of what model. It’s not like this here is creating a Newfoundland and Labrador team. This is creating legislation that allows for a team of whatever team it is that we

choose based on our discussions and based on where we go.

I know that everybody would love to know the model that we’re picking. We’re not ready to do that yet, but what we’ve done – and it’s not often I like to commit myself to timelines, but I said it would be the fall. We’re here now during this session, it’s done. Hopefully we’ll continue on and make progress on this.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

Order, please!

I’d just remind Members that we’re still debating clause 1.

The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Yeah, I’m just wondering if the minister could answer: If we were going to go to an Atlantic model, would the civilian director, then, be an individual that would not necessarily reside in Newfoundland and Labrador? Would that person then have to be paid for, a cost-shared salary between all four of the Atlantic provinces? How would you envision that working?

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

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

What I would say is that the advice I’ve been given is that no matter what model we have, this act will allow for us to do either. What I would say is when we look at section 4, which is the director section, all it says is that the LGIC “shall appoint a person to be the civilian director of the Serious Incident Response Team.” So depending on what model we get in, there may be some variances there, but the person – we’re going to be hiring a civilian director here. How that person fits in to this model and what terminology we use down the road, that hasn’t been ascertained.

The second part is it will not be – “a current or former police officer in any jurisdiction shall not be appointed as the director.” We have the

terminology there in terms of their term, five years with a reappointment for five years, and “The director shall be paid the salary and other remuneration that the Lieutenant-Governor in Council may determine.”

I think what we have here – I know what the Member is trying to say, is that if we go with a certain model we’ll change it. It’s our opinion that this legislation will still continue to be satisfactory and will work no matter where we go down the road.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Minister, if we went with an Atlantic model, then, it almost seems like, the way it’s written here to me – and I stand to be corrected and I know you haven’t worked it out yet. Could there be a director who is sort of an Atlantic director and that’s it, or are we saying we’re going to have our own Newfoundland and Labrador director, our own team?

The other provinces would have their own teams and then they could exchange investigators back and forth as need be. That would be the Atlantic model. When we talk about an Atlantic model, are we saying a director is responsible for all the Atlantic provinces who’s hired? We wouldn’t be able to appoint. If that was the case, we wouldn’t be appointing the director here in Newfoundland because the Province of Nova Scotia said, well, why should we? Why are we going to go with your director? We need to be part of this discussion if we’re going to pay for it. We’re not just going to put who we want to put there.

I’m just trying to understand, is the model one of an Atlantic model, an Atlantic director, cost-shared, hired by all Atlantic provinces and a team around it; or is it we’re going to have our own team, our own director here in Newfoundland, but we would be co-operating with the other provinces in terms of trading investigators back and forth as needed?

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

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

The Member asks very good questions. Unfortunately, there is no answer because there is no model. We have not determined what it would be. When he says it could be this or it could be that, that is true. It could be anything, and that’s the discussion we’re still having and have to figure out.

These are the negotiations and discussions we’re having. So he’s very right in saying it could be – we have someone here and we have this issue. That’s all stuff that has to be worked out. The legislation that we have will guide us. Our big thing is if we don’t put the legislation in – you can’t create the team and then put the legislation in place. We have to start somewhere.

I think this legislation will allow for us cover off what we want to do, and which will also allow us to have the flexibility to determine what an Atlantic model or framework looks like. What does an Atlantic team look like? That’s the thing; there is nothing in place right now.

Nova Scotia has a team that they have deployed to PEI. They’ve deployed here, but it’s Nova Scotia’s team. We have to ask them to use it. If the framework comes up, we have to figure out, how will an Atlantic framework work? Will there be multiple directors with a committee? Will it be a case of – these are the things where we say in some cases you can make any kind of argument on this that you want.

You can have a Newfoundland and Labrador model that’s your own and you make all the decisions, or we can have an Atlantic model that maybe there could be drawbacks to that, but it also allows you a number of positives, too, like more access to resources.

So what I would say, and all I can say at this point, is there is work to be done. There is work to be done, but this legislation allows for us to create a team, to have a team, and to figure out what kind of team we want, and our options are still open in where we want to go.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Chair.



Minister, I appreciate your answers, I really do. I am, like I said, very supportive of this concept.

The concern I have now, I suppose, the more I think about it, and I'm hearing your answers. The only concern I would have is we're voting on a bill – and don't get me wrong, I support the concept, but we're voting on a bill, and based on what you're saying, we really don't know at this point in time if by voting in favour of this we're voting in favour of a civilian director here in Newfoundland and Labrador overseeing a team here in Newfoundland and Labrador, investigating things in Newfoundland and Labrador; or, potentially we're voting for signing up to an Atlantic model where you have a director who's hired by other provinces. We don't know where that person would be stationed to, we don't know what the team makeup would be, what the costs would be, what our proportionate share would be.

I guess my concern, Minister, is that there are an awful lot of unknowns. We're kind of voting for this on face value based on, well, it could be this, it could be that, it could be something else. We really haven't nailed down what it is, what the model will look like, what the cost will be and so on.

If we were to vote on, say, we're going to have our own team – which is what I thought it was, to be honest with you. I thought we were voting this is our team, just here for Newfoundland and Labrador, and at some point in time we just said, you know what, we're going to scrap this Newfoundland and Labrador team. We're going to move in to an Atlantic model, and here's what this will look like and here's what this will cost.

We'll make adjustments to the legislation. We all agreed to do it, but that's not what's happening. It's like, in a sense, we don't know what it's going to be, but we're going to vote for it anyway and hope that it works out the way we would like.

That's not being critical of what you're trying to do there because I support it 100 per cent. I'm just pointing out, though, that there seems to be a lot more unknowns than I thought there was originally when we were debating this bill.

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

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

I'm going to take one more crack at this. What we're voting on is what's written in Bill 24. We're voting on the creation of a SIRT in the province. Now I've been very clear up to this point, in the media and in here, that we still have flexibility to determine what model we want. I don't know if I can allay the concerns you have. That's fine; I might not be able to do that.

We voted on a framework for the *Liquor Corporation Act* for cannabis the other day where there are still a lot of unanswered questions there, too. You know what, there are still people who have concerns there, too, and that's fair.

What I'm suggesting here – and I'm confident in this, extremely confident – is we have a bill here, we're voting on the language that is written here that allows for the creation of a SIRT here. Now what we've allowed ourselves is we will pick out a model that works for us. As you can see, we have budgeted here and allowed – and this was part of the briefing and part of what I said, is we can have a SIRT here with a director, investigators, all the rules, everything is laid out.

Now, if we can partner with the other provinces for something that gives us greater resources and maybe less cost, we'll consider it. I'll consider anything if it's better for us as a province. What this allows us to do is have a team, and we will have a team.

Again, that may not have been the answer the Member wanted. I'm confident in this; I'm supportive. There's uncertainty in life. What I would suggest, though, is this allows us to move forward with the certainty that we are going to have a team.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

I thought my colleague from Mount Pearl – Southlands was finished, but I've been sitting and listening to debate in Committee. I thank the

minister very early in debate. I expect it's going to go on for some time tonight, but I want to thank him now because he's obviously very focused on the discussion that's happening here in the House.

I'm getting a sense from discussion that's happened already – it's consistent with what I had hoped was going to happen, because since this bill was released publicly, I personally have talked to many police officers, former police officers, family members of police officers and people who have no association, in any way that I know of, to police officers. I've reached out to some to ask them what they thought of it and overall I can say, especially within the police community – I echo the comments of the minister – they're happy to see a bill for SIRT, to establish SIRT, come before the House.

Having said that, every time I've reached out to people, I've had questions asked to me. I'm going to ask some of those questions to the minister tonight. I appreciate his patience on this, but a lot of what I'm going to ask is police officers – and I think for the most part it's seeking clarification. I can tell you, Minister, we're already receiving and getting some of that clarification based on the discussion that's already taken place here.

While we're still in this discussion that's currently happening, the minister mentioned that he anticipates 25 cases per year, but it seems to be an increase from current cases that are done by SIRT. Minister, I think what you're saying is that because we don't have a SIRT, cases were more carefully – maybe you can describe this yourself. Let me put it this way: Cases that are currently being investigated that could potentially be investigated by SIRT in the future, what processes are being followed by those now where we don't have a SIRT?

I anticipate you may say that we're not bringing in the SIRT right now as often as we would if we had our own SIRT. I think it's what he may be saying. If there's going to be an increase in cases, maybe the minister can just give me a little bit of insight as to why that would be. I think it was six a couple of years back and now he's anticipating 25 under this model.

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

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

When we say the number 25, obviously, that is a best estimate based on numbers before and it more allows for capacity than anything. You wouldn't want to budget for something that's lower than what you've seen in the past or doesn't allow you to keep up with the demand that comes in. As I've said, I hope the demand stays consistent with the lower numbers that I quoted earlier.

What we've seen in the past is in many cases there's a process within where – and, again, it has changed. Over the years there have been a number of different approaches that have been taken. Police forces have reached out and, in a lot of cases, it's not the department making the decision per se; it is police forces that can make the decision or in consultation with the department, in some cases. It depends, in many cases, on the situation itself.

In some cases, they've used each other, so they've reached out within province. I know they've reached out in the past to other provinces, whether it be OPP, I think Saskatchewan has been used, Alberta and Nova Scotia. So there's been a difference there.

The problem we've had in the last number of years that is ramped up is that there's this concern that – I think a lot of it is created through some of the good work that's happened. In the last number of years, you've seen the CFSEU, which obviously the Member is very familiar with, where we got a partnership in the province between the RNC and RCMP.

The Member opposite can speak, I think, a little bit better to this than I can, but over the last number of years the co-operation amongst our RNC and RCMP has increased. They've started working together, especially on bigger files, drug files. With that increased co-operation comes that increased familiarity, which is some of the concern out there amongst people.

I don't know if that quite answers the question. What I would like to see is when we have a SIRT that has capacity, the police forces don't

have to look within and they don't have to look outside. We just have to look to this entity to bring them in to allow them to handle it.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

I appreciate that. I echo your comments. Yes, I believe as well the co-operation between both the RCMP and the RNC has improved in recent years. I think they're probably in a better position now than they have been in some time and, hopefully, that will continue. There are many relationships between the RNC and the RCMP in different aspects of policing in the province and CFSEU is one of those examples.

Right now, there's a Public Complaints Commission that has a role in our province for investigating complaints against police officers. I know this bill is about serious incidents and they are defined here. I think my inquiry on this is probably on a couple things.

One is: How is it determined what's investigated by SIRT versus by the Public Complaints Commission? Will this reduce or change the current responsibilities of the Public Complaints Commission?

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

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

Basically, what this legislation allows under the definition section, section 2(f) "serious incident" means a death, a serious injury, a sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer in the province." So that's the criterion that's been laid out, which is very similar to other provinces. There have been some additions there as well.

I think the key one is the last one: or any matter of significant public interest, which really to me is a catch-all. It allows us to ensure. I can also say that this bill has gone through the scrutiny of both the RNC and RCMP. They've looked through this, as they should, because it's governing them.

As it relates to the Public Complaints Commission, I haven't talked to the Complaints Commission recently to see how this will affect them in the sense that if people want to make a complaint to the commission, they're going to hear it as long as it falls within their standards. We haven't looked at that legislation. There is more work to do down the road.

One of the issues that was brought up by a reporter who recently departed this province – he used to ask about SIRT and we said we're doing this, and then the next thing he moved to was: Are you going to have a civilian oversight board? Are you going to have a board? I said: Well, I'm willing to consider anything, but this is what our focus has been on right now.

What I can say is that the Public Complaints Commission is there. It works very well. I'm always willing to consider changes and looking at what does this do in terms of affecting what they do. In terms of what this covers off, those would be the incidents that fall under its purview.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

This may be my last question on this particular section. Minister, serious incidents as is defined in the bill, which you just read – I won't repeat it – those types of investigations today, are they being investigated by other police services? I know you referenced the OPP sometimes have been brought in and Alberta SIRT has been used and Nova Scotia SIRT and so on.

So in a case of a death, a serious injury, a sex offence, domestic violence or matter of significant public interest, are those today, in the absence of Newfoundland and Labrador's currently have a SIRT, being investigated by other entities?

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

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

My answer to that would be yes. That is my understanding that anything like this of a serious

nature, as the Member mentioned, is going to an outside force. We've had some recently that we saw where we've had to go outside, but we're receiving some – I don't want to use the word backlash, but they're indicating that their resources are being used in their own provinces and it's getting tougher for them to go along. But yes, we have gone outside.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Chair.

Minister, given the seriousness of the position of the civilian director – and I do agree with you; it's going to be critical to this whole thing, especially if we have our own team here in Newfoundland and so on. I understand it says the Lieutenant Governor in Council would appoint this person. But given the seriousness of it and the importance of getting it right and having qualified people and so on, is it your intent to bring this through the Independent Appointments Commission?

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

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

I think we've indicated that, no, this is not a position that will go through the IAC. After looking through this and looking at it, it was deemed it probably wouldn't be appropriate. It's more of an operational position. I have a couple marked down where this is how they're already done.

It's an operational position similar to the Public Trustee, the executive director for human rights, superintendent of our prisons, assistant superintendent of our prisons, High Sheriff. None of these are IAC appointments; they don't go through that process. It will be a public servant, there is absolutely no doubt. There will be an extremely competitive process that it goes through.

What I can say, and I put this out there, I'm hoping that there's significant interest in the position. I'm anticipating significant interest in this position. I'm definitely anticipating that. I know how I feel about it. We have to do the best

job possible to get the best person in this. Having seen how it's gone in other provinces, you don't want a bad start to this. Whoever the top person in the position is would determine how the entity goes.

That's the rationale for that. I appreciate the question. I hope I've adequately explained it.

Thank you.

**CHAIR:** Shall the motion carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, clause 1 carried.

**CLERK (Barnes):** Clauses 2 through 22 inclusive.

**CHAIR:** Clauses 2 through 22 inclusive.

The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

Under section 2, Minister, Definitions, it refers to chief officer meaning the chief of police of an agency. It's pretty clear to me who the chief of the Royal Newfoundland Constabulary is. Who are you referring to when you refer to the chief of the RCMP? Is it actually the commissioner because I think, statutorily, the commissioner, based in Ottawa, is the chief of the RCMP.

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

**MR. A. PARSONS:** Yes, thank you.

Yes, the RNC have a chief of police. The RCMP here in the province has an assistant commissioner as the head of their organization.

We've discussed this terminology with both agencies during the consultative process and in developing this. Neither had any concerns so that's the one that we decided to go with after

consulting with both to make sure that there was no issue.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you.

The intention is, Minister, the chief officer for the RCMP would be the assistant commissioner in charge of B Division in Newfoundland and Labrador.

**MR. A. PARSONS:** Yes.

**MR. P. DAVIS:** It would be.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

Sorry, I sat down because you usually ask a question and sit down and someone asks after you.

Under (f) – I don't want to push this too much, but I just want to comment on it, because I think the minister is right that there's an all-encompassing phrase there. When I refer to Public Complaints Commission, I've seen incidents in the past where a matter is being heard by the Public Complaints Commission – because the Public Complaints Commission is set up to independently investigate complaints about police officers and their activities and how they conduct themselves and so on. It is certainly not intended to be a criminal investigative type of circumstance.

But they certainly, over the history of the Public Complaints Commission – not so much in the last few; I can't think of an incident in recent years, but in earlier years where they've conducted hearings that have created a fair bit of media attention and public attention, which would probably fall under that all-encompassing section where it refers to in any matter of significant public interest that may arise.

I'm just wondering – I think it might be in the act, but can the minister explain to me, if an incident occurs and the chief of police becomes aware of it, what process is in place to determine

if it's going to be considered to be a matter for SIRT or a matter for Public Complaints? And maybe you could just shed some light on maybe how that could be worked out in a case that could become one or the other.

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

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

So, basically, the process as we have it is under section 11(1): "A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred." So if it falls within the definition of serious incident, which are those that are laid out, this will go to the SIRT. Not that it also, I believe, cannot go to the Public Complaints Commission after, but obviously there's an investigation that would happen right away.

"Where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director." We move into Investigations, "Upon notification of a serious incident under section 11 or where the director becomes aware of a serious incident, the director may do one or more of the following ...."

And there's a whole range of things the director is able to do: arrange for the SIRT team to come in and do an investigation, or take over an ongoing investigation; refer the matter to an agency to conduct one; upon consultation with the chief officer, assign officers; enter into a different agreement; direct that the SIRT team oversee, observe, monitor, review; appoint a community liaison; refer the matter to the chief officer or Royal Newfoundland Constabulary Public Complaints Commission under section 19 of the RNC Act, 1992; refer it to the complaints process in Part VII of the RCMP Act; or determine the matter is not within the mandate of the SIRT.

Basically what happens, when something comes up, the chief officer is the person who's going to know of everything. In some cases, I can't imagine it's going to be very often, the minister finds out. Either way, it has to be referred as soon as practicable, if it constitutes a serious incident. Once it goes to the SIRT, that person

has independent ability and authority to look at what's going on and make a determination based on their – it might not constitute a serious incident. That will be their determination. They can put it out or they can take a number of other actions including going, as you say, to the Public Complaints or the RCMP equivalent.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

When the chief determines that it's a serious incident as defined, the first order of business would be to refer it to the director and that the director can do one of the options. I appreciate that.

Mr. Chair, under section 3, just on a clarification for section 3 that maybe the minister can comment on, it involves all incidents involving police officers. I take that to be on duty or off duty. I'm sure the minister must have given this some consideration if it should be on duty or off duty.

I ask him if he could provide just some comment on how they considered that and how they reached that conclusion.

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

**MR. A. PARSONS:** Thank you.

It is indeed on duty or off duty. Basically, the big thing is "arisen from the actions of a police officer in the province." One of the big things, too, is we get officers who come here from other provinces, maybe in the course of an investigation, they could also be covered under that as well.

This was a discussion we had. We realized that police officers carry a special duty, a special standing. Their actions, not just on duty but everywhere, guides them. They're in a position of trust, as it relates to people in the public. So it has been determined that it would be police officer. As soon as the chief officer is aware – this is already what happens – the chief makes a decision on what has to happen. If there's something serious involving one of their own

officers, my experience is that they take action very quickly.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

A similar question under section 4 – and I apologize, Minister; I was making some notes and doing some research while I was listening to you when you were answering some questions earlier. Under section 4 it allows for LGIC to appoint a person to be a civilian director. Under paragraph (2) it's very clear and a very concise statement: "A person who is a current or former police officer in any jurisdiction shall not be appointed as the director."

I raise this, Minister, just again to ask you to clarify your rationale on this; if you could comment on this, if you wouldn't mind. I can think of some circumstances where a person could be very qualified.

The RCMP today, for example, have many lawyers who are police officers that work with them in the country. They're well recognized as lawyers as well as police officers. There are police officers who are standing agents for prosecutions in our province. Sometimes they'll prosecute minor offences or the *Highway Traffic Act* violations and so on, but there are also police officers who are lawyers who work as police officers in other parts of the country, not only here. My thought was is that could be very well qualified to become a director.

They may have been a lawyer before or police officer, or more than just a police officer being a lawyer, but your section on 4(2) is very, very clear. I'm just wondering if you've given any thought to those types of circumstances. Apparently your decision is to be a solid, fast policy on this one.

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

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

It's a good question by the Member opposite. We feel that looking at the experience of other jurisdictions and the fact that we just look at the

questions that were asked earlier about even seconded officers within. People were saying, well, how can you even have somebody who was a police in here? The mere presence of police takes away its impartiality. That's one of the questions.

What we've decided is that in order to avoid this, the civilian oversight stems from the top, and to eliminate that person, eliminate any possible perception or – anyone trying to say this person has a bias because they were a police officer, that's eliminated, absolutely. Unfortunately, this is one position where if you were a former police officer or a current police officer, you are just unable to do that. We think that's the best step.

It's my opinion, and it's my opinion only – I don't know if I shared that – having a police officer, a former police officer, someone who's trained as a police officer and served on the force, will create amongst some aspects of the public that perception which we're trying to avoid. That's why we've made that decision there.

This is a question we've tossed around a lot over the last number of years. Well, you know what? It has been because it's been ongoing for at least two years that I've been talking about this. That's the decision we made. I mean, no doubt, there's probably some kind of circumstance where you had somebody that may have been a police officer for six months and left it and went to law school and became a Crown attorney for 20 years. That's possible, but that's more of a very, I think, low-level, hypothetical probability than the fact that if we just eliminate that.

There are a number of individuals out there that had the skill sets that will be able to be the civilian director and avoid any perception at all. The whole success of this piece of legislation and this team will be from the public perception, and that's what we want to stick with.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Yeah, thank you, Minister.

I think it's safe to say one of the significant factors of creating SIRT is to ensure that the

public has confidence that investigations regarding police officers are being done as impartial and as fair as possible. I fully appreciate that.

I jump over on a similar topic on section 8(4). Section 8 is about Agency assistance to Serious Incident Response Team. Under section 8: "The minister may direct a chief officer to select qualified police officers and other resources from the agency to assist the Serious Incident Response Team and the chief officer shall select police officers for that purpose and advise the director accordingly."

While that's the case, while police officers can be utilized from the agency, if we go down to section 8(4): "A person shall not perform the role of a team commander or a lead investigator in an investigation relating to a police officer where that person is a member of the same agency." I know section 8 has kind of overall, but I'd be very interested in your comments, Minister, because we're not going to allow for the lead investigator or the team commander to be from the same agency; however, qualified police officers can assist from the actual agency of the officer.

For example, if the RCMP is under investigation by SIRT, it could actually use RCMP officers to support the investigation, I would think, as interviewers, collecting of evidence, crime scene examiners, those types of things. I'd appreciate your comments on that.

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

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

The question from the Member opposite is actually similar to one that was brought up by the Member for Mount Pearl – Southlands. It's a good point.

I think the difference here comes down to the concept of assisting with an investigation versus team commander of an investigation. Sub (4) says: "A person shall not perform the role of a team commander or a lead investigator in an investigation relating to a police officer where that person is a member of the same agency." That's the point made by the Member earlier in

debate where he said if we got the RCMP as the lead investigator, that's the seconded person, they're investigating an RCMP person. Well, that's going to create that issue.

That's why that's not the case, that cannot happen here. They can be a part of it, but anything they do would theoretically be looked over and scrutinized by the team commander or person in the lead who is not a member of that and does not have that bias and maintains that impartiality.

What we're saying here is the minister may direct the chief officer to select qualified police officers to assist the Serious Incident Response Team. The director is going to have the ability to say we need the resources to do this and at the end of the day the minister's job is to allow this to happen, but the minister won't direct it.

I think what we have here is at the end of the day, when you look at it, civilian oversight is maintained by the civilian director. That will never go away. What goes on in every other province is the civilian director oversees everything. There is no file that comes in that the civilian director does not play some role in. That ensures the civilian oversight that's going on, because everything we're doing has had the same questions asked elsewhere. I asked Ron MacDonald this question myself and this is basically what he said.

We don't want, as the Member said opposite and as you said, if I got RNC as the team lead on this particular investigation – because you might have, theoretically, multiple investigations ongoing. That can happen. So you got two of your team out here, you got another one of your team out here. You might have to be able to call in somebody else to assist with that, if you have simultaneous investigations. What you don't want is you don't want RNC or RCMP investigating their own. They can be a part of that, but not the lead officer. At the end of the day, the civilian director is at the top guiding everything.

So that's the logic behind it. It works elsewhere. I've had a lot of chats about it. I think it can work here and I think we have the controls in place to eliminate – as you said, as we've all said – the possible perception that there's this

bias or this partiality that's going on, that we're all trying to avoid anyway.

I think this covers it off, and then hopefully this will be the case going forward.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

I appreciate that, Minister. My thought line was a similar rationale as to why.

Your comments earlier when the Member for Mount Pearl – Southlands was talking to you were, I noted as well, it's going to be challenging, practically impossible. I would say not practically, but it will be possible to satisfy everyone that it was completely independent and was done in – the bottom line is you have to have police officers do the investigations.

If SIRT is being tasked to investigate a serious incident as defined under this bill, then nothing less than those who are best qualified, experienced, trained to carry out the details of such investigations, which can be very complex and be very specialized in many ways. I can think of, just by the types of offences laid out in the serious incident definition, from one particular type of incident to another, it could require a completely different skill set or specialized training background, experience of officers from one type of an incident to another could be very, very different.

You could have a traffic incident. It's no good to send a Major Crime investigator – well, they may be some help, but you're going to need traffic specialists to be involved with a traffic-related matter. You're going to need those types of expertise.

Minister, my question would be – and you've commented several times on the importance of impartiality. I fully agree with that. Did you give thought to also limiting who those assistants or supports, those investigators, those qualified police officers and other resources – did you give consideration to restricting them to being only officers from the other agencies?



The last time I used the RCMP as an example; this time I'll use the RNC. If an RNC officer is being investigated, did you give thought to limiting all people involved with the investigation of the RNC officer to officers who are not from the RNC?

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

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

I can confirm that, yes, we've given consideration. I'd like to think we've given consideration to everything because we've sat around those tables and we went at each other pretty hard, especially over the last year. We've gone at each other pretty hard.

What I think we have is a scenario where I don't want to put restrictions in place. We've seen other areas where you put a restriction in place and you end up finding yourself in a situation where you're prevented from doing something that could make all the sense in the world, but you're legislatively prevented from doing it.

What I would suggest – because I think what you're saying could very well be a best practice. That's going to be up to the director to enforce. We're giving the director the leeway, the authority and the ability to do what they need to do for an investigation.

I agree with that concept in theory. If we have an RNC incident, well, let's avoid having an RNC officer being a part of that. That might be the case and that can happen every time because I have full faith in whoever the director is going to be to be able to do that. There may be a situation arises where that's impossible, but looking at the situation you don't think that a conflict exists.

If you put in a legislative barrier, you might end up in a situation where you're prevented from doing something that makes all the sense in the world. It's very similar; I've seen other incidents of this, not within this type of legislation, but within the Criminal Code. If I want to get into something like mandatory minimums, there are times where a mandatory minimum in and of itself made sense when you created it, but then it causes more problems down the road because it

doesn't allow for common sense, it doesn't allow for flexibility.

I think in this case, again, if we have a director that comes in and this person is going to have the abilities and the skill set that they can look at situations that you outline and, hopefully, do everything that they can to avoid – because that's one of the big things. Everything they do, they have to be beyond reproach. So I think they'll probably take into consideration situations like you lay out, to do everything they can to avoid it, but will also avoid the legislative barriers which may get in the way of trying to do what actually could be the best step.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** I appreciate that, Minister. Actually, I have draft amendments that I haven't tabled because I wanted to discuss this with you first and understand exactly what your intent was. I had it because I've given a fair amount of consideration to this. I fully agree that, for starters, it's important to maintain public confidence that the investigation is going to be fair and complete or, as I learned when doing major case management training, full, fair and frank were the three words that used to be referred to in major case management – full, fair and frank when you're doing an investigation.

I actually first heard it from the Ontario SIRT or members from the Ontario equivalent. I don't think they call it SIRT in Ontario, but it's the equivalent group in Ontario that full, fair and frank was the first place that I heard the term used and I think it fits in many ways.

Minister, my understanding from you – and I'm not trying to put words in your mouth; I just want to make sure I fully understand it. Your concept or what you visualize or what you are intending here is that ideally that would happen anyway. I think that is what you may be saying. I also appreciate – and my hesitation on this as well is that there may be an investigation whereby the best person available to participate in a certain aspect of that investigation is from the same agency. I think that's very realistic that could take place. My understanding from you – and you talked a lot about public perception and so on – of course it will be up to the director, but

you would envision that ideally it would be separated from the agency who is the subject of the investigation.

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

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

I'm going to apologize in advance. I may have missed certain parts of the question by the Member opposite. So for the sake of me actually not wasting time and talking about something that I might be off, I'll just ask him if he could repeat the question again and I'll try my best to answer.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Yes, certainly, Minister. I don't want to put words in your mouth; I just want to understand what you had envisioned as the minister. Is it your vision that ideally if a certain service or a member of a certain service was under investigation that all the players involved in that investigation would come from the other service or someone other than that particular service? But knowing that there may be circumstances where the best person to add value and a certain role in that investigation could come from the same service. I think you're stating here that the public confidence is a key part for you as minister and for your government and, ideally, it wouldn't be someone from the agency. You're not restricting it to that.

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

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

I get what the Member is saying. Ideally, the person who's put in as the civilian director is going to take all steps necessary to both allow for the investigation and to maintain credibility and positive public perception of the investigation.

What we have here in this legislation is flexibility that allows the civilian director to do what's necessary. So if that means using somebody from the same force but not as the team commander – because, again, we want to

avoid that altogether. So they can use somebody, yes. They can avoid it, yes. They can go outside and get assistance, whatever is necessary, to do the best investigation and using the three Fs that you mentioned. They have to be able to do that.

We're not putting any constraints in place here to allow the director to do everything to ensure that we have a full, thorough, fair investigation that won't have artificial restrictions put in place, but at the same time, whoever comes in here is going to realize that the steps they take will have a direct impact on public confidence. I'm confident this person will do everything to ensure that.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

The other scenario that comes to mind on this, it comes under circumstances you referred earlier of the CFSEU which is an established Joint Forces Operation, JFO. Quite often in policing it is referred to as a JFO. Joint Forces Operations whereby police officers of the RCMP and the RNC co-operate and work together as a team to conduct certain types of investigations.

In some other provinces, in Nova Scotia, for example, they actually have police officers from the RCMP embedded into sections of the Halifax Regional Police, as an example, and Halifax Regional Police have officers embedded in divisions of the RCMP. So there's an integrated policing model as they've referred to it there.

So there are circumstances that exist here in the province whereby police officers work together and sometimes are very serious matters, high-level matters, matters that could, at some point in time, give rise to the need for a SIRT investigation.

My thought on a circumstance if that was to happen, in order to ensure public confidence, it would be beneficial if neither the RCMP or the RNC were part of that investigation. I know under section 10 is allows for agreements.

I ask the minister: Under those agreements, is that something you gave thought to that in those

types of circumstances that what's currently used, bringing in outside agencies, if it be from Alberta or from Nova Scotia or wherever, Ontario, did you give thought to saying if there is both services involved in an investigation, is there another route that the director could be given to ensure that confidence in the police process?

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

**MR. A. PARSONS:** Yes, Mr. Chair, I can confirm that there certainly is.

This all stems from, first, the key is to have a very strong, independent civilian director. That's how this organization is going to work.

Section 12, "Upon notification of a serious incident ... or where the director becomes aware ... the director may do one or more of the following" – this lays out all the circumstances – 12(b), "refer the matter to an agency to conduct an investigation, which may include taking over an ongoing investigation at any stage."

So, yes, they have the ability to go outside when necessary to ensure an investigation continues and is done properly.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

Moving over to section 11 – just a moment, Mr. Chair. Section 11 deals with notifying the director of a serious incident. Section 11(1): "A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred."

Under section (2): "Where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director."

I just ask the minister if he can give me some explanation as to the intention of that section. I'm trying to think of a scenario where you may circumvent the chief officer notifying the director. Can you shed some light on that?

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

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

What I would say is what we have here is a catch-all to allow for any possibility. Primarily, it will be the chief officer, because it's usually the chief officer of that force who knows that something has happened, and their duty – and I like the term as soon as practicable. Basically, as soon as it's possible they will notify the director, and that's usually the procedure that happens.

What we've allowed, though, is the possibility where if for some reason the minister, through whatever reason – because some people, who knows how people like to approach these things. If the minister were to find out, and maybe – it's our belief, whoever the minister is, that a serious incident has occurred, you have to have the ability to refer that to the director.

The whole point is we have a civilian independent individual that's going to take this over. I like the catch-all here, the cover-all. Again, I can only anticipate, I can only speculate. My speculation is that may be a section that is not used at all, and if it is, it's used very infrequently, but I like the idea of having it to protect for the possibility of something happening. In many cases, you have to prepare for that possibility.

What I will endeavour to do is to check other – because I don't have it right here in front of me. I think this may be used in other jurisdictions as well, where ministers are able to do that and have that ability. In many cases, for whatever reason, I get lots of calls and emails from people complaining about things that have been happening or alleged to have happened and we have to have that ability to pass it on.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

The only area that I thought of and I don't know if this would be an impediment to reporting, I don't think it would be. The only area I thought about is if one of the police agencies or two of them jointly were conducting some type of an

investigation without the chief being made aware – when I read this, it sounds like the minister can go directly to the director in a case where the chief may not have been aware.

My belief is that the chief should be made aware first, because the chief may be aware of an investigation and activity that's taking place or underway that the minister may not be aware of. I'm sure in many cases that happens; the minister is not aware of what's taking place within the organization, either the RCMP or the RNC.

I'm just wondering if there's any possibility of a conflict that could occur there whereby the director comes in and maybe does some damage to an ongoing investigation.

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

**MR. A. PARSONS:** I think the way the wording is – again, I can only talk about practice. If I were to hear about something that was a possible police issue, my duty is to pass that on immediately to the police force, the appropriate jurisdiction. That's how I think you should operate.

I think with the situation here, it says: Where the minister believes that it has occurred and the chief officer has not notified the director. It might be very well a case where the minister is aware, has reported it, it hasn't gone anywhere and there's still a serious incident, the minister may notify the director. There's a lot of – we used the words here: he believes that it may have occurred, the minister may notify the director, if the chief officer has not notified the director.

Once it's in the director's hands, it's up to the director then to determine what action is taken, including not going forward, going forward.

**CHAIR:** The hon. the Member for Mount Pearl –Southlands.

**MR. LANE:** Thank you, Mr. Chair.

Minister, I just want to go back to the whole idea of members from one agency being part of the investigative team. I understand you're saying that's not how you would envision it. You

would hope that the director would utilize, if at all possible, non-members of a particular force that are involved in the investigation.

I'm just wondering when it comes to things like, for example, collection of evidence. I understand you have someone who's investigating a file and so on, but if there's forensic type of evidence or something involved, how would that work? I guess you would just second somebody from the RNC, RCMP forensic unit, if they're examining evidence and stuff like that. They wouldn't be an investigator per se, but they would be obviously a needed resource, correct?

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

**MR. A. PARSONS:** I don't have the section there, but the act very clearly outlines that the director has the ability to go outside to retain assistance as necessary.

If an issue arises where – and the Member said specialized, very detailed or forensic or whatever it is, the director will have the ability to go out and get the resources they need to do that particular investigation.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** I thank the minister for that.

I guess the only concern would be is that – and I'm sure they wouldn't do it, but obviously if you have to go for any kind of specialized forensics that, even though you may have a lead investigator who is from another force, you would hope that the person who is actually doing the forensics and actually collecting the evidence, even though they wouldn't be the lead investigator, they would have absolutely nothing to do with that part of an investigation. Because if not it would – obviously in terms of public perception, people wouldn't have a whole lot of confidence in that, I wouldn't think.

**CHAIR:** Order, please!

I just want to remind all hon. Members, if you're speaking to a clause, I would like for you identify the clause that you're speaking to.

The Chair recognizes the hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

I'd like to move on to – I'm sorry, I want to go back to 11(2) just for a minute. This is a matter, too, that I've given some thought to and I did so based on my own experience and when in talking to other people, and as I referenced earlier, about potential circumstances that could exist.

I just ask the minister if – under “11(2) Where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director.”

If the minister was to add or if the clause would be amended to include after the word director: “the minister may notify the director” after consulting with the chief officer. Based on what work you've done and review and your catch-all, would you see that as anyway of an impediment to what your intention was in the bill?

I can read it again from start to finish with the addition if you want.

**MR. A. PARSONS:** I think I got it.

**MR. P. DAVIS:** You think you got it, okay.

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

**MR. A. PARSONS:** The Member is asking about section 11, which has two subsections. “(1) A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred. (2) Where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director.”

All I can say to that is whenever there's an allegation of possible criminal wrongdoing, you wouldn't go directly to the civilian director first because if it's a criminal matter, your job is to go to the police, to notify them. I don't think there's a need to change that, to have that. It

allows the possibility to ensure that, at the end of the day, the civilian director gets access to everything, but I think it lays out what's necessary very clearly.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** I appreciate that. That's a valid point the minister raises. I thank him for that.

I'd like to go to section 12. Section 12 is about investigations. The minister has already referred to this, Mr. Chair. It deals with the list of what the director may do, one or more of the following, and it says: “Upon notification of a serious incident under section 11” – that's the section we just did talked about – “or where the director becomes aware of a serious incident, the director may do one or more of the following ...” I noticed here where it says “or where the director becomes aware of a serious incident,” because I suppose a citizen could go directly to the director and report a matter or allege a serious incident as well.

I want to just go down to (f) “appoint a community liaison or observer to work with the Serious Incident Response Team in the course of an investigation.” I was just looking a bit earlier, but I believe it's the only place in the bill that it actually refers to appointing a community liaison or observer to work with the serious incident.

I know that Justice Barry, in his recent decision of the most recent public inquiry held, had actually Recommendation 29, Recommendation 30 and Recommendation 31 that deal with independent observer. He made three separate statements and commentary to each one of them, but the bill only refers to appointing the community liaison or observer to work with the Serious Incident Response Team in the course of the investigation.

I wonder, Minister, is there a reason why Justice Barry's specifics weren't more so included within the bill itself?

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

**MR. A. PARSONS:** I point out two things. The first part is there was only one section of the bill where we actually did not agree with what Justice Barry said, and that had to do with the timeline on the investigation.

This one actually is coming through our consultation with, specifically, Alberta, where they've done investigations in indigenous communities. So what they want is to have a community liaison, somebody from the community that can work with the team. It is something we actually deal with in the court system in Labrador here.

That's what it allows. It allows for the team to say we need somebody from the community to work with us to assist in the investigation, which is different than – I know the concept you're referring to and what Justice Barry was talking about where he had an independent observer overseeing the investigation. I think this is meant in a different way. That's the reason that it's added in there. It's allowing them to bring in somebody for particular circumstances.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

Minister, if that's the case, then you're not referring to Justice Barry's recommendations. What's your position on Recommendation 29, 30 and 31 that are absent in the bill?

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

**MR. A. PARSONS:** Again, I don't have that in front of me, the Dunphy report. If the Member wants to just stand up and say what the three are, I'll give you the reason why our bill is like it is.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** My apologies, Minister. Recommendation 29: "An Independent Observer's mandate and duties should be clearly defined before the Independent Observer commences work." The commentary on this is: "The details of the procedures and protocols that the Independent Observer and the investigating

agency are to follow should be clearly articulated and communicated to all parties involved. The Independent Observer should follow a protocol that objectively measures the integrity and impartiality of the investigation."

Recommendation 30: "An Independent Observer should have unrestricted access to members of the investigating force and the disclosure collected, but should not have direct contact with any potential witnesses." There is a commentary there as well, Minister; I'll read it briefly: "An Independent Observer is not an investigator or should not be permitted to take any investigate steps. If the Independent Observer has concerns during the investigation or suggestions that could improve the impartiality, fairness or transparency of the investigation, these should be communicated to the investigative team. The investigative team should maintain final decision-making authority over the direction of the investigation."

Recommendation 31: "An Independent Observer should be subject to appropriate terms of confidentiality, but the ultimate findings of the Independent Observer should be made public, subject to any redactions or other modifications ...." When I read 12(f) "appoint a community liaison or observer," I drew the conclusion that this was fulfilling the three recommendations from Justice Barry.

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

**MR. A. PARSONS:** What I would suggest is that this is different in the sense that I understand what the Member is talking about, and that was a very different case where we had an observer come in and we saw what happened there in the sense of crossing the line was maybe one of the terms that was used.

The reason we have this in here is we have experience from other jurisdictions that we need to allow for a community liaison to come in. This community liaison will abide by the policies and procedures set out by the civilian director. It's also subject to ATIPPA; it's subject to confidentiality. Whoever comes in, they're not coming in as an investigator. That's not contemplated in any way, shape or form.

I'll continue on now. I think I've covered off where you're going with this. I know what he's saying, but at the end of the day, the civilian oversight director is going to make sure that this is all covered off.

I'm going to take my seat. I'll wait for the next question.

**CHAIR:** Order, please!

We're having a job trying to hear the questions. The minister is having trouble hearing the questions. We want to respect on the other side as well for asking the questions.

Thank you.

The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Minister.

When I saw them, I honestly thought this was meant to address Justice Leo Barry's recommendations. Justice Barry's recommendations, just to be clear, are as a result of an investigation of a serious incident. Of course, the SIRT bill is directly related to Justice Barry's recommendations.

My reading – and just correct me if I'm wrong, Minister. I don't want to go too long on this because it's certainly not what I expected. When I read 12(f), what I'm reading here is that the recommendations of Justice Barry could exist. I was thinking the reason why it wasn't done deeper than what it is here may have been because that may show up in regulation or in policy developed by the director and how the director is going to operate the SIRT here in Newfoundland and Labrador. I thought 12(f) would give the authority of the director to actually assign an observer because it's not an absolute.

I don't think Justice Barry anywhere said that an independent observer has to be appointed, it's just made as an option – if an independent observer is appointed. I don't see anywhere in the recommendations, in my reading anyway, that Justice Barry says that an independent observer is a must or is required.

That was my thought. I thought when I read Justice Barry's recommendations, that he was indicating that an independent observer is an option that can be used, and if it's going to be used, here are some of his findings. I can move on or if you want to comment on that, I could –

**MR. A. PARSONS:** (Inaudible.)

**MR. P. DAVIS:** Thank you.

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

**MR. A. PARSONS:** I know what the Member is saying. The civilian director has the power to set out policy and procedure. What I would assume is that as we go forward anything that's done will be guided by a number of factors, including recommendations.

Section 12 doesn't say that they will, it says that they may: "the director may do one or more of the following." So it's just another option to allow them, and I think it's more along the lines of what we've identified for special circumstances.

Again, I cannot speak for whoever the civilian director will be. They will have the ability to do what's necessary for the operational purview of the entity. I get what you're saying, but I don't think it's an issue here. I think it's been covered off and reviewed quite adequately.

Thank you.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

When SIRT came out, I immediately went to Justice Barry's recommendations, and consistent with what you're saying, under 12 the bill says, and the law will be that the director has a number of options. He may apply or may do any one or a number of those options, but none of them are absolutes, and appointing a community liaison observer is not an absolute. It's an option there for the director, depending on the circumstances. I think Justice Barry has done the same thing. He's not saying it's a requirement.

He's saying that if you're going to do it, here's what you're going to do.

While we're on Justice Barry, I'll move over to section 13. You just referred to this briefly yourself, Minister, where the timelines under section 13 have not met under recommendation 34 of Justice Barry, which was his last recommendation. I'd be very interested to hear your comments on why those timelines were not met as Justice Barry had recommended.

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

**MR. A. PARSONS:** Yes, certainly we've taken everything that Justice Barry has said very seriously. He did an extensive amount of work, very important work, very public work. We've gone through – the only one we had difficulty with was the 90 days. After reviewing with every other SIRT in the province, they all said unanimously that it was not fair to put 90 days in there.

In many cases, investigations can take significantly longer than that, and to put an artificial limit on it, that may not work with the investigation. Let's just think if they have to do forensics. In many cases, we have to go outside the province to deal with labs outside of here. We have to wait a significant amount of time to get the results back. Here we are, we're breaking the law even though it's no fault of our own.

What we did, though, and I think this covers the spirit of where he wanted to go. He said 90 days, and I think the reason we want that is because people want answers in a very timely fashion – even though we know police investigations can take a lot longer than that. Let's put out an interim report after 45 days and every 45 days to ensure the people that are a part of this investigation are kept up to date.

That was important. Everybody we consulted with was in agreement with this. This was a best practice from the other jurisdictions, seeing what they've done there. We thought it was appropriate here and we think it's going to work.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

Actually, the minister's last comment was very practicable and best – what was the word you used? Not best case, best practice from other jurisdictions. I fully agree.

You make a good point as well, because investigations can take much longer than 90 days. If you have a serious incident, it's very likely that work of forensic laboratories would be required, but also the collection of evidence, forensic examination of scenes, or areas, or premises or properties and, also, then the collection. That can take some time in itself. Having to go through warrants and so on to obtain access can sometimes lead you very easily into 90 days very, very quickly.

One last section, Minister, on section 17; it's also on timelines. This one is about an investigation summary or the reporting. Section 17(1) says: "As soon as reasonably practicable but no later than 3 months after receiving a report under section 14, the director shall provide a summary of an investigation conducted in accordance with paragraph 12(a) to (a) the minister; (b) the chief officer of the agency in which the police officer under investigation is or was employed; (c) the police officer under investigation; and (d) a person directly affected by the serious incident or where he or she is deceased, his or her family.

"(2) The summary shall be in the form prescribed by the regulations."

Minister, in this case, no later than three months, 90 days after an investigation was concluded, seems like a very long time for me. I'm wondering, can you also shed some light on why you landed or how you landed on three months?

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

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

What we've done here is we've given the director leeway and ability to – there's other work that has to be done once the report is put in. This, again, I can say was done after consulting with the directors from other jurisdictions where putting in tight timelines



makes it very difficult for them to abide by that. Nobody wants to be in contravention of the law.

What we do there is we have to put a date in because if we don't have a date in, it can be open-ended forever. So you put in the "no later than three months after receiving ...." I think the term that people want to see here is the "as soon as reasonably practicable" because I think that's going to be the guiding factor.

The three months is something that absolutely prohibits going that long. I don't anticipate it will, but we have to have that ability there. It can't be forever, but as soon as reasonably practicable. If the situation comes where that's not being followed, then there are going to be questions that arise, but I think this covers off both sides of the equation.

**CHAIR:** The hon. the Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Mr. Chair.

My last comment to you, Minister; we've been here for probably a couple of hours now going through line by line here and we've had a good discussion. You've responded to all of my questions and almost all the questions that came from the Opposition. I just want to thank you for clarifying and providing that information.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Chair.

A question for the minister on section 17(3): "The director or the minister shall provide a summary of an investigation to the public in the form prescribed by the regulations." I'm just wondering, because it's going to be left to the regulations so we don't know exactly what it will be. Can the minister give us some idea as to what might be contained in that summary, what it might look like?

Is it going to be just simply we investigated a complaint from an individual regarding some incident and we found it to be non-founded? It was not founded and then that's the end of the summary and that's it, or is it going to be a little more detailed without necessarily divulging

names of officers and names of individuals, but being more specific as to what the allegations were, what process was taken, who the lead investigators were, what agency, what other agencies were involved and that type of thing? So that people have some – I guess in terms of the public report, there's some confidence that, yes, this was pretty extensive work done. It was done on a fair and impartial basis without it getting into personal details and so on and have some confidence in those reports as opposed to simply we investigated a complaint on this date and it was unfounded, end of story. That wouldn't be, I wouldn't think, too good.

I'm asking what you would envision it looking like in the regulations.

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

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

The first thing to put out there is my contemplation that whatever is given to the Minister of Justice is also what will end up going out to the public. I think that's important to know, that the public wants to see that.

I'm assuming it will contain facts, time frame, the number of civilian witnesses interviewed, a decision on whether charges should be laid or not. If no charge is laid, there might be a reason for allowing for that, giving out that explanation.

There will be an annual report put out every single year, laying out the entire year's work, body of work that's done. There is a transitional part here for ATIPPA, because obviously there are certain things that cannot be put out there. It is my understanding that what comes to the minister is what goes out, should contain something like that. There may be some stuff I'm omitting unintentionally that I'm not aware of, but I think it has to lay out those factors.

**CHAIR:** Shall clauses 2 through 22 inclusive carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clauses 2 through 22 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, enacting clause carried.

**CLERK:** An Act To Establish A Serious Incident Response Team For The Province.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 24 carried without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

**CHAIR:** The hon. the Government House Leader.

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

I move that the Committee rise and report Bill 24.

**CHAIR:** The motion is that the Committee rise and report Bill 24.

Shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

**MR. SPEAKER (Trimper):** The hon. the Deputy Speaker and Chair of the Committee of the Whole.

**MR. WARR:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 24 without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 24 without amendment.

When shall the report be received?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

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

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

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

I would call Order 7. We'll continue second reading of Bill 19.

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

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

I'm glad to rise tonight to speak to Bill 19. The particular bill we're debating is related to changes to MCRC and particular application of them. What was in that review came to the Management Commission for review and then proceeds here to the House.

Bill 19 certainly looks to that. There are a number of amendments proposed, as we go through a number of clauses, to amend the *House of Assembly Accountability, Integrity and Administration Act*.

One of the areas we've talked about, and as my colleagues have spoken to as well in the House and about the particular bill, relates to Management Commission quorum. I know through the Management Commission there were a number of areas that we looked at and talked about. While this did go through the Management Commission, on further review and us looking at it – and certainly looking at what Justice Green had done and said in his review of the House of Assembly some years ago – we thought it was relevant to have a discussion on it and bring it to the House at this point in time.

Section 18(8) of the *House of Assembly Accountability, Integrity and Administration Act* currently reads: "A quorum of the commission shall be 50% of its members, but (a) one member representing the government; (b) one member representing a party in opposition to the government; and (c) the speaker or the deputy speaker shall be present during a meeting of the commission." We would want to look at where there would be guaranteed representation from an individual from the Opposition, which I think is important.

The Green report stated in Recommendation 30(5) on page 6-14: "A quorum of the Commission should be 50% of its members provided the Speaker or Deputy Speaker and at least one member representing a party in

opposition to the government be present...." I think when we get to Committee we'll be proposing an amendment ensuring that the meeting of the Management Commission could not occur without at least one Member of the party in Opposition participating.

I think no matter what party would be in power, no matter what the details would be at any particular time, that there would be guaranteed representation from a party in Opposition. That would, I think, meet some of the commentary we saw in the Green report and bring that unbiased and confidence that all representation that's being made and can be heard through the Management Commission on decisions that are made.

I look forward to getting to Committee and having further discussion.

Thank you, Mr. Speaker.

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

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

I would like to draw the House's attention as well to a clause in Bill 19, to clause 4, subsection 18(8). The quorum used to be 50 per cent of government Members, plus one Member of a party in Opposition, and the recommendation was that the quorum be a simple majority with the Speaker and Deputy Speaker.

Mr. Speaker, my colleague, the Member for St. John's East – Quidi Vidi, wanted to point out that, yes, she accepted the recommendations of the review; however, she accepted all of them. In sense of when we look at that this recommendation can't be isolated from the MCRC's other recommendations, such as setting up a fixed calendar that is paid attention to.

Mr. Speaker, this could work, but only if there's a set calendar that is paid attention to so that Members on the Committee know ahead of time. Then there's an agreed upon future date, and then people are committed to that date. Without that, then there's no guarantee there would be a Member from the Opposition, and they feel it's

really, really important that in fact there be a Member of the Opposition.

So it's in that context that the Member for St. John's East – Quidi Vidi accepted this recommendation, because there were the other recommendations of fixed calendars that were done in a meaningful way that people could adhere to.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the hon. Government House Leader speaks now, he will close debate.

The hon. the Government House Leader.

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

I'm glad to speak to close second reading of Bill 19. This is one of those bills we actually started some time ago, and we've had a lot of time in between and we're going to move to Committee now.

I'm actually really happy it took some time, because what I can tell you, I took my original, however long it was to speak, and I went through this bill very carefully and didn't really pay any particular attention to any section. There's a reason for that, because this is not a government bill per se. This is a bill that comes from the Management Commission. Just so people know, the Management Commission is made up of Members of all parties. So I'm glad there was actually some time in between because I can tell you, I was quite – to quote Captain Renault from Casablanca – I was shocked, shocked I tell you, when I heard what two of the Members on the other side had to say, particularly the Leader of the Official Opposition and the Leader of the NDP. I'm going to lay out why.

The Member for Conception Bay South started and he put forward his points, which is fine. The Member for Conception Bay South, as well as the Member for St. John's Centre, as well as the Member for Mount Pearl – Southlands do not sit on the Management Commission. The Leader of the Official Opposition does, the Leader of the NDP does and the Opposition House Leader does.

The section that is in question here is the quorum section. Now, we're debating a bill that stems from – just so we understand, we're doing the SIRT bill, we just did this. This is a bill that's government policy. It's our policy. We brought it forward. We came up with everything behind it and we put it in the House. As the Member said before, in many cases they don't get to give input on it. This is why it goes through a debate process.

Some day we will get to legislative committees. That's going to happen at some point, but that's how governments work. Governments govern. Governments bring forward the policy that they run on. SIRT was one of our policies. We put it out and we've had what I thought was a really good debate.

This bill is a bit different. It's the House of Assembly, Accountability, Integrity – I'm just going to call it HOAAIA because I'm going to mix it up. I'm using acronyms. It's called HOAAIA, that's what we refer to it as.

What happens after every election, there is a Members' Compensation Review Committee that is struck by non-politicians, usually three people, and they go around and look at things like Members' compensation, pensions, severance, allowances and constituency allowances, all that stuff, and they come in and make recommendations on what we should do. It goes to the Management Commission, made up of Members of all parties, a non-partisan group that is supposed to sit there and debate these things and say we're going to do it or not do it. In most cases, they are accepted by the Management Commission and put forward.

I've heard the Members on the other side talk about how the Members' Compensation Review Committee did this thing so we should agree with what they did, but in this particular case, when it comes to quorum, and it's quorum of the Management Commission, they're saying: No, no, we don't agree with what that independent group said. We don't like that.

That in and of itself is fine, but here's where my issue is – again, I didn't think this was an issue. I stood up and barely spoke about it. The reason is because I sat at the table with them when this came up at Management Commission. Not once

– twice it came up and the Members opposite didn't say a word.

I tell you why that perturbs me, Mr. Speaker. I'm going to go back to some of the commentary from when we opened up this bill in the House, okay?

When we opened up this bill in the House the Member for – and I'm going to refer to *Hansard* so as to be accurate and not misquote anybody. What we have is the Member for Conception Bay South spoke of it again. The Member for Conception Bay South is not on the Management Commission, so that's fine.

What we had then is we had the Member, the Leader of the NDP or co-leader or whatever it is, came up. This is what they said that day – or, actually, do you know what I'm going to do, Mr. Speaker? I'm going to go back and talk about what they said in March. I'll take my time.

In March, I have it here, it's a briefing note from the Management Commission, a group they belong to, they sit in. They said here: "At a meeting held on March 15, 2017, the House of Assembly Management Commission approved a number of recommendations of the 2016 Members' Compensation Review Committee which require amendments to the" *House of Assembly Act*.

We, as the Management Commission, accepted these. We approved these. The way that it goes into the House is not where this is a government bill. As Government House Leader, it's the only mechanism we have to put it in there. I am the vessel through which it travels, but it comes from that Table where we all sit.

This is why it's important that we hear this because what's going to happen here, once we hear the comments from the Members on the other side, you're going to say: Wow, that's a little about-face there, isn't it?

"The amendments to the Rules will be tabled by the Speaker in the House and brought to the next meeting of the Commission for final approval." So they were talked about on March 15.

"The Government House Leader will be asked to bring the proposed amendments to the Act

forward to Cabinet for approval subject to final drafting by the Office of the Legislative Counsel and presentation to the House of Assembly as a Bill."

Every one of these was accepted – every one of them, every single one. One of them – let me see, let's get to it here now – was number 54. Where is it? I'm going to take my time here.

Recommendation 54: "Subsection 18(8) of the Act is repealed and the following is substituted: (8) A quorum of the commission shall be a majority of its members, including the speaker or deputy speaker."

The Management Commission read the report that was done by the MCRC and the MCRC said there are issues getting these meetings together, there are issues getting quorum. The reason is because it's made up of – I disagree with the Member for CBS. He said it's dominated by it – no, it's actually equal. There are three government Members, three Opposition Members, and the Speaker sits on it to cast a vote in the case of a tie. So it's not like the old IEC, which was changed, which was government dominated. Three, three, the Speaker casts the vote.

The interesting thing here, Mr. Speaker – I have to continue on. I'm going to make sure I have my notes. I got lots of time here, don't I? I got lots of time.

**SOME HON. MEMBERS:** Hear, hear!

**MR. A. PARSONS:** The Commission, made up of the Leader of the Opposition, Leader of the NDP, both sat there at the Table, and I assume they were of sound mind and body, adopted Recommendation 54 and directed that section 18(8) of the act be amended to permit that a quorum shall consist of a simple majority of the Members, without reference to government or Opposition.

So I'll tell you what's important. They sat there and said we agree with this, we need to change this, let's send it forward. Here's the interesting thing, this was in March – oh, the interesting thing, too, I got to come back to this, and God bless *Hansard* sometimes, March 15, the Leader

of the Opposition and this is in relation to that section:

“The only comment, Mr. Speaker, is I understand sometimes there are challenges in setting Management Commission meetings and that’s the nature sometimes of what happens. But I would expect that what happens right now is Management Commission and the Clerk and the Clerk’s Office sometimes goes to some length to make sure that the meeting can accommodate as many Members as possible, and I certainly appreciate it. I’m sure all Members appreciate it and I’m sure that tradition will continue, even though we’re moving to a simple majority of the Members.”

Here’s the good one: “I don’t think it’s an issue.”

**AN HON. MEMBER:** Who said that?

**MR. A. PARSONS:** The Leader of the Opposition said here in this House, recorded: “I don’t think it’s an issue; I just say that I know the intention all along was to get as many Members as possible to attend, and I’m sure that will continue.”

Now, the interesting thing, the Leader of the Opposition didn’t say a word – sorry, the Leader of the Third Party didn’t say a word. I didn’t say a word because I agree with it. I support it, I still support it. That’s what he had to say. The Leader of the NPD didn’t say a word. What’s interesting, you know what she did do? She moved the motion, seconded by the Leader of the Opposition.

**SOME HON. MEMBERS:** Oh, oh!

**AN HON. MEMBER:** You can’t make this stuff up.

**MR. A. PARSONS:** I tell you, Mr. Speaker, I echo that comment: You can’t make this stuff up.

I’ll continue on. This is where I go back to *Hansard*. They moved a motion. The Leader of the NDP moved that we accept it. The Leader of the Opposition said: I’ll second that motion; all in favour, let’s send it forward. But here’s the thing: That wasn’t the only time. It had to go to

Cabinet and then it had to come back and the second time it was again moved by the Leader of Opposition. The Member for Placentia West – Bellevue seconded it at that time, as he should, because he agreed with it.

On two separate occasions not only did he not speak to it, support it, voted for it, they moved it. One would assume they knew what they were doing, which led to my great surprise. When we come in the House on November 14, I call the bill, I speak to it and I think it’s not going to be a serious bill. Some bills you know you’re going to have a big debate. This is not one I expected, but there’s foreshadowing.

The Member for CBS spoke, but again, he didn’t vote on it. He wasn’t there. He’s not a member of the Management Commission. He didn’t, but his leader was. Then, the Leader of the NDP gets up and says: “... there is one piece of the bill that I’m concerned about and that has to do with the quorum.” It seems we’re having a problem sometimes having meetings.

“I have a real problem with it. I’m not ready to agree with this. I think that we should not be changing the makeup or the definition of quorum.” Here’s the best part: “The responsibility that’s being laid on the shoulders of the Opposition Members only in this ruling ... is unbelievable. I mean, I’m shocked.”

I have to tell you, I have a hard time, Mr. Speaker, when I sit at two meetings and they support it, they move it, they vote on it, and then they come in the House later on and say: This is unbelievable; I can’t believe that we did this. I’m sorry, I have a hard time with that. Imagine how I would have sounded if I was allowed to speak that day?

It continues on. This is the part that really, really gets to me: “The thing of allowing a meeting of the House Management Commission with three Members of government only at the meeting, to me, is completely unacceptable.”

“I just think it’s extremely disingenuous of government to go ahead and make this recommendation in this legislation without looking at the broader picture of the MCRC.”

I'm sorry if I'm confused. She moved it. She said it was good. She supported it. She moved the motion. She voted on it twice. This is not government. Government is the vessel through which it gets here. This was her own doing. So excuse me if I'm confused when she gets up and expresses how we're disingenuous. I think there's somebody disingenuous here and it isn't us.

**SOME HON. MEMBERS:** Hear, hear!

**MR. A. PARSONS:** Again, if there's an issue here, blame the staff at *Hansard*. They typed it.

Now, we'll continue on. Just so I put some context in there, if you go backwards, that was Recommendation 54. Recommendation 53 actually clearly says the Management Commission will take all steps necessary to ensure all Members are present.

One of the concerns they brought forward was that government – again, government doesn't schedule Management Commission meetings, Mr. Speaker. It's the House that schedules. The Leader of the Opposition said he had no issue with it because they've gone out of their way to make sure we're all available.

God forbid, if that's the case, and if all of a sudden it becomes partisan which, again, is completely against tradition – this here also says you have to go out of your way to ensure everybody is available. It's never been an issue ensuring that people are there, the issue is – ensuring that we have people there. We're having trouble scheduling the meetings.

They didn't have an issue with it. Now they have an issue with it. That's fine. I can't explain. Maybe during Committee the Leader of the NDP can get up and explain. If I'm wrong, call me on a point of order now. Get up and explain because not only is she going against what she voted on twice, she clearly does not understand how this process works. She clearly does not understand.

I'm going to continue on because the Leader of the Opposition got up and then he had his say. Let me see, this is the part that amazed me. I have five minutes but, you know what, I have Committee, too. It goes on. There's a little bit of

talking because there are other parts of this bill. This is the only one we're worried about, this is the only one there's contention with: "The way I look at it" – this is the Leader of the Opposition – "Mr. Speaker, we were dealing with an elephant in the room, being the pension plan, when we had a snake in the corner." His words.

We were in this room and he was saying we were looking at everything else, we didn't see the snake in the corner, but he felt so bad about it (a) he said, I have no issue with this, (b) I'm going to second that motion and (c) I'll move it the next time. What are we doing here, Mr. Speaker? It's amazing. It's absolutely amazing that a Member can stand up here with a straight face and say that after doing all this on the record.

It continues on. I'll leave it to the Leader of the Opposition to explain this one. Contrary to the Leader of the NDP, at least he recognized the fact that he had done one thing, said one thing and then did another here in the House, but he had a reason. "Mr. Speaker, I have to admit, I didn't read that phrase. I don't remember seeing that recommendation and reflecting on it prior to the Management Commission meeting, but I've certainly reflected on it since ...."

That gives me grave concern, when a Member can go to a meeting where the notes are put out well in advance, speak to it, support it, second the motion and then the next time when it comes back months later, move it. Then, Mr. Speaker, the minutes from those meetings would have come up at another meeting, plenty of occasion.

Just so you know, this was all done in March and May and we're here actually in November and December talking about it – can't remember seeing it. That gives me great concern when the Leader of the Opposition supports something and then comes back later and says I don't remember doing it.

I could continue on. The fact remains, Mr. Speaker, I understand that someone could put out a concern, but I think the MCRC laid out a change that makes sense. They agreed with it. It was an issue before. The MCRC is not government; it's an independent crowd, one that they had no issue agreeing on everything else they said, including particular Members, one in

this House, voting themselves a raise. They had no issue with that recommendation, but in this recommendation they're saying no.

There's a reason they're doing this. There's a protection put in place so that the Management Commission can do it. If people out there are wondering, the Management Commission is a non-partisan team of all Members of the House represented as non-partisan and is equal; three here, three there. It's not government led. The bills that come out of there come through the Government House Leader because that's the method that we have to do it, but it's dictated.

As you can see, they felt so strongly against it that they moved it twice. They supported it. They stand up in the House here and say they have a big issue and blame it on government; (a) they don't know what they're talking about and (b) they're trying to create something. I don't know what it is. Again, I'll repeat myself: there's disingenuousness going on here. It's certainly not me.

I think the Members on the other side will take the opportunity, when we get into Committee now, to please explain why *Hansard* was wrong.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

The motion is that Bill 19 be now read a second time.

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

**CLERK:** A bill, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3. (Bill 19)

**MR. SPEAKER:** This bill has now been read a second time. When shall the bill be referred to a Committee of the Whole House?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

On motion, a bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 19)

**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 19.

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

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

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

### Committee of the Whole

**CHAIR (Reid):** Order, please!

We are now considering Bill 19, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3.

A bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3." (Bill 19)



**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Those against?

Carried.

On motion, clause 1 carried.

**CLERK:** Clause 2.

**CHAIR:** Shall clause 2 carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 2 carried.

**CLERK:** Clause 3.

**CHAIR:** Shall clause 3 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 3 carried.

**CLERK:** Clause 4.

**CHAIR:** Shall clause 4 carry?

**MR. K. PARSONS:** Thank you very much, Mr. Chair.

I'd like to get up and talk a little bit on clause 4.

Mr. Chair, I had the opportunity to sit on the Management Commission for a period of time back about five years ago, actually. It's very interesting, the stuff that comes forward to the Management Commission, and some things that

come forward involve Members and compensation for Members and everything else.

I believe the Management Commission should be non-partial and should be – I tell you, it's not questioning the Speaker of the House, I guarantee you that, because I think the man's integrity is great, but I think this clause that's in here, and I know the House Leader was up for about 20 minutes that time talking basically about this clause, but I believe people have the right to change their mind sometimes whenever they do speak.

I looked at this clause also, and while I respect most of the people here in the House of Assembly, sometimes I can see that the decision can be made and it would be great to have someone from the Opposition Party at the table to talk about it or bring a different perspective to whatever's brought to the table.

Again, on clause 4, I'd like to put forward an amendment on this clause:

Clause 4 of the bill to be amended by adding the proposed section 18(8) to the act, immediately after the words "deputy speaker," a comma and the words, "provided at least one member representing a party in opposition to government is present." And I have copies for everyone here.

**CHAIR:** Okay. The House will recess for a few minutes to review the amendment.

### Recess

**CHAIR:** Order, please!

The amendment has been found to be in order.

The hon. the Member for Cape St. Francis.

**MR. K. PARSONS:** Thank you very much, Mr. Chair.

I'm glad. That's the first amendment I ever brought to the House of Assembly and for it to be in order, I'm very, very pleased.

Thank you very much, Mr. Chair.

**SOME HON. MEMBERS:** Hear, hear!

**MR. K. PARSONS:** Perseverance pays off. After a while I knew it would work.

Mr. Chair, this amendment, we had Justice Green here a little while ago and celebrated his retirement and the great work he's done for our province; great work he's done under the Green report for this House of Assembly because we understand that things didn't go the way they should have for years and years in the House of Assembly.

Back some years ago, Justice Green was tasked with the force to probably straighten a few things out and make sure this House of Assembly had the integrity that it should have and transparency, I guess. We always talk about integrity and transparency. That was part of Justice Green's report.

When we look back at what Justice Green talked about, the Management Commission, in his report he suggested – he was the one who said there should be presence from the Opposition parties. So to change the great work that Justice Green has done, I'm hoping all Members of the government will have a look at it and say Justice Green brought this in for a reason.

I'm not questioning – I am definitely not questioning anybody in this House of Assembly right now. I'm not questioning whether it will be the Liberal Party or it will be the PC Party or it will be the NDP that will be the government in power down the road, but this opens a door. This opens the door that for some reason or other the governing power could call a meeting together when the Opposition is not around, have a meeting and it could be concerning all Members.

I'm not saying that's going to be done now, and I'm sure the House Leader and Members on the other side – I'm not saying that could be done, but if we pass this clause the possibility down the road is that it could be done. So why are we passing this clause, when we are opening the door?

The Minister of Transportation can laugh all he wants, but down the road this clause could cause some trouble for the House of Assembly. This could cause some trouble for the people of the province because the opportunity is there to do something wrong. I'm not saying –

**MR. LETTO:** (Inaudible.)

**MR. K. PARSONS:** The Member for Lab West, I hope you get up now and talk in a few minutes. I hope you get up, the Member for Lab West; you're chirping over there all day. I hope you get up and say a few words. It would be great to hear from you.

Mr. Chair, I think that democracy – this is about democracy. It's about the country we live in. It's about the province we live in. Given the opportunity for something to be misled or miscarried and something to be done wrong, why are we doing this?

We have technology today; maybe we can change the technologies that are out there today. The technology today and I'm sure it's done in boardrooms right across this country and right across this world. I'm sure the Management Commission could come up with the technology that's available to make sure that representation is there by all parties.

Years ago everybody had to fly into St. John's to come to a meeting here. Today, that doesn't happen. We can put them up on a big screen, we can have them on your laptop or we can have them wherever you want. They can be here to that meeting. So why are we putting this opportunity in place that something can be done wrong?

I'm not saying this government or I'm not saying future governments, but down the road when I'm long gone maybe, this bill here, this clause that we're putting in here right now, something could be done wrong because malice is in place and they want to do something to affect the other group and this is the way to do it. It could be that the Opposition Party at the time, whoever it is, is away on a conference or away on something and a meeting gets called. That's wrong. The opportunity is there to do it, it's wrong.

Justice Green said it was wrong. Justice Green's report said the forum should be that representation should be there from all parties. That's all I'm asking you for, is to make sure it's done properly.

I know the House Leader is shaking his head over there, but the opportunity is there to do something wrong. Your big thing tonight was they voted for it. Let me tell you something: people can change their minds on anything. I looked at this and I thought it was wrong. I wasn't at the meeting at the time, but maybe other people are looking at it, too. There are technologies today that can put everybody at the meeting, so why not use those technologies.

Thank you very much, Mr. Chair.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Chair.

I'm not going to take up much time, but I am going to address a couple of issues here.

It was just a couple of days ago, yesterday, I think, that we voted on the pension issue. I sat as Speaker of the Legislature, I sat in charge of the Management Commission and I remember the Opposition parties saying: We can't vote for a proposal put forward by government to save the taxpayers money on pensions because it goes against what the MCRC recommended. It goes against what the MCRC recommended and we must do what the MCRC recommended. Now, I remember that. So, Mr. Chair, if we're going to be fair, we're going to be fair.

Now, I also know why Sandra Burke, who sat in this Legislature and explained some of the provisions of what the MCRC recommended and the reason the MCRC said a simple majority, is because there were a lot of games played with Management Commission meetings.

I know when I sat as Speaker and Chair of the Management Commission that we would call – and let me say this: It's not government that calls a Management Commission meeting. They may request one. The Opposition may request one. The Speaker, who is an independent Officer of this Legislature, will determine whether or not to call a Management Commission meeting. The Speaker will call the Members of the Management Commission to determine availability.

There's nobody being hoodwinked with a Committee meeting being called. There is nobody being hoodwinked with a Management Commission meeting being called because the Speaker, who is independent, will call the Members to determine availability for a Management Commission meeting.

Here's the rub: Members of one side – because you needed representation from this side of the House, that side of the House and the Third Party, if one party decided they wanted to play games and not show up and deal with an issue that the Management Commission had to deal with, they'd get busy all of a sudden the day of the Management Commission meeting and business of Management Commission would be delayed. Sandra Burke, the Chair of the MCRC, came in and said: This will force both sides to show up to meetings. It will force both sides to show up to meetings instead of playing games and one side of the Legislature or the other not showing up when the Speaker calls for a meeting.

What would happen previously is one side wouldn't show up to delay something from being dealt with, because you couldn't deal with it unless there was representation from both sides. Guess what? The way it's set up now, both sides are forced to show up and deal with an issue because you just need a simple majority. If one side doesn't show up, it's their loss; you just need a simple majority.

You could have a Management Commission meeting under the new rules with just Opposition Members. So, you bet, government is going to show up to make sure they have their say. You could have a meeting with just government Members if Opposition decides they're not going to show up. Guess what's going to happen? The fairness and the independence of the Speaker calling around to determine the availability and only upon people saying they're available will the Speaker call a meeting, then there's no backing out.

If one side of the House doesn't show up, guess what? We'll get the business of the Management Commission done, whether it's the government side or the Opposition side. So this has been set up to eliminate the game playing and one side of the House or the other not showing up for

political reasons. That's the reason the clause was put in.

So, Mr. Chair, that was done to protect the business of the Management Commission being carried out.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Mr. Chair, I just have a question, and where we're in Committee of the Whole I guess I would direct it to the Government House Leader perhaps, just to answer a simple question for me. Maybe everybody knows this, but I don't.

In terms of the House of Assembly Management Commission, can you have alternates? For example, if the Member for Ferryland is not available, could he have one of his colleagues go in his place? And if not, why wouldn't we do that? That way at least we can ensure that someone from all the Opposition parties could attend.

If the Member can't go, someone can go as an alternate for him. That way we have representation, and I would think that would be a fair way of doing it. I don't know if that would require an amendment to this, or if it could just be done as a practice. I ask the question.

**CHAIR:** The hon. the Government House Leader.

**MR. A. PARSONS:** I'll defer to my colleague who has actually sat as the Chair of the Management Commission at some point. The answer would be no, and I don't think it's something we would decide here.

What I would suggest is if the Member has a concern like that to certainly direct it to the Management Commission for consideration. Make sure it's brought up to the MCRC, but it's not something that should be decided right here. This is something that came straight from the Management Commission. It's not government-led. Government does not make that decision,

but if he feels strongly about it, then make sure it goes to the appropriate body.

Thank you.

**CHAIR:** The hon. the Member for Mount Pearl – Southlands.

**MR. LANE:** Thank you, Mr. Chair.

Just for clarification, I'm not raising this as a concern per se. I was just asking a question. I'm just raising it as a suggestion as a way we accomplish what the Minister of Finance is saying, that one side can't play games, so to speak.

By the same token, there's an opportunity that if one Member in a particular party, government or Opposition or whatever, can't go for legitimate reasons, then at least they could have an alternate. I just think that would be a fair way of accomplishing what we want to accomplish on both sides of the argument. So I will put that request in writing to the MCRC as a suggestion.

Thank you.

**CHAIR:** The hon. the Government House Leader.

**MR. A. PARSONS:** Thank you.

I don't think it was a question; it was more of a point on the record for the Member.

I do want to address the Member for Cape St. Francis, and he's laid out his concern. There are a number of reasons that I think it's completely unfounded.

If you look through the recommendations, one of the concerns brought forward by I think it was the Member for St. John's Centre was we need to have a schedule. We should have a schedule.

The Opposition has tried to paint it that the government is going to set these meetings up. In fact, the Leader of the Opposition has said: What if the Opposition are all up in Labrador and they go ahead and call a meeting on the sly? That's basically what he was saying, which shows a clear non-understanding of how the body works; but the good news is there are protections in

place which render the amendment they put forward unnecessary.

The Commission adopted Recommendation 2 and said that the Speaker shall not set Management Commission meetings that conflict with Cabinet no later than September 15 of each year; set a fixed schedule with a minimum of three Management Commission meetings of which all Members shall make a priority in attending no later than January 15 of each year; set a fixed schedule of a minimum of three Management Commission meetings for the spring.

They moved on then and said we're going to have Recommendation 53, and directed that no Member shall be permitted to be absent from any Management Commission meeting without good cause and prior approval of the Speaker. So you're not even allowed to be absent unless you go to the Speaker and say here's why I can't go.

Then the last one we have here, which I think the Minister of Finance has done a very good job of explaining why that one is put in. I think the amendment by the – again, I certainly won't be supporting because it's unnecessary. I think, quite frankly, they've twisted themselves in knots trying to get out of a situation that the Leader of the Opposition didn't know what he was doing first or last.

Thank you.

**CHAIR:** The hon. the Member for Placentia West – Bellevue.

**MR. BROWNE:** Thank you, Mr. Chair.

I wanted to lend my voice to the debate this evening as I am a Member of the Management Commission and I have been since the last general election. So, of course, we deal with a number of matters and one of the biggest matters we've dealt with is the MCRC report. One of the critiques that this MCRC made was that former Management Commissions did not address all of the recommendations that have been made.

I know the Member for Cape St. Francis mentioned he was on a previous Management Commission. Well, not all previous

Management Commissions even addressed all of the recommendations that were made by these independent panels, Mr. Chair.

We have, under the chairmanship of the former Speaker, addressed them all. I am also Chair of the Audit Committee, a sub-committee of the House of Assembly Management Commission. We've addressed all of these recommendations. I just find it ironic, and I have to stand here, Mr. Chair, to say that we sit in these chairs, we televise meetings, they are made public to the people of the province. We all agree to accept this recommendation of the MCRC.

In fact, I remember the Member for St. John's East – Quidi Vidi, when we were discussing one recommendation, Mr. Chair, she said she was going to vote for it and support it because it was a recommendation of the MCRC, pointing to its independence, the fact that they have the ability to consider everything. That was Recommendation 4.

There were a number of House positions that were reduced in pay and there were positions increased, including the NDP House Leader by \$12,000. That was a position created, independent recommendation of the MCRC, that the Member for St. John's East – Quidi Vidi voted for in the Management Commission. She didn't recuse herself, voted for it and her justification for that was because it was an MCRC recommendation.

Mr. Chair, I was there. I was sat right there and she was sat right there, and she voted for it. In fact, justified it on that basis, which is her right to do, but now we're seeing that we all agreed to the provisions of quorum, which was also an MCRC recommendation. That they voted for, that they supported and tonight they're here saying they suddenly had a change of heart. The Leader of the Opposition saying he read it and now didn't fully comprehend or understand it.

Mr. Chair, what I can say is that this is something we agreed on. It was one of 45 recommendations, I think, in the report and it's something that I encourage all Members of the Legislature to support, as it was an independent recommendation of the MCRC and something the Management Commission took great time to accept.

Thank you, Mr. Chair.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** Is it the pleasure of the Committee to adopt the amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

**SOME HON. MEMBERS:** Nay.

**AN HON. MEMBER:** Division.

**CHAIR:** Division has been called.

### Division

**CHAIR:** All those in favour of the amendment, please rise.

**CLERK:** Mr. Hutchings, Mr. Brazil, Ms. Perry, Mr. Kevin Parsons, Mr. Petten.

**CHAIR:** All those against the motion, please rise.

**CLERK:** Mr. Andrew Parsons, Ms. Coady, Mr. Joyce, Mr. Byrne, Mr. Haggie, Mr. Hawkins, Mr. Crocker, Mr. Osborne, Mr. Kirby, Mr. Mitchelmore, Mr. Warr, Ms. Gambin-Walsh, Mr. Edmunds, Mr. Letto, Mr. Brown, Ms. Haley, Ms. Cathy Bennett, Mr. Finn, Mr. King, Mr. Dean, Ms. Pam Parsons, Ms. Rogers, Mr. Lane.

**SOME HON. MEMBERS:** Hear, hear!

**CLERK:** Mr. Chair, the ayes: five; the nays: 23.

**CHAIR:** The amendment is defeated.

Shall clause 4 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

The clause is carried.

On motion, clause 4 carried.

**CLERK:** Clause 5.

**CHAIR:** Shall clause 5 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Clause 5 is carried.

On motion, clause 5 carried.

**CLERK:** Clause 6.

**CHAIR:** Shall clause 6 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Clause 6 is carried.

On motion, clause 6 carried.

**CLERK:** Clause 7.

**CHAIR:** Shall clause 7 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Clause 7 is carried.

On motion, clause 7 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

The enacting clause is carried.

On motion, enacting clause carried.

**CLERK:** An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3.

**CHAIR:** Shall the title carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

The title is carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 19 without amendment?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

The bill is carried.

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

**CHAIR:** The Deputy Government House Leader.

**MS. COADY:** Thank you very much.

I move, Mr. Chair, that the Committee rise and report Bill 19 carried, without amendment.

**CHAIR:** The motion is that the Committee rise and report Bill 19.

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All against?

Carried.

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

**MR. SPEAKER (Trimper):** The hon. the Member for St. George's – Humber, Deputy Chair of the Committee of the Whole.

**MR. REID:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 19 carried without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 19 without amendment.

When shall the report be received?

**MS. COADY:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

**MS. COADY:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

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

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

**MS. COADY:** Thank you, Mr. Speaker.

I call from the Order Paper, Order 2.

**MR. SPEAKER:** Motion 2.

The hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Speaker.

I'll read out the motion:

WHEREAS on August 22, 2017, government announced its decision to reinstate the original point-of-sale rebate on purchases of qualifying

printed books made after December 31, 2017;  
and

WHEREAS the harmonized sales tax is levied by the Government of Canada, pursuant to the federal *Excise Tax Act* and the collection of harmonized sales tax is administered by the Canada Revenue Agency; and

WHEREAS Newfoundland and Labrador entered into a federal-provincial agreement called the Comprehensive Integrated Tax Coordination Agreement which allows the province to introduce federally administered tax exemptions with certain conditions; and

WHEREAS a condition of that agreement is that a change in provincial tax policy must be brought to the House of Assembly for a vote ratifying that decision;

THEREFORE BE IT RESOLVED that the point-of-sale rebate on the provincial portion of the harmonized sales tax on purchases of qualifying printed books made after December 31, 2017 be reinstated in the same manner and form that had been employed prior to January 1, 2017.

Mr. Speaker, essentially –

**MR. SPEAKER:** First of all, I require the Minister of Finance and President of Treasury Board to move and second the motion.

**MR. OSBORNE:** Yes, I was reading out the motion, Mr. Speaker.

Mr. Speaker, I move this motion, seconded by the Minister of Tourism, Culture, Industry and Innovation.

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

I know everybody is excited, but I do get a few moments to talk.

Thank you.

Mr. Speaker, I know that all Members of this Legislature are going to support this motion

because it does remove the provincial portion of the sales tax. The federal portion is still charged on books. Most people in the province don't realize that. The federal portion of the harmonized sales tax is still charged on books. The provincial portion of that will be removed. We've asked the federal government to remove that sales tax as of January 1, 2018.

Mr. Speaker, this is something that government has heard from stakeholders, bookstores, retailers, suppliers of books and even publishers. So we've heard their concerns and we agree with those concerns. It is unfortunate that in 2016 government found itself in a position where tax increases were necessary. I think the people of the province all very well understand now why that was the case.

Mr. Speaker, I will point out – I'll get into greater detail should the need arise through the course of debate; I'll be delighted to get into more detail. I will point out something that a lot of people in the general public probably don't even realize, and that is in October of 2015 – actually, let me back it up a little bit because I released the mid-year fiscal update just a few weeks ago. That's a normal thing for government in this province to do, it has been for several years, is to release a mid-year fiscal update.

In 2015, Mr. Speaker, that mid-year fiscal update was not released; government did not come forward with a mid-year fiscal update. Even though we had called on them to tell us where we were as a province, what the fiscal situation of the province was, they had indicated the provincial deficit was \$1.1 billion. We all went on that assumption. Absolutely, government was overspending by \$1.1 billion. That's what we understood.

We went through 2015 with that understanding. We had asked for a mid-year fiscal update. Government refused in 2015 to bring in a mid-year fiscal update. We know why, because there was an election in November. In October, November they refused to provide a mid-year fiscal update to the people of the province.

Mr. Speaker, we didn't know what the true situation of the province was. We found out in December. It was quite a shock to everybody,



including us; quite a shock to the people of the province. I think it took a while for the people of the province to truly grasp the reality of the fiscal situation the province was in. But let me paint a little bit of a picture, because there are probably people in this Legislature who don't even realize what I'm about to say.

In October of 2015, government released short-term Treasury bills, Mr. Speaker, to the tune of \$1 billion. Now, we didn't know that – we did not know that. They didn't release that publicly, didn't tell the Opposition. People of the province didn't realize the situation the province was in, but here's the scary part.

We went through the election in November. Government continued to go around the province promising additional spending. They knew we didn't have the money. They weren't going to tell the people of the province that because it was election time. They went around the province promising additional spending, promising schools, promising other infrastructure, Mr. Speaker, that they knew they simply didn't have the money to put in place.

Mr. Speaker, the shock is this: that as the former Premier, the Member for Topsail, walked out of the Premier's Office in December and the new Premier took his place in the Premier's Office, within 48 hours – now, keep in mind, I just said the government went to market with short-term Treasury bills to the tune of \$1 billion in October.

Guess what, Mr. Speaker – guess what? I only found this out about a week ago and it infuriated me, Mr. Speaker. It freaking well infuriated me when I found out, but my staff in my department told me that within 48 hours of the new Premier taking office, they went to ask for an emergency issue of Treasury bills to the tune of another \$1 billion or this province would not have been able to make payroll. Now that's the reality.

That, my friends, is the reality of the situation the Opposition, who were government of the day, left this province in. That is the reality, Mr. Speaker. I couldn't believe it when I found that out.

There was an Order in Council for that, anybody can check the record. There was an Order in

Council for the one in October as well; but, Mr. Speaker, that's the reality. This province would not have been able to make payroll if we didn't issue an emergency issue of Treasury bills in December of 2015.

Now, we couldn't go and broadcast that at the time, Mr. Speaker, because the confidence of this province, the economy in this province would have absolutely spiraled. We can say it now because we've been able to get things back on track. They're not the way they should be yet, Mr. Speaker, but we're getting there – we're getting there.

Mr. Speaker, the spending in this province is still unsustainable. The situation in this province is not yet stable to the point that we would like to see it, but to have a province in risk of not being about to make payroll.

Now, the former premier and the Members on the opposite side, Mr. Speaker, knew that. We didn't even know it. We didn't know that was the shape the province was in until the Premier walked into the office and a couple of days later there's a knock on the door. That's a scary situation. We can talk about it now without risk of the economy grinding to an absolute halt because we've gotten the deficit from \$2.7 billion down to less than \$1 billion.

I sit in this House every day and I hear Members opposite putting petitions to the House looking for more money, and standing in the House and asking for more money, more spending. Then, in Question Period, they'll say: Where are the cuts?

Mr. Speaker, they can't have it both ways – they can't have it both ways. But I'll tell you this, they'll get up there and speaker after speaker after speaker over there tonight are going to say: Shame on you for bringing in the taxes.

Well, Mr. Speaker, we had to bring in the taxes to pay the short-term Treasury bills that they didn't even tell us were going to be demanded. Didn't even tell us –

**MR. HUTCHINGS:** (Inaudible.)

**MR. OSBORNE:** You're darn right I'm angry, I say to the Member for Ferryland, because of the situation you guys left the province in. And

the gall of them to stand up and complain about the measures –

**MR. SPEAKER:** Order, please!

**MR. OSBORNE:** – that we're taking place, the gall of them, Mr. Speaker, to stand up.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**AN HON. MEMBER:** Where were you?

**MR. OSBORNE:** I'll tell you where I was.

**MR. SPEAKER:** Order, please!

Minister of Finance, please continue.

**MR. OSBORNE:** Mr. Speaker, thank you.

I'll tell them where I was. I was in Cabinet on that side – I was – when we increased.

**SOME HON. MEMBERS:** Oh, oh!

**MR. OSBORNE:** Do you want me to tell you why that decision was made? Do you want me to tell you? I'll tell you and then I'll get back to my situation. I'll tell you why that was made, because I was asked to do something by your former premier that I refused to do.

**SOME HON. MEMBERS:** Hear, hear!

**MR. OSBORNE:** Now, that's a fact.

**SOME HON. MEMBERS:** Hear, hear!

**MR. OSBORNE:** That's a fact. You know what it was.

**MR. SPEAKER:** Order, please!

I ask the hon. minister to address his remarks to the Speaker, please.

Thank you.

**MR. OSBORNE:** Thank you, Mr. Speaker.

I'm not afraid of anybody over there. I can tell you I know where all the closets are and all the skeletons, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. OSBORNE:** So I'm not afraid to deal with the issues.

**SOME HON. MEMBERS:** Hear, hear!

**MR. OSBORNE:** I'll tell you something, Mr. Speaker –

**AN HON. MEMBER:** (Inaudible.)

**MR. OSBORNE:** You're right, I was in Cabinet over there. We had an infrastructure deficit, there's no doubt about it. The province went through decade after decade of not having enough money to invest in schools and hospitals, there's no doubt about that.

Government after government, Mr. Speaker – and you can't blame any of the governments because the province simply didn't have the money for decades, regardless of political stripe, to put the money into hospital spending, school spending and road construction. There was an infrastructure deficit.

When I was in Cabinet, we increased the provincial budget from \$4.5 billion to \$5.4 billion. After I left Cabinet, the provincial budget went from \$5.4 billion to \$8.7 billion – unsustainable.

I'm going to tell you something about the unsustainable budget. They knew it. They knew it was unsustainable because in the Throne Speech of 2014, Mr. Speaker, they said it was unsustainable. They said they needed to make cuts but, you know what, they didn't.

In former Throne Speeches, they talked about the fact that spending was unsustainable and they were going to deal with it, but they didn't. Mr. Speaker, they knew the spending was unsustainable and, in fact, I knew it when I was over there. You wonder why I left.

Mr. Speaker, there were Members on that side of the House that knew the spending was unsustainable. Former ministers of Finance from

that side talked about the fact it was unsustainable, but there was such an insatiable urge to pull out the chequebook and spend money that the spending didn't stop, they managed by chequebook. That's the reality.

Now, back to my comments because this is important. We didn't know the fiscal situation of the province, Mr. Speaker. We didn't know that as the Premier walked in, there was an emergency demand to release Treasury bills to the tune of \$1 billion literally two months after there was another release of Treasury bills for \$1 billion.

Mr. Speaker, that's a pretty sad state – a pretty sad economic state for this province. That's why there were measures, drastic measures, put in place by this side of the House. That's why those measures were put in place.

Mr. Speaker, as we are able to get things under control, and as we are able to deal with the fiscal situation the province is in, we're bringing the taxes down. We've seen it with the gasoline tax twice. That was lowered. The levy that was put in place – there's legislation in place to eliminate the levy. We've eliminated the book tax. As we're able to afford to lighten the burden on taxpayers in this province, we will do that. We will gladly do that because we've reached deep enough into the taxpayers' pockets in this province.

The fiscal situation of the province is still unsustainable. The spending is unsustainable. When we took office, when we formed government, in addition to the \$1 billion in Treasury bills that were issued in October of 2015, and then the emergency issue of \$1 billion of Treasury bills in December of 2015, do you know what, Mr. Speaker? This province was borrowing on average \$4.38 million a day – simply unsustainable.

The Members on the opposite side of the House will talk about what have we done to address the situation? Well, we got the province's spending down from \$4.38 million a day to roughly \$2 million a day, Mr. Speaker. That's what we've done.

We've raised taxes enough. We're trying to reduce them as we can afford to. We need to

find efficiencies in agencies, boards and commissions, we need to find efficiencies within government, but we have our province's borrowing on an average daily basis down to about \$2 million a day.

We still need to do more, Mr. Speaker. We need to create a situation in this province where the fiscal situation is sustainable. That's what we're going to try to do. It starts here with eliminating the book tax.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. PETTEN:** Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. PETTEN:** That was pretty entertaining. Yeah, that's right, it's not totally entertaining, if you look at it from the context that some of us, I know I viewed it as.

You want us to thank government for eliminating the book tax. You want us to thank you for reducing the gas tax. Thank you for reducing the levy. The levy's not gone.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

Please proceed.

**MR. PETTEN:** Thank you, Mr. Speaker.

I'm sorry, but when I talk to people on the street, there are no thanks going across the way. The Minister of Finance can get up with his antics and blame the former administration for all their problems, but as my colleague pointed out there – and it kind of got his dander up a bit – in 2003 to 2007, he was a Cabinet minister in this former administration. From 2007 to 2011 he was an MHA, Deputy Speaker, in this administration. It was only in 2012 he entered an identity crisis and didn't know where to go. So he sat for a

while, then he decided to cross over to the other side – which is his own prerogative. He has friends over there. He has others that did the same thing – that's fine.

Don't stand up here with your righteous indignation, though, and stand up and everything is wrong now, everything is wrong, everything is wrong that happened for all those years, for those almost 20 years he served in this other administration, now we're terrible? Now it's terrible? I have an issue with that, Mr. Speaker.

One thing, if anyone knows me, and I've been on the record as saying I don't like pretentious – I don't like pretentious. I like be who you are. Stand up and be counted. Don't all of a sudden everything is wrong, what you stood for for most of your career. Now all of a sudden you're on the other side and everything that was done prior, there's a reason why it was done and it's all bad? I have an issue with that. I think a lot of people out there, when you look at it for what it's worth, most people should have an issue with that.

That's not what we're here for. That's not who we are. That's not who I am. If I get defeated in 2019, I'll go down the same person that got elected. I stand up for what I believe in. People voted for me because of who I was, and I will be that same person whether they vote for me or don't vote for me, whenever that day comes, Mr. Speaker. I stand by that, and that's the way I came into this. I walked into this career that way and that's the way I'm walking out of it –with my dignity.

Getting back to my point of book tax and gas tax and all this, and where we had a deficit they didn't know, even though it was announced and it was a \$1.2 billion deficit in the budget of 2015. For some reason they never had enough people to read the documents to show that it was a deficit. Everyone else knew there was a deficit. Sure, the deficit was higher than anticipated, but I hear the same over and over repeated comment: we didn't know, we didn't know, we didn't know. They didn't know. Why didn't you know? What didn't you know? Then you're crediting because you've lowered the deficit.

In December of 2015 this government brought a black cloud over this province, and to this day

that cloud has not lifted. So you can remove your book tax, and yeah, you saved, what was that, to make a million dollars? You crippled rural Newfoundland in regard to literacy; little libraries in communities, that was the lifeline of those communities. It was one of the biggest outcries for the smallest cuts you made. It was one of the biggest outcries from the people in this province.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. PETTEN:** No one in this House can deny that. I was taken aback by it myself. It was a huge outcry, you can't deny it.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Order, please!

**MR. PETTEN:** You're reversing your cuts for that reason. It wasn't a money-maker; it was just a bad decision. It's just as well to acknowledge what it was. It had nothing to do with your so-called major deficit. One million dollars is not going to save you \$2.8 billion, I say to the Minister of Finance. So it's all about the optics. It was a bad decision; now you're trying to turn it around and make it a good decision.

You put 16.5 cents on as the gas tax, you lower it by 12.5 cents and then you want people to get up and applaud you. It's great news – and they're up, yes b'y, it's all great, yeah. We're still paying four cents more since 2015 or when it came in as a result of *Budget 2016*, but you want us to clap.

I have the Member for Burin – Marystown –

**AN HON. MEMBER:** (Inaudible.)

**MR. PETTEN:** Whatever. Sorry about that. The name –

**MR. K. PARSONS:** Placentia West – Bellevue.

**MR. PETTEN:** Placentia West – Bellevue. All he wants to talk about is ferries. Yeah, we can talk about that, I say, another day, Mr. Speaker. I'm on the book tax issue now, but ferries are an

issue. Ferries have been around for a long time, Mr. Speaker.

**MR. BROWNE:** What about (inaudible)?

**MR. PETTEN:** I say to the Member opposite: There are a lot of communities that depend on those ferries; why don't you go talk to them?

**MR. SPEAKER:** Order, please!

**MR. PETTEN:** Why don't you ask your colleague next to you about ferries?

**MR. SPEAKER:** Order, please!

The temperature is getting just a little too warm here. Let's just calm it down.

The Member for Conception Bay South is identified to speak. That's all we should be hearing from. Everybody will have a crack at it.

Please proceed.

**MR. PETTEN:** Mr. Speaker, getting back to this book tax, I'm one of the people who enjoy elections. It's stressful. I knocked on a lot of doors in Mount Pearl North and –

**MR. K. PARSONS:** They spoke.

**MR. PETTEN:** They spoke. Yeah, they did. They spoke on November 21, but they spoke every time we knocked on a door.

They never individually mentioned the book tax when I knocked on their door. The Minister of Finance knows I can carry on a conversation with anyone at any door and we'll always have a conversation about what you think. Sometimes they didn't like us. I'm not saying that – again, I'm not living in a pretentious world. I'll be honest. Sometimes they didn't like what we did. The big criticism I heard over and over and over and over again – it wasn't about ferries, it wasn't about Muskrat Falls, even though that came up – it was taxes, taxes, taxes, taxes, taxes.

My colleague for Cape St. Francis knocked on just as many doors as I did, as well as my colleague for Conception Bay East – Bell Island. They can tell you the same thing. And so did all of you across the way. I'm sure you heard it. I

heard people – I can't stay here anymore, I'm moving away. A lot of the empty nesters in there – why am I staying here? I've told my children.

A family I met; she said, I have two children – I've known her for a long time – I'm telling them not to come back here. Do you know why? Taxes, taxes, taxes.

**MR. LETTO:** Shame on you.

**MR. PETTEN:** I say to the Member for Lab West – shame on me. No, Sir, not shame on me. You're saying shame on the people for Mount Pearl North. They spoke to me about this. I'm telling their story, Mr. Speaker.

Maybe we all should speak for more people in this community and our people we represent. These were true stories. My colleague for Ferryland was at doors. We knocked on doors together and we heard the same stories: taxes, taxes, taxes. You take credit – so it's all about taxes. That's what we heard.

On November 21, the people spoke. They gave their verdict and the verdict is they're sick of taxes, they're sick of fees.

These are the fees and tax increases in the 2016 budget – 300 of them. I guess when we get the carbon tax figured out, it will be 301. We might have to get another sheet added into this, but we'll figure that out when the time comes. It's no less; it's not going to be any less. As you reduce one, there's another one coming. We know there's one in the replacing of it.

To hear the opposite taking praise, to be getting credit for doing something, for doing what? For fixing something you should never have brought in? I say, we're glad it's gone, but I question what were you ever thinking to bring it in. I think a lot of people in this province asked that: What were you thinking to bring that in?

Gas tax, insurance tax, levies; they cut right at the core of every citizen in this province. You said, Minister, putting hands in people's pockets. People have had quite enough of that. That book tax is only the tip of the iceberg; there's an awful lot more hands in the pockets yet. There's a lot more stuff coming out of people's pockets today that need to be stopped as well.

The book tax, yes, it's important – it's very important – but there are a lot of other taxes around in this province. We heard it loud and clear, as did you in Mount Pearl North. People have had enough.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I've stood and presented a petition almost every day that the House was open (inaudible) since this tax came into effect and –

**MR. SPEAKER:** May I just have order for a moment?

Just to the attention of all Members in the House, we are having some audio challenges. You will note that some of the mics are on, some of them are off. We may be signalling to you if Hansard is not picking it up, but yours is working right now.

St. John's Centre, please proceed. It's working.

**MS. ROGERS:** It's working?

**MR. SPEAKER:** Yes.

**MS. ROGERS:** Okay.

Thank you very much, Mr. Speaker.

Once again, since the book tax came into effect, I stood in the House almost every day that the House was open to present a petition on behalf of the thousands of people who signed those petitions saying that they didn't want books taxed, that they were against this new imposition of a book tax. Although we know really what it is. It was a tax rebate for the provincial tax on books and they wanted that rebate reinstated. For brevity sake, we're going to call it the book tax.

Mr. Speaker, in the last two budgets, government waged a war on literacy, on the

people of Newfoundland and Labrador. First of all, they were going to close half the libraries. We're still not quite sure what's going to happen with that. Then, they taxed books –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS. ROGERS:** Thank you, Mr. Speaker.

Then, they decided to tax books. Again, we are the province with the lowest literacy rates in the country and we were the only province that was taxing books.

It's very interesting to hear the Minister of Finance and his big flourish of theatrics tonight about the financial situation of the province. I believe, Mr. Speaker, that, in fact, the financial situation of the province was real, that some of the information he gave us was probably accurate, but let's see what government did about that. In the last two budgets, this government basically waged a war on literacy. Not on illiteracy – they waged a war on literacy, making it more difficult for people who have low literacy rates.

In fact, what they should have done – government's role during this really tough time should have been to help strengthen some of the most vulnerable people in this province to help them weather the storm. Instead, government made it even more difficult for them. I'm not so sure, Mr. Speaker, that it really was a good economical decision in the long run. There seemed to be no cohesive plan to the types of cuts that were done at the great expense and on the backs of some of the people who were least able to pay those taxes.

The tax on books really affected our local booksellers. We know when we take a look around our province, how hard it is for independent booksellers to maintain their business. We've seen independent booksellers – there was one that just closed in St. John's, Afterwords. That bookseller had been open for years. There are very few independent booksellers left in this province.

Independent booksellers are really important. So what happened is that a lot of people directed

their business to online vendors so they could avoid the tax. There is even one bookstore here in town that decided they would pay the tax themselves.

Booksellers are small businesses in our communities; they're very important small businesses in our communities. One of the things about our local booksellers is they promote the books written by our own authors, local authors. So our local authors took a hit as well.

We see that fewer people were buying from local bookstores because of the imposed tax. The rollout effect there was on our local authors. A lot of our local authors came to the forefront; they spoke out publicly about the effect of this book tax on the province.

For instance, our homegrown boy, Rick Mercer – quite a celebrity in Canada and even beyond the borders of Canada – said the tax will put a damper on reading in a province with one of the lowest literacy levels in the country. He said – this is his quote, Mr. Speaker: “So when you are increasing taxes on books, you are accepting the fact that fewer books will be sold. And so it is an attack on literacy, there's no other way to look at it.”

Mr. Speaker, we know this tax on books was ill thought out. I kept thinking people all over the province were thinking: What in God's name is this government thinking to tax books?

Then those who were really hit hard by this tax on books were our students. Already, our students in post-secondary education – the downward fiscal pressure on Memorial University, for instance – they'd already been burned. Memorial University had already been burned by this government. But then, Mr. Speaker, –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS. ROGERS:** – the added burden of tax on books. Some textbooks that students had were \$300 a book, which meant that was an increase of \$30 – \$30 extra for one book for students, many of whom are some of the most

economically vulnerable folks in our province right now while they're going to school.

Some students paid as much as \$1,000 a semester for their books. Technical textbooks are very expensive, so it meant they spent an extra \$100 on taxes on textbooks. Mr. Speaker, these weren't frills; these were absolute necessities for our students. It made no sense whatsoever to tax textbooks.

The average student in fact spent anywhere from \$800 to \$1,000 on textbooks per year, which meant an additional \$80 to \$100 taxes on their textbooks in addition to the extra fees that have been imposed on them, because of the downward financial fiscal pressure on Memorial University by this government.

What should we have been doing? We should have been strengthening our students. We should have been finding ways to get books into the hands of all of our people because we know that education is absolutely paramount in lifting people out of poverty, and then, also consequently, Mr. Speaker, lifting our province out of poverty.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

Please proceed.

**MS. ROGERS:** Thank you, Mr. Speaker.

In fact, instead of this government putting downward pressure on students and downward pressure on our small booksellers, downward pressure on our authors, downward pressure on our publishers, they should have been strengthening them.

Cutting libraries and taxing books was the antithesis, the opposite of what this government should have been doing. Particularly in this tough financial time, particularly when we need to strengthen our communities, strengthen our people so that they can not only weather this storm, but also, Mr. Speaker, so that they can be full participants in the recovery of our province, educating our people so that they can be part of building our province by making our province more financially viable.

These taxes were short-sighted. The possibility of closing libraries was short-sighted. Then, Mr. Speaker, even further, the cutbacks on home care, the cutbacks and the complete cutting of the Adult Dental Program, the cutting of the over-the-counter drugs. I know that the Minister of Health and Community Services, who was a surgeon, would not be very happy if his patients weren't able to afford their stool softeners and their laxatives after surgery. He wouldn't be happy about that at all. Those kinds of cuts were so short-sighted.

Now the Minister of Finance tells us there's going to be legislation to remove the levy. I'll be interested to see that coming forward, Mr. Speaker. I'm sure that will be welcomed by the majority of people in this province, again, who have been battered in this storm, not only by the economic situation of the province, but what government has done in their short-sighted, misdirected cuts that were not part of any kind of comprehensive plan in terms of strengthening the province and strengthening the people of the province.

Mr. Speaker, I have one more petition that I look forward to reading on behalf of the people – I tried to read it today and I'll hopefully be able to read it tomorrow – to make sure that all those who vehemently oppose the tax on books will be heard in this House.

Thank you, Mr. Speaker.

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

**MR. LANE:** Thank you, Mr. Speaker.

I'm going to take a very quick moment. Obviously, I think, I as well as I'm sure all members on all sides of the House are in support of this motion to remove the book tax. I'm not going to take this opportunity to relive the budget debate of 2016. I think there's no need of doing it; people know where everybody stands on it.

As far as this bill goes here, this is being reversed. I think it's a good thing that it's going to happen now and I will be supporting it.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** If the hon. the Minister of Finance and President of Treasury Board speaks now, he will close debate.

The hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Speaker.

Mr. Speaker, I'm only going to take a couple of minutes now; I think the points were made in the House. This is an important day for this Assembly. We still need the federal government on January 1 to remove this portion of the tax for the province and we look forward to that.

Mr. Speaker, the reality here is nobody on this side of the House enjoyed putting this tax in place. Nobody on this side of the House enjoyed any of the taxes that were put in place, but they were necessary. If it was a popularity contest, we'd be out spending money that the province didn't have.

We had to put measures in place, Mr. Speaker, to ensure that the bond rating agencies that give very direct instructions to this government, and the lending agencies that give very direct instructions to this government – when we issued an emergency release of Treasury bills in December, we got the message. And that was you need to, very quickly, put measures in place to get the fiscal situation of the province under control and you develop a plan.

A plan is almost like turning a cruise ship, Mr. Speaker. It turns very slowly. You get slow movement. It's very difficult, after years and years and 49,000 public servants in this province – I mean 15 years ago we had 40,000. But with two major projects in the province coming to a close, a third one winding down, and the result of people who were working in Fort McMurray – you can almost call that a fourth major project in this province – measures had to be taken. We couldn't afford to lay off thousands of people without shocking the economy.

We are finding efficiencies. We're doing that. Despite inflation, Mr. Speaker, we've been able to hold spending steady. As we can afford to remove the taxes that we didn't want to put in



place, that the people of the province didn't want to see, we will remove them because it's the right thing to do.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

Is it the pleasure of the House to adopt Motion 2 as it appears on the Order Paper?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

This motion is carried.

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

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

Seeing the hour of the day, I move, seconded by the Member for Grand Bank, that the House do now adjourn.

**MR. SPEAKER:** This House now stands adjourned until tomorrow morning at 10 a.m.

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