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OF
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HANSARD

Speaker: Honourable Wade Verge, MHA

Monday

November 17, 2014

The House met at 1:30 p.m.

SERGEANT-AT-ARMS: All rise.

Madam Clerk, His Honour the Administrator has arrived.

CLERK (Barnes): Admit His Honour the Administrator.

SERGEANT-AT-ARMS: It is the request of His Honour the Administrator that all present be seated.

CLERK: Members of the House of Assembly:

On September 5, 2014, I received from the Honourable Ross Wiseman, Member for the District of Trinity North, his letter of resignation as Speaker of this Assembly. In accordance with the Standing Orders, I advised all Members of the House of Assembly of the vacancy in the Office of the Speaker.

I have a proclamation from His Honour the Lieutenant Governor:

TO: Honourable J. Derek Green
Chief Justice of Newfoundland and Labrador,
Court of Appeal.

GREETING;

A PROCLAMATION

WHEREAS by a letter of resignation addressed to the Clerk of the House of Assembly, the Honourable Ross Wiseman, vacated the position of Speaker of the House of Assembly on 5 September, 2014; and

WHEREAS the House of Assembly will resume sitting at 1:30 o'clock in the Afternoon of 17 November, 2014 in accordance with the adjournment motion passed by the House of Assembly on the 5 June, 2014; and

WHEREAS it is not convenient to bring the Assembly together on the said day until the Members of the House of Assembly have chosen a Speaker;

NOW THEREFORE, I, the Lieutenant Governor of the Province of Newfoundland and Labrador,

do authorize and direct you, the said Honourable Derek Green, to signify to the Members of the said House of Assembly on the 17th day of November, 2014 that it is my pleasure that they should choose some person to be their Speaker and to present such person on that day for my approbation.

Your Honour.

His Honour the Administrator.

ADMINISTRATOR (Honourable J. Derek Green): Members of the House of Assembly, I have it in command of His Honour the Lieutenant Governor to acquaint you that His Honour having been informed of the vacancy in the Office of the Speaker of this Assembly and it being necessary that a Speaker of this Assembly be chosen, it is His Honour's will that you, the Members of the House of Assembly, do proceed to the election of a Speaker and that you present that person here today for my approval.

SERGEANT-AT-ARMS: All rise.

[His Honour the Administrator leaves the Chamber.]

CLERK: Please be seated.

At the close of nominations for the Office of Speaker at 4:30 p.m. Friday, November 14, 2014, one candidate put his name forward.

Accordingly, further to order 4 suborder (4) of the Standing Orders, I declare Mr. Wade Verge, Member for the District of Lewisporte, elected as Speaker for the remainder of the Forty-Seventh General Assembly.

SOME HON. MEMBERS: Hear, hear!

[The Premier and the Leader of the Official Opposition lead (drag) the new Speaker to the Speaker's Chair. The Premier and Leader of the Official Opposition help the new Speaker into his robe.]

MR. SPEAKER (Verge): Well, ladies and gentlemen of the House of Assembly, it is my turn just to have a few remarks. This is quite the honour. I want to thank the hon. Premier and

the hon. Leader of the Official Opposition for dragging me to the Chair.

I want to start my remarks by welcoming all of you back to the House of Assembly and by acknowledging some family and friends I have in the Speaker's gallery: my daughter, Jenelle; my sister, Marion; two of my nieces, Sara and Michelle; and two of my lifelong friends, Peter and Jim. I want to thank you for joining me in this ceremony today.

We have had a number of changes take place since the House of Assembly recessed on June 5, 2014. I would like to congratulate the hon. Premier on his election and to wish him well in this very important position. We also have a new member with us today and he will be officially recognized and welcomed after the approbation of the Speaker takes place.

I would also like to take this opportunity to recognize the great work done during the past three years by my predecessor, the Member for Trinity North and the current Minister of Finance, as he occupied this Chair. Thank you, Sir, for a most excellent job and also for willing to be my mentor during the three years that I served as your Deputy Speaker. I wish you well in your current portfolio and I look forward to listening to you debate matters in this House. Before too long, I fully expect you will be back to your original form and I will find myself having to remind you that your time is up.

I was first elected in October of 2007 and for seven years I have had the honour of representing the people of Lewisporte district in this Legislature. It is a job that I have taken very seriously and it is also a privilege that I am thankful to have had and to have.

My sincere thanks must first go to the people of my district who have placed their faith in me to be their representative in this hon. House. I would also like to express my sincere thanks to all members present today. You have agreed to have me serve as your Speaker. This is an honour and a privilege that I willingly accept. It is my desire to conduct the duties and the responsibilities of this office in a fair, impartial, and competent manner.

This is a position – some of you may know – that I have wanted and hoped for since first being elected. The tradition of dragging a Speaker to take his or her place in the Chair dates back to the beginnings days of the British Parliamentary system in 1377. In those days, the Speaker was the person who delivered messages from the Commons, or the ordinary people, to the Monarch. It was not a safe thing to be doing because if the King or Queen were displeased with the news then the brunt of the Monarch's displeasure was felt by the messenger: the Speaker.

Some of the Speakers at that time met with a violent death when bringing unwanted news to the Monarch. Therefore, being a Speaker was a job that historically people had to be pressured into taking. In this modern age I feel no danger in accepting this position, and to be truthful, I did not have to be pressured into it. In fact, I would have been willing to run to the Chair, because I am honoured to be able to sit in this Chair and to preside over the proceedings that will take place in this House.

Finally, to my close friends and family, especially to my wife Lori, and to my two children, Jenelle and Latoya, thank you for standing by me, thank you for your support. You are the people I am most indebted to. You are the people who deserve my greatest thanks. I thank you from the bottom of my heart.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER DAVIS: Mr. Speaker, I move, seconded by the Leader of the Official Opposition, that the Member for Port de Grave be appointed Deputy Speaker for the remainder of the Forty-Seventh General Assembly.

MR. SPEAKER: The motion is that the Member for Port de Grave be appointed as Deputy Speaker.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. the Premier.

PREMIER DAVIS: Mr. Speaker, I move, seconded by the Leader of the Official Opposition, that the Member for Bonavista North be appointed Deputy Chair of Committees for the remainder of the Forty-Seventh General Assembly.

MR. SPEAKER: The motion is that the Member for Bonavista North be appointed as Deputy Chair of Committees.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

SERGEANT-AT-ARMS: Mr. Speaker, His Honour the Administrator has arrived.

MR. SPEAKER: Admit His Honour the Administrator.

SERGEANT-AT-ARMS: It is the wish of His Honour the Administrator that all present be seated.

PREMIER DAVIS: May it please Your Honour, the House of Assembly, agreeable to Your Honour's command, have proceeded to the choice of Speaker and have elected Wade Verge, Member for Lewisporte, to that office, and by their direction I present him for approbation of Your Honour.

ADMINISTRATOR: On behalf of Her Majesty, I assure you, Mr. Speaker, of my sense of your efficiency and I do fully approve and confirm you as Speaker.

MR. SPEAKER: Your Honour having approved the choice of this House in constituting me as their Speaker, it now becomes my duty in the name of the representatives of Her Majesty's loyal subjects to ask that I, as Speaker, may have full access to Your Honour's presence at all times.

ADMINISTRATOR: Mr. Speaker, I am commanded by His Honour the Lieutenant Governor that your words and actions will constantly receive from him the most favourable construction.

SERGEANT-AT-ARMS: All rise.

[His Honour the Administrator leaves the Chamber.]

MR. SPEAKER: Please be seated.

Before we begin Routine Proceedings, I would like to observe an old parliamentary tradition. I have the pleasant task of formally welcoming a new member who was duly elected in the by-election of August 26, 2014. The new member is Mr. Scott Reid, representing the District of St. George's – Stephenville East. I have been advised by the Clerk of the House that the member has taken the Oath of Office and the Oath of Allegiance to the Crown as required by the Constitution and has signed the Members' Roll.

The hon. the Leader of the Official Opposition.

MR. BALL: Mr. Speaker, I have the honour to present to you, Mr. Scott Reid, the Member for St. George's – Stephenville East.

MR. SPEAKER: Welcome to the House of Assembly.

Let the member take his seat.

[Applause.]

MR. SPEAKER: Also today in the Speaker's gallery I would like to make mention of Mr. Rex Hillier. He is the Member-Elect for Conception Bay South. He will be sworn in within the next week or so and, at that time, Mr. Hillier will be taking his seat in the House of Assembly.

As well, in the Speaker's gallery today we have Mrs. Patricia Davis, mother to the Premier, and we have Robin and Lynn Ward. Robin and Lynn Ward are the Premier's aunt and uncle and are visiting from Ontario.

Welcome to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Again, before we continue, I would like to welcome back our returning Page Fatimah Rathore and to introduce three new Pages: Ashley Bradley, Raylene Mackey, and Lauren Stokes.

Welcome to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will hear members' statements from the Member for the District of Fortune Bay – Cape La Hune; the Member for the District of Placentia – St. Mary's; the Member for the District of St. George's – Stephenville East; the Member for the District of St. John's Centre; the Member for the District of Carbonear – Harbour Grace; and the Member for the District of Humber Valley.

The Member for the District of Fortune Bay – Cape La Hune.

SOME HON. MEMBERS: Hear, hear!

MS PERRY: Thank you, Mr. Speaker.

I rise in this hon. House today to extend congratulations to Alaina Joe for her prestigious accomplishment of being crowned Miss Teen Newfoundland and Labrador, 2015. We are extremely proud that Alaina was recognized for the amazingly gifted individual she is, and we are certainly looking forward to watching her shine during this exciting year ahead.

Alaina rose to the challenge of meeting Miss Newfoundland and Labrador's rigorous search for a community-minded, well-rounded young woman with integrity, strong academic and leadership skills. Remarkably, Alaina also received the Humanitarian and People's Choice Awards.

Today, I would like to thank Alaina for being such a tremendous role model for youth, as well as for her dedication to preserving the Mi'kmaq language and culture – her talent submission of *Amazing Grace* in Mi'kmaq was absolutely beautiful. With her remarkable skills, talents,

and giving nature, we will no doubt be seeing many more accomplishments that will inspire youth in our Province, particularly Aboriginal.

I ask all members of this hon. House to join me in congratulating Alaina Joe, who at such a young age shows the true beauty of the human spirit and what can be achieved when you set your mind to achieving your goals.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Placentia – St. Mary's.

SOME HON. MEMBERS: Hear, hear!

MR. F. COLLINS: Thank you, Mr. Speaker.

Mr. Speaker, I rise today in this hon. House to pay tribute to Donnie Gibbons of St. Mary's who passed away on November 9.

Donnie's fifteen-year battle with cancer reflected the spirit and determination that characterized his lifelong entrepreneurship in St. Mary's. His family business interests included retail services, school bus transportation, construction, ambulance, and funeral services. Mr. Speaker, Donnie Gibbons was an integral component of the social and economic fabric of the St. Mary's Bay region, and he was a proud Newfoundlander and Labradorian.

He touched the lives of many, as was evidenced by the hundreds who attended his funeral service and showed up to pay their respects both in St. John's and in St. Mary's.

I ask all members of this hon. House to join me in expressing appreciation for the great contribution that he made to his community and to his Province, and to express sincere condolences to his wife Jean, his son George, and daughters Josephine and Donna.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of St. George's – Stephenville East.

SOME HON. MEMBERS: Hear, hear!

MR. REID: Mr. Speaker, today I would like to recognize the induction of eight outstanding women and men this past October into the Newfoundland and Labrador Volunteer Hall of Fame. In particular, I would like to recognize Mr. Frank Berkshire of Doyles in the District of St. George's – Stephenville East.

Frank Berkshire moved to the Codroy Valley in 1966 to teach and immediately immersed himself in the community. As an educator, he took part in extracurricular activities beyond the classroom including acting as a moderator for the Reach for the Top team, the drama group, and the school's safe prom. Mr. Berkshire introduced and coached high school hockey, basketball and softball for both boys and girls. He established the first Cub pack in the area, and served as a Scout leader for many years.

Others inducted this year were: Cecilia Carroll of Torbay; Geoff Eaton of St. John's; Bridget Leyte of Fogo; Thomas Maddox of King's Cove; William Mahoney of St. John's; Rita Pennell of Trepassey, and Bruce Templeton of Outer Cove.

I ask all members to join with me in recognizing the contributions made by these eight people who have been inducted into the Volunteer Hall of Fame this year.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Thank you, Mr. Speaker.

The Royal Canadian Legion, Branch 1 opened on Henry Street in 1928, the first in Newfoundland and Labrador. In 1983 it moved to Blackmarch Road, now in the heart of St. John's Centre.

It serves its members with pride, compassion and dedication, supporting veterans, military personnel, their families and the broader community. For instance, this week they will have a community flu clinic. They hold bingos,

dances and other events, including affordable social activities for seniors, who often face isolation because of limited incomes.

The amazing group of volunteers, led by President John Grenning, the executive and Manger Todd Martin, include the women's group who cater for events. They receive no government funding and raise money through their Poppy Campaign to support veterans' badly needing help. Branch 1 is also home to the Korea War vets and the Canadian Peace Keepers, of which my own father was a proud member.

Last Tuesday I attended Remembrance Day services at Branch 1. Together we attended the Field of Honour, laid wreaths at the Legion memorial, and paraded to the War Memorial ceremony. Returning to Branch 1 for soup and sandwiches, we raised a glass to honour and thank those who have given much to our country and to our Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Carbonear – Harbour Grace.

MR. SLADE: Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to recognize the efforts of all those who have made the Jerry and Bobby Thoms Children's Library a tremendous success in the Town of Carbonear.

The children's library was established out of a vision by Tracey Vaughn-Evans, who saw the need for a section in the town's library that would address children's interests. Together, with help from volunteers and donations from the service clubs and private citizens, especially cousin David Coish, the library became a reality and was officially opened on May 24, 2014.

The library has seen actors, artists, and writers of all kinds volunteer their time with the children. Through storytelling and active interaction, the library has attracted children, and yes, adults of all ages, and has become an integral part of the community.

The library was named the Jerry and Bobby Thoms Children's Library in memory of thirteen-year-old Jerry and eleven-year-old Bobby Thoms, brothers who were lost at sea off the coast of Labrador in 1979.

Mr. Speaker, I ask all hon. members to join me in congratulating Ms Vaughn-Evans and all volunteers and donors who have contributed to the success of the library.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Humber Valley.

MR. BALL: Thank you, Mr. Speaker.

I rise in this hon. House today to congratulate the Town of Cormack on their 50th Anniversary. The community of Cormack started in 1946 as part of the Post War Settlement Program. This was intended to assist the agricultural industry in the region and to provide a settlement for returning war veterans.

Mr. Speaker, 163 veterans were approved for the settlement in Cormack, and after completing an agricultural training program, each was provided with a plot of land to develop and a loan for a home, farm equipment, and livestock. Cormack was incorporated on April 8, 1964, and a town council was established to continue efforts for electricity and telephone services.

Mr. Speaker, because of Cormack's unique history, the community continues a tradition of hosting their Remembrance Day ceremonies on the first Sunday following November 11. I was very fortunate to have attended the ceremony yesterday to honour the servicemen and women of our great country. Ironically, yesterday there was one veteran from that original group in attendance.

Mr. Speaker, I ask all members of this House to join me in extending congratulations to the Town of Cormack on fifty years of incorporation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, back on June 4, the day before this House adjourned, police officers were targeted while on duty in the City of Moncton, New Brunswick.

Two RCMP officers were injured, and three lost their lives: Constable David Ross, Constable Fabrice Georges Gevaudan, and Constable Douglas James Larche. I had the honour of attending their funeral services on behalf of the government and the people of Newfoundland and Labrador – a day I will not soon forget. Sadly and tragically, others who have served to protect us here in Canada have also lost their lives in the months since then.

On the morning of October 20, a Warrant Officer with twenty-eight years of service in the Canadian Forces, Patrice Vincent, was targeted in Quebec while walking in uniform with a fellow Canadian Forces soldier. He was deliberately attacked and murdered on a public street.

Two days later, on the morning of October 22, Corporal Nathan Cirillo, a twenty-four-year-old Canadian Forces Reservist, was targeted while on ceremonial sentry duty at the Canadian National War Memorial in Ottawa. He was approached from behind, while carrying out a most honourable function in recognition of those who have paid the supreme sacrifice. He, too, was targeted and another young life was lost.

In the days that followed, and especially on November 11, Canadians in record numbers stepped out of their homes with poppies over their hearts to visit war memorials in their communities, to honour those soldiers and to remember the many, many thousands of others who stepped forward and made grave sacrifices to protect us all.

Mr. Speaker, like all other Canadians, Newfoundlanders and Labradorians are feeling a wide range of emotions as they reflect on these events: anger that anyone would commit such a heinous act; grieve that precious lives have been taken from those who love them; but also tremendous gratitude, pride and unshaken resolve not to surrender our security and our freedom to those who threaten it.

Here in this House of Assembly, we are elected collectively to represent Newfoundlanders and Labradorians. I believe it would be fitting for all of us to rise on behalf of our Province in a moment of silence to honour Warrant Officer Vincent, Corporal Cirillo, Constable Ross, Constable Gevaudan, Constable Larche, and the multitude of others who have served and sacrificed for the rights and privileges that we all enjoy.

I would ask, Mr. Speaker, that after us as caucus leaders and my colleagues opposite have spoken, you would lead us in marking a moment of silence in honour of those that we remember here today.

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

MR. BALL: Thank you, Mr. Speaker.

I want to thank the Premier for the advance copy of his statement today. I believe it is very timely, given the week that we have just had in many of the remembrance ceremonies that we have all attended I am sure.

The tragic loss, as the Premier reminds us today, back in Moncton in June and indeed in Quebec on October 20, and October 22 in Ottawa, these were all devastating blows to our men and women in uniform.

In Moncton, three RCMP officers were serving to protect the people of that city when they lost their lives, and two other RCMP officers were injured. RCMP Assistant Commissioner Roger Brown is from our Province. He is based with the RCMP detachment in Codiac, New Brunswick, and worked very closely with officers during that troubling event in the days in Moncton.

In Quebec, Warrant Officer Patrice Vincent of the Canadian Armed Forces lost his life while wearing his uniform in public on October 20. We remember the discussion that came out of this in the events after that in Ottawa about whether these men and women should wear a uniform. We all know that our men and women continue to wear the uniform because of their courage and their bravery. We are certainly thankful for that.

Just after two days of the events in Quebec, we saw the horrific attack on our Nation's capital which claimed the life of Corporal Nathan Cirillo, an Armed Forces reservist who was standing on guard at the National War Memorial in Ottawa on October 22.

Today I speak on behalf of the entire Opposition caucus when I express sympathies to the families of these brave men. Earlier this month I had the honour, as we all did, in visiting the displays of the Armed Forces when the Afghanistan Memorial Vigil was on display here at Confederation Building. We are all humbled to hear the stories of the soldiers who gave their lives in the Afghanistan mission, several who were from this Province.

I will join, and I encourage the Speaker, as we will participate in a moment of silence today.

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

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

I thank the Premier for the advance copy of his statement. I am very pleased to be able to stand and have the opportunity to respond to his fine statement.

We all have to remember that we need people whose job it is to protect us as individuals and to protect our society; people whose jobs require them from time to time to be in harm's way, as were all the individuals who have been named here today by the Premier.

These people, whom we depend on to do this work, also have an expectation of being protected. When tragedy strikes and lives are lost, we all also have a duty to remember their

sacrifice. We also have a duty always to do all we can to provide training and resources to ensure to the best of our abilities the safety of our peace officers and peacekeepers.

I hope that the tragedies that have happened in our country over the past months will be a time for us to reflect on what we have to put in place, both on a federal level as well as here in our Province. I look forward to our moment of silence in their memory.

Thank you, Mr. Speaker.

MR. SPEAKER: At the request of the Premier, I would ask all members to stand and engage in a moment of silence.

[Moment of silence.]

MR. SPEAKER: Thank you; you may be seated.

The hon. the Deputy Premier.

MR. KENT: Thank you, Mr. Speaker.

National Addictions Awareness Week is being recognized from November 17 to 21 in Newfoundland and Labrador. This week provides an opportunity for Canadians to learn more about substance abuse prevention, to talk about treatment and recovery, and to bring forward solutions for change.

Led nationally by the Canadian Centre on Substance Abuse, this year's theme places particular emphasis on youth substance abuse prevention.

Drinking and taking drugs continue to be significant issues for youth. Alcohol and cannabis are the most common drugs of choice; however, prescription drugs are also problematic. Collectively, as a society, we must all do our part to learn more about prevention and ways we can improve our existing treatment and recovery methods. The recently formed Community Coalition for Mental Health in St. John's is an outstanding example of a community coming together to raise awareness and take action.

Mr. Speaker, our government invests approximately \$100 million annually to provide mental health and addictions programs and services in the Province through our regional health authorities.

A continuum of services for addiction prevention and treatment is available and includes youth outreach workers, dedicated addictions prevention staff, individual and group counselling, withdrawal management and residential treatment.

In June of this year a new youth residential addictions treatment centre opened in Grand Falls-Windsor. Construction of a second adult residential addictions treatment centre in Harbour Grace is ongoing with an anticipated opening in the spring of 2015.

This past spring, our government launched the *Understanding Changes Everything* campaign which is aimed at challenging, and ultimately changing, the way people think and act toward individuals with a mental illness or addiction.

Mr. Speaker, I encourage all hon. members and members of the public to help create further awareness around this important issue. We all have a role to play and as a government, we are committed to enhancing services and supporting those in our Province who are living with addictions.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

I thank the minister for an advance copy of his statement. Substance abuse is a real issue in this Province. Any time there is an opportunity to bring awareness to mental health and addictions issues, we should all take that opportunity.

The last line in the release says that government is committed to enhancing services and supports. Eight years ago, government committed to a provincial substance abuse strategy to prevent and treat substance abuse. It was not just a

commitment on paper; it was a major undertaking by government. There was a Province-wide committee that had representatives from government, RNC, RCMP, community stakeholders, and even individuals in recovery.

The strategy was written; the document was complete. It took over two years to complete these consultations, do the work, and write the document. The strategy was needed then, but government walked away.

Government does not have a strategy to help deal with these issues. Government says they are committed to enhancing services. Sadly, they walked away from the last significant effort to make some real change in this Province.

Thank you, Mr. Speaker.

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

MS ROGERS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. On October 15, over 1,000 people came together at Holy Heart Theatre for the Launch, an initiative I organized by inviting over thirty-five groups and individuals concerned with the serious state of mental health services in the Province. They joined together to form the Community Coalition for Mental Health.

These are much-needed initiatives. Although Understanding Changes Everything sounds like a great initiative, raising dialogue is not enough. The coalition is demanding that government call an all-party committee to take a good hard look at the situation and to come up with guidelines for overhauling our mental health and addiction services. Children waiting one to two –

MR. SPEAKER: Order, please!

I remind the member her speaking time has expired.

MS ROGERS: Thank you, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to rise today in this hon. House to provide an update on the provincial-municipal fiscal framework. In 2013, government committed to a comprehensive review of the fiscal framework, and we remain on target to complete our work to inform Budget 2015.

The goal of this review is to examine the existing provincial-municipal fiscal framework to identify options for efficient and effective ways for services to be delivered, paid for, and shared in our Province.

Mr. Speaker, as part of the review, government committed to consulting with various stakeholder groups in the general public. These consultations were designed to ensure that the view of municipalities, local service districts, residents of unincorporated areas, and all who utilize municipal services were indeed considered.

I am pleased to say that through partnering with both Municipalities Newfoundland and Labrador and the Professional Municipal Administrators, we are able to engage over 500 stakeholders in the municipal sector, including local service district Chairs or committee members and rural secretariat councils. In addition, written and in-person input was received from the business sector, from organizations such as the Canadian Federation of Independent Business, Hospitality Newfoundland and Labrador, the St. John's Board of Trade, and Chambers of Commerce across the Province. The department also received feedback from the public through online submissions and a telephone survey.

As Minister of Municipal and Intergovernmental Affairs, I thank all stakeholders who participated in the consultations. The in-depth feedback has been instrumental in assisting the department in identifying efficient and effective ways for sustaining service delivery, recognizing our vast geography. The department also conducted a jurisdictional review of other provinces and territories to obtain information about their provincial-municipal fiscal relationships and certainly their governance structures.

We have taken all that information gathered, as well as Municipalities Newfoundland and Labrador's recent recommendation document, and are now turning our attention to a series of potential changes that will begin in 2015 to achieve the core objective of this review.

Mr. Speaker, in the coming weeks we will issue a comprehensive "What We Heard Document" from the consultation process and it will be posted on our department's Web site.

We have made great progress with this review and by continuing to work together, I am confident that we will be able to produce a provincial-municipal fiscal framework that will improve communities and regions in this Province and enhance sustainability into the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Thank you, Mr. Speaker.

I thank the minister for the advance copy of his statement. I see here that the minister said that we started the commitment in 2013. Actually, when you made the commitment it was 2008, one year after the hospital in Corner Brook, Mr. Speaker. We see here all the municipalities are mainly volunteers, so we need to help with the consultation because these volunteers need help in their communities.

MNL has submitted its final report of what is the plan to the government, Mr. Speaker. They are hoping for a response and they are hoping to have something in place by 2015.

The MNL document was a decision for a fiscal framework to bring to Cabinet, Mr. Speaker. I am asking the government now that after six years, after making these commitments, let's help these volunteers, let's help the communities, let's help rural Newfoundland to remain viable, and let's help them all work together so we can say that we as parliamentarians are doing something for rural

Newfoundland and doing something for municipalities and offer this fiscal framework that was committed back in 2008.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

I would like to also thank the minister for the advance copy of his statement. I have to remind government, since 1973 municipalities have been looking at a new fiscal framework and it is yet to be delivered.

Mr. Speaker, I had the occasion to attend the Municipalities NL conference in Corner Brook in early October, where MNL presented its *What's the Plan* funding document containing suggestions to government. I hope government has taken these suggestions in. We can only hope that whatever government arranges with municipalities it keeps the taxpayer insulated from any possible increase to their tax rates. We hope that collectively this message is what government has heard the most, and that government acts on the recommendations of that report.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

Welcome and congratulations on your new post, and of course, the new Pages that we have here in the House of Assembly.

Now to the questions; Mr. Speaker, last January the power went out throughout our Province. Most people referred to it as a crisis. In

response, government approved \$120 million for a generator at Holyrood.

I ask the Premier: With winter fast approaching, is this generator ready, and what will people of Newfoundland and Labrador expect? Will they expect to have their power on this winter?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

I, as well, congratulate you and the Pages who have now been assigned here today, and I thank the hon. member opposite for his question.

I can assure the member opposite, as well as the people of Newfoundland and Labrador, that Nalcor are working towards taking all the steps and efforts to ensure that a reliable supply of power is provided for the coming winter season. We know winters can be quite harsh in Newfoundland and Labrador, and I can assure you that we intend, and we will hold them accountable, to ensure they get the work done that needs to be done to ensure that power supply is available throughout the winter season, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The Premier mentioned a reliable source of power, when already Nalcor has admitted that the schedule for the Holyrood generator is under pressure and they will not know until December when it will be ready to generate power. The Liberty report, through the Public Utilities Board, reported that power outages said that the new generating capacity should be the first priority and ready for December 1, just two weeks away.

I ask the Premier: Will they meet the deadline or not, and why has this project been delayed?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, the supply of power is very important to the people of the Province, especially when we have harsh conditions that we see in the wintertime. Everyone deserves to have a reliable service throughout the entire Province, throughout the Island portion of the Province, and especially throughout Labrador where winters can be very difficult and very challenging at the best of times.

We understand, and we know that Nalcor are having challenges in meeting their deadlines. We are assured they are working hard to ensure they have all the equipment, supplies, opportunity, and the system in place to provide that reliable service throughout the winter, Mr. Speaker, and I expect nothing less from Nalcor, that they be prepared for this coming winter.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, we expect nothing less. We are two weeks away from what the Liberty report suggested would be the deadline, December 1.

Will the Premier let the people of Newfoundland and Labrador know when this generator will be ready?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, I am not in a position today to get an exact final date because these projects are large and complex and they have so many factors that can impact them.

I am aware of the date the member opposite is referring to and the importance that we have this service in place and ready for this winter. I am assured by senior officials at Nalcor that they are working very hard to meet the expectations and requirement before the onset of winter in Newfoundland and Labrador.

As I have said already, and I will say again, we will hold them accountable. We expect a reliable service provided by Nalcor, and they assure us they are working to make sure they can provide that service, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The Premier already said he is working closely with Nalcor. He has already said they are going to keep Nalcor accountable; yet, here we are just two weeks away from December 1 and the Premier cannot answer that one question: When will the generator be ready?

The reason for the new generator was to meet peak energy demands and avoid another crisis like last January. It now seems likely that this generator will not be ready on time.

I ask the Premier: What is your back-up plan to keep the power on in this Province if this generator is not ready?

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, the entire Province is well aware of the issues of last January. I think it is important for the people of the Province to know their government, and no doubt the Opposition as well, have full expectation that work will be done by Newfoundland and Labrador Hydro to ensure they deliver the power throughout the winter.

The member opposite well knows – he has had a briefing from Nalcor and Newfoundland Hydro, he has had all the details of winter readiness. I think he would agree that there has been a tremendous amount of work and effort done by the company, Mr. Speaker. There has been \$260 million invested in terms of asset management for aging infrastructure. Mr. Speaker, a tremendous amount of work has been done.

There was a planned date of December 7 for the turbine. There has been some scheduled risk with parts, Mr. Speaker, but we will hold them accountable like everybody else in the Province.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

We understand that our power system was on alert just last weekend. This is because Holyrood had 190 megawatts of power out of service, Bay D'Espoir had 153 megawatts out of service, and Stephenville had 50 megawatts out of service. According to Hydro's Web site, the current demand on the power system is 1214 megawatts. It is nearly reaching capacity.

I ask the Premier: Can you confirm that the system was on alert, and should the people of the Province be preparing for more rotating power outages in the near future?

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, Newfoundland and Labrador Hydro have been in the power business for well over fifty years. We have considerable generation assets, Mr. Speaker. They are old, and we have 15,000 kilometres of transmission line in this Province. They do their very best to keep this functioning and to ensure that we have reliability, Mr. Speaker.

I think it was last weekend we had winds of up to 150 kilometres in this Province. I think anytime it is important to put that system on alert. We do know, Mr. Speaker, from reports of winter readiness, a tremendous amount of work has been done and investments have been made to get those generation assets up and ready for the winter season. They have assured us that they will be ready, Mr. Speaker.

Again, we have high expectations, without question, that they will be ready, and will be ready to deliver reliable power to the people of the Province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I ask the Premier, or the Minister of Natural Resources: Was there an alert last weekend by Newfoundland and Labrador Hydro?

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, I would have to check for sure to see if there was an alert, and if there is I have no problem reporting that.

As a matter of fact, Mr. Speaker, I would suspect due diligence by these companies, certainly from experiences last year and the expectations of the people of the Province, the expectations of all the work that has gone on from Liberty, to the PUB, to their internal work, to their external work with Newfoundland Power and Newfoundland and Labrador Hydro, that there are lessons that have been learned, Mr. Speaker, and if there are issues, it is important to let the people of the Province know what it is.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

At least thirty-five children have died while under the Province's care since 2009. However, of the initial twenty-six deaths reported in the media, the Child and Youth Advocate only knew of six. The Advocate has requested legislative changes to make reporting mandatory.

I ask the Premier: Will you bring forward those legislative changes in this session of the House of Assembly?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, nobody, who has not experienced such a tragedy, can imagine what it would be like to experience the loss of a child in their family or a close loved one. They are very, very important matters, Mr. Speaker, and need to be dealt with very seriously.

In the past year we have brought forward, and now have in operation –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER DAVIS: – a new Child Death Review Committee, which is made up of a panel of experts who review essentially all deaths of children and youth in Newfoundland and Labrador. I want to see a circumstance where both the Child and Youth Advocate and the Child Death Review Committee can work together in partnership, not work against each other. I have contacted the Child and Youth Advocate and I have invited her to come to a Cabinet meeting on her next opportunity to have a full discussion about what she has been proposing.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

One of the findings in all of the Advocate's investigative reports has been about the high turnover in the department and the fact that she is claiming this is a factor of the children falling through the cracks. There have been five ministers in CYFS, Child, Youth and Family Services, in five years, four in the last fourteen months.

I ask the Premier: Why is the department's leadership constantly changing with such a high turnover as has been cited by the Advocate as a factor in children falling through the cracks?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, I tell you there is no correlation between the turnover and changes in ministerial positions versus in staffing. There are a high number of staff, and very hard-working staff in the Department of Child, Youth and Family Services. I know from my own experiences, in working side by side with child protection workers, it can be some of the most challenging and difficult work that a social worker can endure during their career.

I am pleased to say there are some child protection workers who have many years' experience working in the department, and what existed prior to the department through the delivery – through health care services. Mr. Speaker, we have a combination of new, we have a combination of those who have several years of experience, and we also have people who have great experience working in the Child, Youth and Family Services department. I can tell you, Mr. Speaker, they do very good work for the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. J. BENNETT: Mr. Speaker, in August, an access to information request by the media revealed twenty-six children and youth died while under this Province's care since 2009. Regrettably, six weeks later, government discovered it missed seven children and two more had died.

I ask the Premier: How did his government overlook those seven child deaths?

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

SOME HON. MEMBERS: Hear, hear!

MR. S. COLLINS: Thank you, Mr. Speaker.

Actually, it was through a custom query. Those twenty-six were arrived at through a tedious process with staff going over and reviewing files, understanding, of course, that some of those files would have lied with the regional health authorities, as the transitioning had not occurred throughout that time where it was

ongoing throughout. It was only after that, through a custom query, where we called in special IT support, that we were able to find the others.

When I say able to find the others, Mr. Speaker, it is important to know these were not unknown deaths. These were deaths that were very well known by front staff, as well as those involved, as well as all those in the department. It was through that custom query we were able to find those additional numbers. It is important to know that these were not unknown deaths whatsoever. It was the tool we used to pick up those numbers from the dataset we had.

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. J. BENNETT: Mr. Speaker, the Advocate did not know that information.

Mr. Speaker, the minister indicated that these seven additional child deaths were discovered after a senior staff member requested a customized database search of records.

I ask the minister: How confident should the public be in the care of children by this government when it takes a database search to uncover how many children have died?

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

SOME HON. MEMBERS: Hear, hear!

MR. S. COLLINS: Mr. Speaker, I have every confidence in our staff. As I had said, we were the ones, and as the member actually alluded to, we were the ones who initiated that second search. We wanted to make sure – I had discussions with staff, I wanted to make sure that the number we put forward was the most accurate and true number. It was through that custom query, as I had said that we followed up, that we provided that additional information.

When we were made aware of it, we let the Child and Youth Advocate know right away. This is not anything about politics, it is about –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. S. COLLINS: – getting the most possible, most accurate information out. It is a very serious topic, one that I take very personally and seriously as minister, and I want to make sure any information that comes from our department is not only accurate, but also shared with the Child and Youth Advocate, and that is exactly what we did.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, the new 911 system is flawed and a downgrade for the twelve fire departments in the Western Region. Government today changed implementation to part of the 911 system and allowed the RNC to continue services without extra fees to these twelve municipalities.

I ask Minister Manning: By these changes you are admitting the system is flawed; will you do a complete review of the 911 system before downloading on volunteer firefighters?

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I thank the member opposite for his question, because the 911 is very important to this government. It was only last May that we brought in legislation, Mr. Speaker, that extended the coverage of 911 across the entire Province. So whether you live in a very small community in my district, like Lamaline, or a very large community, like Corner Brook or St. John's, we now provide the service all across the Province, and right up into Labrador, Mr. Speaker.

The member opposite references a particularly unique area, with respect to how the service was previously delivered on the West Coast in the Corner Brook region. He is correct. The minister was out in the area Friday and met with

municipalities and those who had concerns out there. I am pleased to say, as the Premier has said repeatedly, that we are here to listen.

She has listened to the concerns. She made an announcement today that we will provide the same kind of coverage for that area of the Province as they have been accustomed to for a transition period, Mr. Speaker, recognizing this is an important issue for all of the Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: I will let the minister know, the meeting was Thursday. Corner Brook will have full dispatch. So Corner Brook is not affected, they will have full dispatch. Thank God for by-elections, I say, if not this would not be changed, and thank God that the volunteer firefighters stood up to this government again.

Mr. Speaker, Minister Manning stated that the 911 system cannot dispatch for the 270 fire departments. She stated the cost is too high.

I ask Minister Manning: Will you table the cost analysis to confirm this decision?

MR. SPEAKER: The hon. the Minister of Tourism.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

An interesting request coming from the member opposite, considering that every day in the media they are criticizing government for spending on important initiatives.

Most recently, we announced a move forward with a new courthouse in St. John's as part of consolidation of services. It is going to save the taxpayers money, and we are criticized for that. Now today they are here, Mr. Speaker, looking for us to spend more money.

I say to the member opposite, what we have done is the first in Newfoundland and Labrador to extend 911 service across the entire Province

of Newfoundland and Labrador – a bold move, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. KING: An important initiative that is applauded and celebrated by all of these emergency organizations that had previously no access, and no ability to access such a service.

I say to the member opposite, we will continue to move forward with the implementation plan that we have identified. The only change is that the minister heard some concerns on Thursday – and I thank you for correcting me. She heard the concerns and she has responded appropriately.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, I hope Minister Manning soon gets elected. At least she will know that the cost for this 911 will be seventy-five cents, Minister, per phone in the Province. That is what is paying for this, not the government. It is a fee to the people.

Mr. Speaker, Minister Manning stated in a public meeting that people are happy with the 911 system. The minister just stated it himself again. When a call is made to 911 for a fire emergency, you are forwarded to a beeper. There is no confirmation that the call was received and no confirmation that responders will be responding.

I ask the minister: How can people have confidence in the system when volunteer firefighters do not?

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I would say to the member opposite, it is not entirely accurate the picture he is painting there today. First of all, as the minister has demonstrated, this is a new service. It is

something brand new for many of us who do not have the luxury of living in the urban centres like Corner Brook or St. John's, Mr. Speaker, and I represent one of those areas. This is brand new for residents in my district and many parts of the Province, and it is important.

Mr. Speaker, as the minister has just demonstrated, as we work through this process if there are bugs or flaws that we need to iron out, then we will work through it. Clearly, the legislation that we have introduced and was passed by this House of Assembly is very important and very progressive. Contrary to the member opposite, it is being well received throughout the entire Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, I ask the minister: If the 911 system is so good, why is Vince MacKenzie, the president of the fire association of Newfoundland and Labrador, telling the people in his area who have dispatch and others, do not call 911, it is a delay? I ask the minister to respond to that.

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, I cannot speak for Mr. MacKenzie. I encourage the member to reach out to Mr. MacKenzie and he can ask him himself.

What I can remind the member, Mr. Speaker, is that it is not the provincial government's responsibility to provide dispatch services. There are obligations in the Municipalities Act that rests within municipalities and rests with various emergency providers.

The 911 service that we are providing, Mr. Speaker –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. KING: Members opposite had their opportunity to do that for ten or a dozen years and did nothing with it. We brought this legislation forward, Mr. Speaker, because it is good legislation. We will continue to support the legislation.

If there are changes required in the future then we will certainly consider that, as the minister has demonstrated very clearly today by listening to the people of Corner Brook who raised concerns and she has made a change in a transition process.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Mr. Speaker, the Minister of Justice acknowledges family violence affects most families in this Province, and has committed to ensuring that all the necessary resources are put forward to ensure that we have the best possible response.

I ask the Minister of Justice: Seeing as how you recognize this, will you reinvest the \$1 per person per year to reinstate the Family Violence Intervention Court?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, the member opposite raised a very important matter on family violence, which plagues families in communities throughout Newfoundland and Labrador – unfortunately plagues, and causes troubles and difficulties for parents, children, and families throughout our Province.

I am very interested in the Family Violence Intervention Court. I have seen the work that they have done in the past, and through my own lifetime have had such experiences with such matters.

I have asked the minister, and work is underway, to review the Family Violence Intervention Court – not to reinstate what previously had

existed, but to look at it from a point of view of are we able to provide these services throughout Newfoundland and Labrador, to rural parts of Newfoundland and Labrador, to other places outside of the greater St. John's area, just like areas the member opposite represents.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Mr. Speaker, when the Premier was asked in the leadership debate about the Family Violence Intervention Court, both him and the Deputy Premier stated that the only drawback was that it was only available in St. John's. The Premier states that again here today.

So I ask the Premier: If it was so worthwhile, why did you vote to eliminate it, rather than expand it back then?

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, I would like to speak to that because the member opposite is fully aware that I was the minister at the time that the decision was made to eliminate the Family Violence Intervention Court – and I have been very clear on record, probably 100 times in this House; Hansard will show. The reason government chose to eliminate the Family Violence Intervention Court was a budgetary decision. I have been clear to members of the Opposition. I have been clear to the Member for St. John's Centre.

Repeatedly, the decision was never made because we did not see any value in the Family Violence Intervention Court. Check Hansard, over and over I have been clear upon that, but government had to make tough financial decisions, and they are not easy. If you want to be in leadership, you have to make decisions, and that was one of the decisions we had to make as part of a budgetary process.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Member for Mount Pearl South.

MR. LANE: Mr. Speaker, while Minister Manning was a Review Commissioner with the Workplace Health, Safety and Compensation Review Division none of the nineteen reviews assigned to her were completed within the required sixty days. Although Minister Manning and the Premier say this is not an uncommon problem, that does nothing to help the injured workers affected.

I ask the Minister of Service NL: Have these nineteen outstanding cases now been dealt with? If not, when will this important work be completed?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

I can tell you the work to complete those cases is underway by the Workplace Health, Safety and Compensation Review Division. I can also point out to the member opposite –

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Order, please!

PREMIER DAVIS: – we recognize that there are issues and backlogs in the review division. I know that just a few short years ago there was a larger backlog.

When I was Minister of Service NL and Minister Responsible for the Workplace Health, Safety and Compensation Commission, I took steps to deal with that backlog. There is a significant shorter backlog now than there was just a few short years ago.

The discussions that I have had with the Chief Commissioner, as well as with the minister, is that we reflect on the fact that we have to do a better job and we have to make more improvements to shorten this wait-list even further and that work is underway.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

The answer that we are working on it is of little comfort to the injured workers requiring to have their cases heard.

Mr. Speaker, while the unelected minister's outstanding caseload is disturbing enough, we are told that there is in fact 150 cases outstanding at the workers' comp review division.

I ask the minister: How do you plan to address the systemic issues responsible for these unacceptable delays?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: I am not sure if the member opposite got my last answer, Mr. Speaker, because I think addressed some of that, but I will be pleased to address it again.

We have already taken steps to shorten the wait-list. There are some, what I would see as systemic issues in the review division of the Workplace Health, Safety and Compensation Commission. Mr. Speaker, these reviews are important to injured workers. Now, I get that, and we get that as a government. We want to make sure that we can provide the best services possible to injured workers; we are looking through reviews of their files. That is why I have instructed the Minister of Service NL, and I have had a conversation with the Chief Review Commissioner, that they work together and bring forward recommendations to government so that we can review what the options are available, and we can take steps to correct those backlogs.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's North, time for a quick question.

MR. KIRBY: Mr. Speaker, two national reports on early childhood education show that Newfoundland and Labrador remains mired at

the bottom among Canada's provinces when it comes to the provision of child care.

I ask the minister responsible: When is his government going to get its act together and actually make early childhood education programs accessible for working families in Newfoundland and Labrador?

MR. SPEAKER: The hon. the Premier, for a quick response.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, very recently, two reports that were released in relation to early childhood education – and I would like to point out if you read those reports, you look at those reports, and also talk to people in the industry, that the steps that we have taken as a government have in large part improved the opportunity for early childhood education, and will improve the education of children in Newfoundland and Labrador.

The changes we have made in the department, by moving early childhood education into the Department of Education, has been heralded by people in the industry as a great move by this government, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Third Party.

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

The Premier has announced the date of the health summit he is planning as a way to reduce health care spending. He also says he wants people to tell him what their concerns and issues are. In a town hall on health care that I held recently in my district, I heard many issues presented by the people who attended.

So, in their name, I ask the Premier: Will his summit deal with the serious issue of long wait times for specialists in the Province?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, I am quite pleased that the Minister of Health has begun the process – and the process was recently announced to do a consultative process with the people of Newfoundland and Labrador, because we have to focus and provide the best health care possible to the people of the Province.

We invest significantly in health care; 39, almost 40 per cent of our entire budget is invested in caring for the people of Newfoundland and Labrador, Mr. Speaker, but we are not going to rest there. Despite putting large amounts of money, it is not satisfactory to us, because we need to find the best way to deliver the best services for the people. We have done good work, Mr. Speaker. We have some of the shortest wait times right now in many areas. The shortest wait times in Canada for hip and knee replacement, one of the biggest demands in services, and we have other wait times, Mr. Speaker, that are the best in the country.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

I point out to the Premier, the issue that I raise, what the people raise, is the issue around specialists, and he is not hearing that issue.

I ask him: Will his summit deal with the issues of the almost 50,000 people with diabetes in this Province, issues such as lack of coverage for diabetic strips or universal coverage for pumps? Listen to the issue, Mr. Premier.

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, we have more doctors working in Newfoundland and Labrador today than ever before in the history of this Province.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: We have the highest percentage of nurses per capita right here in Newfoundland and Labrador, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: It is specialists who do hip and knee replacements, Mr. Speaker. It is specialists who are cardiologists, who are offering leading programs in North America right here in Newfoundland and Labrador. We have the shortest wait times in cardiac catheter surgeries and procedures. We have the shortest wait times. We have done good work, Mr. Speaker, to improve wait times in emergency rooms.

This summit that we are doing, that this government is doing, Mr. Speaker, is going to work hard to make better the health care services for the people of the Province throughout Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Mr. Speaker, seniors across the Province living on GIS and OAS are calling my office in desperation saying after paying rent and utilities many have only \$150 or less for food, transportation, and clothing, and that is per month. They have nowhere else to go. They are being crushed by this economy. This is their reality.

I ask the minister, will he immediately develop a special rental assistance program for seniors that include more rent supplements?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, this is another area where we continue to focus and do good work. We have made great gains in poverty reduction in Newfoundland and Labrador. Since 2006, I think it is \$1 billion that we have invested in poverty reduction in this Province. As a result of that, Mr. Speaker, we have fewer people

relying on social programs than ever before. We are taking steps.

When people want to transition from social programs to working, to gain gainful employment, we have done programs such as extending their health benefits. They can continue to receive those benefits, medications and those types of benefits, while they transition into the workplace. We have taken great steps to improve that. Again, like many other things that we do as a government –

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Mr. Speaker, I ask the minister: Why will he not make rent supplements portable so seniors can choose where they want and need to live?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

I apologize for running over the last time, but I was getting to rent supplements and the great work that Newfoundland and Labrador Housing does. We make more investments in rent supplements for people in the Province, particularly seniors. Quite often seniors benefit from rent supplements that are available. We have more rent supplements than we ever had before, Mr. Speaker.

As I was saying to the member opposite, we realize that we have to continue to find better ways to deliver services to the people of the Province of Newfoundland and Labrador. They deserve nothing less than that from us. Our government over here, Mr. Speaker, is going to continue to work day in, day out to provide the best services possible for the people of the Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Presenting Reports by Standing and Select Committees

MR. SPEAKER: The hon. the Minister of Service Newfoundland and Labrador.

MR. CORNETT: Mr. Speaker, on behalf of the Select Committee appointed to draft a reply to the Speech from His Honour the Lieutenant Governor, I am pleased to present the report of the Select Committee which reads as follows:

To His Honour the Lieutenant Governor, the Honourable Frank Fagan, CM, ONL, CMA.

May it please Your Honour: We, the Commons of Newfoundland and Labrador in Legislative Session assembled, beg to thank Your Honour for the Gracious Speech which Your Honour has addressed to this House.

I move, seconded by the Member for Port de Grave, that the report be adopted.

MR. SPEAKER: When shall the report be received?

The hon. the Government House Leader.

MR. KING: Now.

MR. SPEAKER: Now.

The hon. the Government House Leader.

MR. KING: Mr. Speaker, I am assuming we are moving into notices of motion. The report is being tabled now but will be spoken to a little later.

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

MR. KING: As I was saying, Mr. Speaker, I move, seconded by the Premier, that the debate be deferred.

MR. SPEAKER: Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

On motion, debate deferred.

MR. SPEAKER: Tabling of Documents.

Tabling of Documents

MR. SPEAKER: The hon. the Minister of Finance.

MR. WISEMAN: Mr. Speaker, pursuant to section 26.(5)(a) of the Financial Administration Act, I am tabling seventeen Orders in Council relating to funding of precommitments for the 2015-2016 to the 2020-2021 fiscal years.

MR. SPEAKER: Further tabling of documents?

Notices of Motion.

Notices of Motion

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

MR. KING: Thank you, Mr. Speaker.

I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Elections Act, 1991, Bill 25.

MR. SPEAKER: Further notices of motion?

The hon. the Minister of Finance.

MR. WISEMAN: I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Revenue Administration Act, No 3, Bill 26.

MR. SPEAKER: Further notices of motion?

The hon. the Minister of Service NL.

MR. CORNETT: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled,

An Act Respecting Chartered Professional Accountants And Public Accountants, Bill 27.

MR. SPEAKER: Further notices of motion?

The hon. the Minister of Natural Resources.

MR. DALLEY: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Hydro Corporation Act, 2007, Bill 28.

MR. SPEAKER: Further notices of motion?

The hon. the Minister of Service NL.

MR. CORNECT: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Highway Traffic Act, Bill 29.

MR. SPEAKER: Further notices of Motion.

The hon. the Leader of the Opposition.

MR. BALL: Thank you, Mr. Speaker.

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 of and critical incidents involving children and youth; and

WHEREAS government has not taken a lead in notifying the advocates 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; and

WHEREAS legislating a direct reporting mechanism from all departments and agencies to the advocate would help improve outcomes for all those involved, as would it 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 a 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 deaths of and critical incidents involving children and youth.

This motion is seconded by the Member for St. Barbe.

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

MR. A. PARSONS: Mr. Speaker, pursuant to Standing Order 63, the motion just read by the Leader of the Opposition shall be the private member's resolution to be debated on Wednesday of this week.

Thank you.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

MR. SPEAKER: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

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

WHEREAS government has a responsibility to ensure that Internet access is broadly available so people have the right to be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights; and

WHEREAS the Town of Goose Cove still remains without broadband services; and

WHEREAS residents rely on Internet services for education, business, communication and social activity; and

WHEREAS wireless and wired technologies exist to provide broadband service to rural communities to replace slower dial-up service;

We the undersigned, petition the House of Assembly to urge the government to assist providers to ensure the Town of Goose Cove is in receipt of broadband Internet services in Newfoundland and Labrador.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, there are a variety of outlets which we could look at, but by not acting we are eliminating a town, a municipality. We are really taking away the services a municipality in the Province can be offering when it comes to things like high-speed Internet.

The municipality of Goose Cove would have significant opportunity to expand services and better communicate with its residents. We look at that the federal government has a connecting broadband program with \$305 million. We have a Rural Broadband Initiative, and looking at partnering to find solutions, because there are so many communities, upwards of 200 in the Province that still do not have access to broadband Internet. There are seven in my very own district that do not have access to broadband Internet. It is just unacceptable in this day and age not to have access to broadband Internet.

There are a variety of wired, wireless, and other technologies that can be used to provide, and we should have universal broadband coverage throughout Newfoundland and Labrador. It can be done, and it does not have to be an expensive form to cover these solutions. We need to work with providers, work with the municipalities to make sure we overcome these barriers right now. We can have a smarter economy when we open up the knowledge-based economy and providing broadband Internet services in Newfoundland and Labrador.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair.

MS DEMPSTER: Thank you, Mr. Speaker.

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

WHEREAS most communities in the District of Cartwright – L'Anse au Clair do not have adequate broadband service; and

WHEREAS residents, businesses, students, nurses, and teachers rely heavily on the Internet to conduct their work and cannot afford to wait until 2016 to access a potential plan in partnership with the Muskrat Falls development; and

WHEREAS there are a number of world-class tourism sites in the region, including the UNESCO site at Red Bay, Battle Harbour Historic Site, and the Mealy Mountains National Park;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to work with the appropriate agencies to provide adequate broadband service to the communities along the Labrador Coast.

As in duty bound your petitioners will ever pray.

Mr. Speaker, my colleague just talked about the importance of Internet access. I want to continue to talk about that. I have twenty-two communities in my district. Some of them will tell you they have broadband service. It is not sufficient broadband. They are closed to sales; they are maxed out. I have spent the last number of months having meetings with provincial departments, with ACOA, and with Bell Aliant, the service provider, wondering how we can come to some acceptable resolution with this.

Mr. Speaker, we are living in a more advancing technological age where people are being forced to use the Internet for everything. I have many fisher people in my area. They now have to do their licences in an online system. We have

businesses that are paying for their own boosters because the Interac is too slow for them to use business. We have hotel owners who are losing business because the Internet is too slow.

We will be receiving some improvement in the near future is my understanding in the Labrador Straits. That leaves me very concerned about Southeast Labrador, Mr. Speaker. If we are going to give everybody a fair fighting chance in this Province it has to be students who need dependable, reliable access to broadband service to be able to carry out their work. Working professionals, I hear from on a regular basis, Mr. Speaker, who are asking for improvements.

Right now we have a multi-billion dollar mega industrial project in our backyard and my office every single day hears from people who cannot use Internet in their own home to apply for jobs. The only way that you can get a job there is to be able to apply online. These are just some of their very concerns. I could go on and on, vehicle renewal and things like that.

I will continue to call upon government to look at these twenty-two communities, especially the six or eight in the Southeast, and to work with the federal government and the service provider to come to an acceptable resolution to bring us into the twenty-first century, like many other places in the Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Thank you, Mr. Speaker.

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

WHEREAS the Family Violence Intervention Court provided a comprehensive approach to domestic violence in a court setting that fully understood and dealt with complex issues of domestic violence; and

WHEREAS domestic violence continues to be one of the most serious issues facing our Province today, and the cost of the impact of domestic violence is great both economically and in human suffering; and

WHEREAS the Family Violence Intervention Court was welcomed and endorsed by all aspects of the justice system including the police, the courts, prosecutors, defense counsel, Child, Youth and Family Services, as well as victims, offenders, community agencies, and women's groups; and

WHEREAS the recidivism rate for offenders going through the court was 10 per cent, compared to 40 per cent for those who did not; and

WHEREAS the budget for the court was only 0.2 per cent of the entire budget of the Department of Justice;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reinstate the Family Violence Intervention Court.

As in duty bound your petitioners will ever pray.

Mr. Speaker, these petitions come into our office daily. People from all over the Province are calling for the reinstatement of the Family Violence Intervention Court. Today it was very interesting to hear the former Minister of Justice say it was a budgetary decision. It was not entirely a budgetary decision when he gave other excuses for cancelling the court.

Mr. Speaker, I have contacted the Minister of Justice. I have contacted the previous Premier with a plan on how the court can be expanded to serve Corner Brook and Happy Valley-Goose Bay. This plan takes into account already existing infrastructure. It would take very little money. As a matter of fact, it is cost efficient. To have a higher recidivism rate and to incarcerate offenders costs way more than having a court that costs only \$520,000 in St. John's, and to expand the court once again using existing infrastructure. It would require very few new hires. As a matter of fact, all it would require is some extra training for Crown

Prosecutors, for Legal Aid lawyers, for a judge in each of those locations.

The solution is attainable, the solution is affordable, and the cost-benefit analysis is absolutely undeniable. The Premier, the Minister of Justice continues to get letters from women's groups around the Province who have expertise in this area, and to ignore those calls, Mr. Speaker, is unconscionable at this point in our history.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, I rise today with a petition on behalf of the residents of Western Newfoundland and Labrador on the hospital in Corner Brook.

WHEREAS we wish to raise the concerns regarding the recent delay on the construction of the new hospital in Corner Brook, Newfoundland and Labrador.

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the government to commit to the planning and construction of the new hospital in Corner Brook as previously committed to and in a timely manner as originally announced without further delay or changes.

Mr. Speaker, once again, we have seen here today how the 911 system was changed because of a by-election. I agree that this system is flawed. We have a by-election out in Humber East right now and we need commitments from this government. We need commitments.

As we know now, Mr. Speaker, they are going to put in the units for a PET scanner but they are not committing to PET scanner services in the new hospital. I stand to be corrected here. I was speaking to the health care committee and I could not find any documentation to show that there is a full commitment to offer PET scanning services in the new hospital in Corner Brook. Here is an opportunity for the Minister of Health

now to say no, we will offer those PET scanning services.

I am under the understanding, Mr. Speaker, that now, in some of the design stages, there is some confusion with some radiologists and the radiology department in there. We had to drag it out of this government.

Mr. Speaker, I just want to let the people know, and anybody who has seen the interview by the former Premier, the former Member for Humber East, Tom Marshall, who just announced – I said it in this House and I was ridiculed – that construction of the new hospital will not start until 2016. For years we were saying here it was going to be 2014, 2015 and he said it will not start until 2016.

I urge the government, Mr. Speaker, on behalf of all the residents who are going to use these facilities, let's do it, let's do it right, let's follow on the commitments that were made. If anybody has any concerns about the new regional hospital in Corner Brook, ask the member, ask Larry Wells, where his government stands on PET scanning services, where does he stand on all the other services that were committed a while back, back in 2007.

Seven years later, Mr. Speaker, here is an opportunity to keep the governments feet to the fire because once it is done we need to do it right, not like the long-term care facility where they cut 100 beds. We cannot have that any more. We have to do it for the people of Newfoundland and Labrador. I urge the government to get moving on this new hospital.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. J. BENNETT: I have a petition. To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS there is no cellphone service in the Town of Trout River, which is an enclave community in Gros Morne National Park; and

WHEREAS visitors to Gros Morne National Park, more than 100,000 annually, expect to communicate by cellphone when they visit the park; and

WHEREAS cellphone service has become a very important aspect of everyday living for residents; and

WHEREAS cellphone service is an essential safety tool for visitors and residents; and

WHEREAS cellphone service is essential for business development;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to partner with the private sector to extend cellphone coverage throughout Gros Morne National Park and the enclave community of Trout River.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, the people of Trout River all through the last session sent petitions to me, and all through this session they are sending petitions to me. This town of approximately 650 people, which is now in addition to being an enclave community, is well known internationally because of the blue whale which went ashore there and two others that were nearby.

It has now had more Internet hits than any other town in that region. The Internet hits have been in the millions. If anybody should go there and decide that they want to call home next summer, they want to telephone and say, guess what, I am in Trout River, this is where the whale went ashore; they cannot do it.

The same issue will happen if there is anybody there who is going to attempt to avail of the 911 service that people are paying for. You are in Trout River, you want a 911 service. You assume the 911 service is all over the Province because people are paying for a 911 service.

People expect to have a 911 service as government so proudly proclaimed. In fact, there is no cellphone service there.

What do you do? Do you go knock on somebody's door and say, I would like to call 911 because my husband or wife is having a heart attack or a stroke, or we just had a motor vehicle accident? From that area they cannot call the police, they cannot call an ambulance, and they cannot call 911 from a cellphone.

Mr. Speaker, this is absolutely unpardonable, that government has made no effort whatsoever to work with the private sector. This is not even a request for money; this is a request to partner with the private sector and see what possibilities are available.

Thank you, Mr. Speaker.

MR. SPEAKER: Orders of the Day.

Orders of the Day

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

MR. KING: Thank you, Mr. Speaker.

With leave, I would like to call from the Order Paper, Bill 5, An Act To Amend The Elections Act, 1991, and move that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Business, Tourism, Culture and Rural Development shall have leave to introduce a bill entitled, An Act To Amend The Elections Act 1991, Bill 25, and that the said bill be now read the first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 25 and that the bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

Motion, the hon. the Minister of Business, Tourism, Culture and Rural Development to introduce a bill, "An Act To Amend The Elections Act, 1991", carried. (Bill 25)

CLERK: A bill, An Act To Amend The Elections Act, 1991. (Bill 25)

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

When shall the bill be read a second time?

MR. KING: Presently, by leave.

MR. SPEAKER: Presently, by leave.

On motion, Bill 25 read a first time, ordered read a second time presently, by leave.

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

MR. KING: Thank you, Mr. Speaker.

For the record, I am not sure if I said Bill 5 or Bill 25. For Hansard, it was intended to be Bill 25.

Mr. Speaker, at this time, I move, seconded by the hon. the Minister of Finance and President of Treasury Board, with leave for Bill 25, An Act To Amend The Elections Act, 1991, to be read a second time.

MR. SPEAKER: It is moved and seconded that Bill 25 entitled, An Act To Amend The Elections Act, 1991, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Elections Act, 1991." (Bill 25)

MR. SPEAKER: Does the member have leave?

AN HON. MEMBER: By leave.

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. KING: Thank you, Mr. Speaker.

For the member opposite, I do not have recreation; that is gone in another direction. I lost that one.

Mr. Speaker, I am pleased to stand and introduce this bill on behalf of government. Bill 25 is entitled An Act to Amend the Elections Act, 1991. For those who are paying attention to the debate through the televised version, basically what we are doing is we are bringing forward an amendment here to the Elections Act to confirm the validity of the writ that was issued for the by-elections in two electoral districts, the Districts of Trinity – Bay de Verde and Humber East.

Mr. Speaker, there is a very straightforward process in place for the calling of by-elections in the Province. Essentially, very much what we are doing here today is correcting a procedural error.

Perhaps by way of a little bit of background, when the error was discovered, the Clerk of Executive Council held a press conference – sorry, before that happened, met with all three parties, myself, as well as the Leader of the Opposition and the Leader of the New Democratic Party, and took us through an explanation of what had transpired with respect to a procedural error. It was agreed at that point in time by all three that unanimously we would support the route we are taking here today to make a legislative change. I thank the other two leaders of the respective parties for their support in moving forward.

Essentially, Mr. Speaker, again, for the benefit of those who are paying attention at home, the error that occurred here was in the gazetting of the call of the by-elections. So, essentially what happens is a dual-track process where the writ is dropped – i.e. the election is called. When that happens, direction is sent to the electoral office and the Chief Electoral Officer will make the official call of the election and the wheels are kicked in motion. At the same time, officials from Cabinet Secretariat would notify the legislative branch of government, and at that point in time then the information on the calling of the by-election is gazetted, where it is advertised publicly. It is a very standard process, Mr. Speaker, that has been used for many, many years.

What happened here was as the – let me say it this way, as the Clerk explained it to us, because at the bureaucratic level the Clerk of the Executive Council who took us through this – as the Clerk explained it to us, it was an oversight on behalf of an employee who forgot to gazette the calling of the by-elections. So, subsequent to that, a number of discussions occurred, and certainly the Clerk would have sought legal advice from a number of sources and conveyed that to all three political parties. There was some substantial discussion about whether in fact we needed to go this route or whether in fact the dropping of the writ, the calling of the by-election, might have been safe as it was.

It was felt, Mr. Speaker, by the Clerk, based upon advice received and careful analysis of a number of pieces of advice, that the safest route for all of us would be to do some retroactive legislation, which we are proposing to do here today, that would essentially cover off the lack of gazetting of the call of the elections. The concern, frankly, was that in the absence of this legislation it could potentially leave the door open for somebody to challenge the legality of the calling of the by-election and the subsequent result, Mr. Speaker.

Obviously, we are all very concerned about the democratic process taking place. An election was called, candidates were in place, brochures and other media had been enlisted, and money spent. It would have been a considerable decision should something have to halt that process and start over. As I said, after a number of discussions, myself and the two Opposition party leaders agreed with the direction the Clerk had suggested, which was we bring forward this legislation today.

What the legislation is doing, essentially it is retroactive to the dropping of the writ and the process that was followed. It will make the process we are following today legal, Mr. Speaker, and thereby avoid any potential for challenges around the process of the dropping of the writ.

I will say that, as a result of this, we did have a discussion of a different note with the leaders around whether or not it is something we need to look at down the road, the actual process of the gazetting. There are two independent processes.

Once the writ gets dropped the legislative branch deals with a process around gazetting. Whereas from the Chief Electoral Officer's perspective, he feels everything is legitimate and we could have proceeded as we did.

There are two very diverse views on how we ought to have proceeded. Notwithstanding what we are doing today, without speaking for party leaders, I think there was a general sense that we may want to take a look at that as part of a review of the Elections Act at some point down the road. Right now it is governed by two particularly separate pieces of legislation.

At least my read on our discussions is that at some point in time there might be an interest in trying to streamline that process so that in fact we do not get caught in a situation like this again. In fact, give the legislation strength so that once the by-election is called and the notification is sent to the Chief Electoral Officer, everything is valid and full steam ahead. Perhaps the gazetting is not required because once it is called it becomes public knowledge anyway.

That is not what we are doing today, Mr. Speaker. What we are doing today is making a change that will correct the error that was made, and hopefully will get the support of all members in the House. I know the officials who were a part of this, Mr. Speaker, have agonized significantly over this. We have great officials here in the bureaucracy who work hard on behalf of all of us in the House, not just government. They work hard for the Opposition party members as well, every single day.

On occasion an oversight happens, a slip-up happens, or somebody makes a mistake. We all do it, Mr. Speaker. Having said that, we recognize there are times we need to support our officials. If an error like this occurs that is, as we are told, not a significant error and there is something we can do to correct it, then we will.

I will be certainly supporting the motion. I would encourage all members of the House to support this motion so we can make sure the oversight that was made is corrected and that the call of the by-elections are legitimate and valid and not subject to any court challenges down the road.

Thank you.

MR. SPEAKER (Littlejohn): The hon. the Member for St. John's North.

MR. KIRBY: Thank you, Mr. Speaker.

I am happy to be back in my seat here again, Mr. Speaker, representing my constituents in the District of St. John's North. I guess the seasons are changing outside because we see a bit of snow out there now. There will be more of that as we get in towards closer and closer to the Christmas season. So I hope we can try and make it as much of a productive sitting of the House of Assembly as we possibly can.

I am happy to rise in my place and speak to this piece of legislation. I would like to say from the outset that I am happy to support it, and all of us here with the official Opposition caucus are supportive of this. We know how important it is to ensure everything is lined up properly with the by-elections that are now in the process of – people are out there campaigning, and as the hon. Government House Leader said, they have literature printed. Of course, government itself has gone through a significant expense to hold the by-elections. The Chief Electoral Office has had to rent space, hire people, and spend a certain amount of money already in order to make sure we can have these by-elections in a timely manner.

It is really a question of a timely manner as well, Mr. Speaker. I do not want to go through too much history, but I am certainly sure that the people who are home watching this on their TV this afternoon are wondering exactly how it is we came to this place. Of course, we have had a lot of change in the House of Assembly over the past year, year-and-a-half, new members being elected, and members who are here for some period of time going elsewhere.

It was back earlier this fall that the former Minister of Finance, Ms Johnson, the former Member for Trinity – Bay de Verde, vacated her seat and decided she was no longer going to continue to be able to be Minister of Finance and represent the constituents in Trinity – Bay de Verde. That is certainly her decision and we have to respect that. It is interesting that she will not be here to see the fullness of the Budget that

was passed under her leadership as Minister of Finance. She left that position as Minister of Finance.

It was not a whole lot longer after that, that the former Minister of Justice – Mr. Speaker, this is back when we had a convention of having an elected Minister of Justice in Newfoundland and Labrador, unlike the present, where we have an –

MR. SPEAKER: I remind the hon. member to speak to the amendment.

MR. KIRBY: Yes, Mr. Speaker.

The former Minister of Justice, Mr. French, decided he would step down from that position and no longer represent the constituents in the District of Conception Bay South. There was also another member, the former Premier. He was Acting Premier, or a reluctant Premier. As it turns out in the news now he was not as reluctant at all, he wishes he had to have run for the position to begin with.

Mr. Speaker, the former Premier, who was also at one time Minister of Finance, also has subsequently stepped down as the Member for Humber East. That is sort of the course of the resignations we had from the government Cabinet this fall.

Really, if you think about the sequence of things, the way those resignations happened to spur these by-elections, ideally or really if you think about it in a logical way, government would have called the by-election that had the seat vacated first as the first by-election. Government did not do that. They waited, in fact.

They called the by-election for Conception Bay South. That was Minister French who stepped down after Minister Johnson. They called that one first. There is certainly speculation amongst the public, the media, the pundits, and so on about why they did it that way, why that by-election was called with that particular timing.

MR. SPEAKER: Order, please!

I am prepared to give the hon. member some leeway, but obviously the amendment is specific

to two specific by-elections. I ask the member to confine his comments to those, please.

MR. KIRBY: Thank you for the clarification, Mr. Speaker.

Of course I am just trying to clarify for the folks watching at home how we ended up here. I will speed things up a little bit significantly. I noticed I only have about fifty-four minutes left to speak.

Government decided to call the by-election in Conception Bay South as the first one they chose to call. We know Mr. Hillier is sitting in the Speaker's gallery today. He will be sworn in at the end of the week. That was how that went.

Government really waited until the last minute, the eleventh hour if you will, to call the by-election in Trinity – Bay de Verde. It could have been called significantly earlier than it was. For whatever reasons, whether it was political posturing or strategy or what have you, there was a significant delay if you look at the time period and the statutory requirement for government to call that by-election. Well, they were not in a big rush to do it; there is no question about that, Mr. Speaker. That was pretty obvious from the timing there.

As I said, the former Premier, who was really wanting to step down for a significant period of time, he, by coincidence, I am sure, decided that he would step down at exactly the same time, which was the eleventh hour for calling this by-election in Trinity – Bay de Verde to replace the former Minister of Finance.

One of the things we have to realize here, why we ended up with this today, is that people at the executive levels of government, and certainly including the Cabinet, but all the people around them and all of the people who work for Executive Council and really control a lot of the higher level bureaucracy, if you will, they have a lot to do, obviously.

There are significant sums of money in question. We look at the volatility of the price of oil, which is what really feeds a large part of our economy. Those people who work in those jobs are under a significant amount of pressure and have a lot of work to do. I guess you could

make the argument that it behooves us, certainly government, as legislators, and people who are in charge of the timing of decisions to make sure that decisions are not made in a way that impact the work of those people who are at some points in the year overburdened by just the amount of work and the seriousness of the jobs they do.

So, the way I understand this is that government waited for a significant period of time, appeared to want to get the one by-election out of the way in Conception Bay South –

MR. KING: A point of order.

MR. SPEAKER: The hon. the Government House Leader, on a point of order.

MR. KING: Thank you, Mr. Speaker.

I tried to resist the urge to interrupt the hon. member from speaking. Now, he has a lot he wants to say about the bill, but the explanatory note on this is very clear. This bill is not a commentary on whether the government, the Premier, or anyone on this side of the House ought to or ought not have called by-elections when they did. The government acted within the spirit of the legislation provided. It has nothing to do with what we are debating here today.

This is very clearly a piece of legislation to confirm that the dropping of the writ for two by-elections in two very specific districts, this piece of legislation confirms that to be valid. Nothing more, Mr. Speaker. There is no opportunity, nothing relevant here to this legislation that provides a member the latitude to comment on the operations of government or other pieces of legislation in the electoral act.

I would ask that you rule that the member confine his remarks to the relevance of this particular bill.

MR. SPEAKER: There is no point of order.

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

I remind the hon. Member, too, it is a limited scope amendment.

MR. KIRBY: Sure.

MR. SPEAKER: Thank you.

MR. KIRBY: Thank you, Mr. Speaker.

In terms of the function of government and where this piece of legislation falls, really, I guess the buck stops with the Attorney General when it comes to this. Maybe somebody could clarify about it if I am not correct. I believe the Office of the Chief Electoral Officer would come under the Attorney General of Newfoundland and Labrador, would it not?

Unfortunately, the Attorney General of Newfoundland and Labrador, the Minister of Justice, is not with us here in the House of Assembly. I am not sure if she is still up in the public gallery or not, Mr. Speaker, but that would be the Cabinet member who addresses this. It is hard for me to stand here and criticize the hon. the Government House Leader for incompetence or what have you because I know that gentleman across from me is not the minister in this Cabinet who is really responsible for this bill here today; but I have to say, I find it highly problematic that people would say this is a bureaucratic error.

Someone said to me at one point in the last year that government and Cabinet and sitting in these seats, we all know what a privilege it is, but it is the sort of job that the buck stops with the top. Problems flow upward, not downward, so someone has to take responsibility at some point; but I did not hear that when this was introduced.

Like I said, I am reluctant to accuse anyone here because the person whose office is responsible for this bill is not sitting here in this Chamber today, Mr. Speaker, and will not be for some time from what I can understand.

In the end, I find it very uncomfortable. We ask questions here in the House of Assembly. I have asked questions about the status and nature of the education system over time and I am accused of – you cannot attack our teachers that way. If this was phrased in the same way from this side of the House of Assembly, there would be members opposite who would say how dare you attack the bureaucracy like that.

I just cannot see –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. KIRBY: – how you can take so little responsibility for – like someone said to me when I was out canvassing in Salmon Cove the other day, in Trinity – Bay de Verde, they said they cannot even call a by-election right. That is what the person said to me. This woman said: I saw the news, and they cannot even call a by-election right.

Someone has to take responsibility for this. You cannot just slough it off and blame it on some poor person who at the eleventh hour, at the last minute, when this by-election absolutely had to be called, we were at the drop-dead deadline, it had to be called, that this slipped through the cracks, but somebody was making the call, Mr. Speaker.

Somebody was saying we need to issue the writs for the two by-elections. For the one in Trinity – Bay de Verde that we waited until the last minute for, and the one in Humber East that coincidentally happened around the same time. Somebody has to take responsibility for that.

I just think it is really sad to sit here and blame someone, other than yourselves, because this was a design of government, not of anybody in the bureaucracy. People in the bureaucracy do not decide when by-elections are going to be called. No one comes in here in the morning – who is a civil servant – and says, I think I am going to call a by-election today, Mr. Speaker. No one does that. It is the people at the top. It is Premier's job. It is the Cabinet's job.

We are here today with this bill – and I am not going to tie up any more time because I think I have made my point relatively clear, but we are here with this bill today, not because of the incompetence of any individual who is a public servant in the Province of Newfoundland and Labrador who was not elected to a seat in this House of Assembly, Mr. Speaker. It is no one's fault but this government, waiting until the eleventh hour to call a by-election that they really should have called even before CBS, but for whatever reason they waited and waited and waited.

I do not know if they could not get anybody to run for them out there. I do not know what happened. You hear all sorts of stories, but for some reason this was held until the eleventh hour, the last minute because – well, we do not know why. No explanation has been given. The only explanation that has been given here today is that someone made a mistake. It was a bureaucratic error, and now we have to pass a piece of legislation in the people's Assembly in Newfoundland and Labrador that says the by-elections that we called wrong, were actually called right. That sounds like a joke you would hear somewhere on Bay Street in Ontario. It is a sad statement, Mr. Speaker, but I will leave it at that.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe.

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

Mr. Speaker, this is a change to the Elections Act to accommodate two by-elections that were not called right, or were not called in time, or were not called properly.

The reason I am going to limit my comments is when I was very first in the House of Assembly, it seemed to me like we were wasting a lot of time. I took the number of sitting days and the number of sitting hours and minutes and divided it by how much it costs to run the House of Assembly. It worked out to \$22,000 a minute. Twenty-two thousand dollars a minute is what it was a couple of years ago, so I will try not to use up too many minutes. I thought a member's statement is a minute, so that is \$22,000. That is a lot of money.

The reason that this bill is necessary – and we have to support it. If we do not support it, then we would have to have two more by-elections because these by-elections might be deemed to be invalid. Constitutionally, they probably would be.

This is an act to amend the Elections Act, because somebody had a problem and did not gazette on time the two by-elections. So that

people who are watching can understand what this is all about and why we are taking time today when we could be dealing with other legislation, it is not that this legislation is not important. Clearly it is important because we need to get the by-elections right.

This government has had some experience with by-elections, so they should know how to call one. They called one in Cartwright – L'Anse au Clair. They got that one right. They did not win but they got it right. The Member for Cartwright – L'Anse au Clair is here. Then they called in one Carbonear – Harbour Grace. They called that one on time. That was okay. They called one in Virginia Waters, a by-election under the same Elections Act. They got that one right. They did not win it but they got it right on calling it. They called one in St. George's – Stephenville East. They got that one right. They lost that one too. They called one in Conception Bay South.

They could have called all three at the same time, Mr. Speaker. They could have called all three, because all three seats were vacant. Probably it would have saved the taxpayers some money.

We need to amend the Elections Act of the Province, Mr. Speaker, for all time to accommodate somebody not having called the election in time. The executive part of the government, the Premier's Office, Cabinet, the people who are charged with calling a by-election, it is not that they did not have enough time. They have sixty days to call a by-election and another twenty-one days or so to run the by-election. That should be lots of time. At the very last minute, Mr. Speaker, they ran the clock down day after day after day after day. They ran the clock down.

The Elections Act that we are dealing with is an Elections Act which is a good piece of legislation because it requires by-elections to be called. We certainly need by-elections to be called. In the earlier versions, in the predecessors to the act, a seat could remain vacant for months. It could remain vacant for a year. In a way, it is a good thing that we call by-elections in short order.

It is a bad thing when government literally takes a stopwatch – a stopwatch that I think we should have had in Question Period today. Timing might have been a little bit better. When government literally takes a stopwatch and runs the clock down, runs the calendar down to the very last day, the very last hour of the very last day, and the people of the Province then have to watch the House of Assembly on the very first piece of legislation for the fall session, under a new Premier, under a bunch of new ministers, we have to debate fixing something that they got wrong.

The last time we debated something that we had to fix legislation in this session that –

MR. SPEAKER: I am going to ask the hon. member to stick to the bill, please. I gave you a fair amount of latitude.

MR. J. BENNETT: Yes, Mr. Speaker.

This is about fixing an error made by government, an error in a very simple, straightforward act. Call a by-election. Call a by-election under the Elections Act, because the Elections Act says you must call a by-election within sixty days. They did not get it right. They waited too long, and at the last minute realized: oh, good grief, we called the by-election. We have the by-election called wrong. What can we do now?

Well, let's talk to the Opposition. The candidates are in the field, and anybody who loses the election on a technicality, the technicality being that the election was not even really called – because without this legislation being passed, Mr. Speaker, a court of law on an application for judicial review of whether this election was called or not, will in all likelihood say no, you did not call an election. You did not call the by-elections because it needed to be gazetted. You did not finish it off. You did not do the job.

Mr. Speaker, I am not sure how much clearer I can be to the people of the Province than to say this government, after calling four by-elections and losing them all – now have five by-elections lost; that one out and these two more. What was the reluctance? Why did they not call the by-election in time? Such that we have to fix up

another mistake that they want to blame on people who are paid by the people of the Province, other than the elected people.

The elected people should take this one on the chin and say, look, I am really sorry; we made a mistake. No harm, no foul, let's change the thing. Let's get the co-operation of the Opposition to say, which they have, let's amend the Elections Act so we can save a few dollars; but, no, they want to blame it on bureaucrats, people who cannot come into the House and defend themselves, people who are long-standing and hard-working public employees who know exactly what they are doing.

They have no recourse, Mr. Speaker. I think it is really cheap and improper to blame the people who are working for you when they have done the job, but you did not let them do the job properly because you waited until the very last hour of the very last day to call a by-election, which clearly they knew they needed to do.

Mr. Speaker, I have used six minutes. I think that will be around \$132,000 of the people's money, so I will sit down now.

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

MR. WISEMAN: Thank you, Mr. Speaker.

The member opposite is concerned with public expenditures, and he has just tallied up, his own calculations would tell him that he just wasted \$120,000 of taxpayers' money.

This bill is extremely simple, Mr. Speaker. This is a very short, brief bill. I just want to read something to you in the explanatory note: This bill would amend the Elections Act to confirm the validity of writs issued by by-elections in the electoral Districts of Trinity – Bay de Verde and Humber East. That is what it is about, Mr. Speaker, very simply, to make a correction to ensure that the –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. WISEMAN: – two by-elections that we are currently in the middle of does not find itself

being subject to a legal challenge after the by-elections are over and the people of those districts having to go through that same process again. It is simply an administrative process.

Thus far we have heard two members of the Liberal Opposition get up and talk about everything from the process of by-elections, and the number of by-elections that have been held. In fact, we even heard the Member for St. John's North go through a process of how he got to the other side. He had a disagreement with the Leader of the NDP and decided to leave because they could not mend fences. We have had a –

MR. SPEAKER: I remind the hon. member to keep his remarks to the bill.

SOME HON. MEMBERS: Hear, hear!

MR. WISEMAN: I will, Mr. Speaker.

I just assumed that the latitude everybody else had that I may be afforded the same thing. I will confine my comments to the bill at hand, which is clearly we want to make sure that we correct an error that was made.

The issue of errors, Mr. Speaker, if the members opposite – and this speaks, I think, to what we witnessed in recent months. The members of the Liberal Opposition will continuously get up and talk about what is wrong with the world, what government may do, and what other people may do. They want to make sure that they have sharpened their skills at being critical of everybody else. I have yet to hear any suggestion about how things might be done correctly.

What we have here, Mr. Speaker, is an issue of an administrative error that was made. Errors occur periodically. Everybody in this House is human. Everybody who works with the government is human. Occasionally there will be an administrative error. This bill is intended to correct that administrative error.

Unfortunately, many members of the Opposition have decided that they want to make some political hay of this, some cheap political shots, and to try to suggest that somehow or other an administrative error had something to do with an incompetent government. Mr. Speaker, clearly

this is not an issue of how the Province has been governed. This has nothing to do with whether or not by-elections should or should not get called.

This was a process where a government was complying with the legislation as to the timelines for calling an election. There is an identified process for this. There is a piece of legislation that clearly defines how elections get called and that is the Elections Act. We are amending the Elections Act today, but this action today was not prompted by the Elections Act. This action today is prompted by another piece of legislation that we are not amending.

The Elections Act is pretty clear as to when you call an election, how you go about calling it, and what time frames you must call in. The Chief Electoral Officer is guided by that particular piece of legislation.

We find ourselves today, not by virtue of there being an error with the Elections Act, not by virtue of an action being taken that is contrary to the Elections Act, but we find ourselves here today, Mr. Speaker, talking about having to amend an Elections Act because of a process that was guided by a piece of legislation called the Statutes and Subordinate Legislation Act which required the writ to be gazetted.

This, Mr. Speaker, is a simple administrative error that is being corrected in the House today on behalf of the people of the two districts involved. The very last thing that anyone would want in this House – in fact, that is pretty interesting, Mr. Speaker, nobody on any side of this House would want to have a circumstance where these two by-elections would proceed and at the end of the day someone finds themselves having to go to a court and challenge the outcome through a court, and only to lose. No one in this House would want to subject the residents of those two districts to that kind of a questioning.

In fact, as I understand it, when this issue surfaced initially the representatives from each of the three political parties sitting in this House got together and said: Listen, we now recognize there was an error that occurred here. How do we go about fixing it? At that moment in time, there was an agreement as to how this would be

done. It was acknowledged simply as being an error, we need to fix it, and no one wants to do anything that would undermine the rights and the benefits of the people who live in those districts.

We find ourselves here today, we have been an hour or so talking about an amendment to a bill where individuals on the opposite side of the House wanted to take some cheap shots at individuals for a political benefit as they see it, but all it does is just highlights the arrogance of those individuals over there because they have become quite smug in their successes at the polls recently.

What we are witnessing here today is some cheap politics being played and what the House is trying to do is really navigate a piece of legislation through the House that makes an amendment to a bill to change what might have been an administrative oversight, and that is simply what it is.

I say, Mr. Speaker, it is about time that we now move on to this bill with the pace in which we should deal with it so we can put this behind us and move on to more significant business of the House.

SOME HON. MEMBERS: Hear, hear!

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

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

I am happy to speak to Bill 25. I point out to the Minister of Finance that the only bill we have before us that we can discuss this afternoon is Bill 25.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: So when he calls upon us not to waste time over this so that we can get on with more business, well there is no more business for today, as far as I can tell, except doing this. If we rush it, then we are going to have to sit and listen to the other side of the House spend the rest of the afternoon

proclaiming how wonderful they are. I am not sure I am really up to listening to either party proclaiming how wonderful they are. This is all that we are left with this afternoon. So since it is all that we are left with I am going to speak to it, I say to the minister, Mr. Speaker.

There are little bits of information. The House Leader did a good job in explaining the bill and the Minister of Finance has added to it, but there are a couple of other little points, I think, that is important to point out to people. Probably one of the reasons why the error was made – because, looking at other jurisdictions, we have an unnecessary step in this Province.

When we had the briefing, and I did represent our caucus at the briefing, we were told by the Clerk of Executive Council and by legal counsel who were there to explain the issue to us, we were told by them that in actual fact the process of gazetting for a writ does not exist in the other jurisdictions. The Elections Act, which asks for a proclamation signed by the Lieutenant Governor, followed then by the dropping of the writ, is all that one needed for an election to be declared.

The piece of legislation that has been referred to, the piece in the Statutes and Subordinate Legislation Act, that piece refers to various pieces of legislation relating to acts that happen along the way after an act has been put in place. For example, new rules relating to a piece of legislation have to be gazetted. Another thing that has to be gazetted are proclamations.

Well, the interesting thing is that when an election happens, whether it is a by-election or a general election, there has to be a proclamation of the election. When this other act talks about proclamations, it can be argued legally that it covers election proclamation as well. I think it has already been said, but I am going to say it again. Even though the Elections Act says there are only two steps that are needed for an election to be called, whether it is a general or by-election, this other act says that any proclamation that is made relating to a piece of legislation has to be gazetted and it has to be gazetted on the same day the proclamation is signed.

One can argue that the Elections Act stands alone. We could have taken the chance and said we do not need to put this change in which looks at an exemption, that we do not need this. In actual fact if we did that, we would have opened the door to all kinds of possibilities that could have made a mockery of our election system. We could have had some people for political purposes saying these by-elections are invalid. I may have a vendetta against somebody who is running or a vendetta against a party; I think I am going to take some legal action here and say that these by-elections are invalid.

We had a choice given to us. Our choice was: Do we leave it alone? Do we say the Elections Act stands alone? Or do we leave the door open for the potential of somebody seeing a loophole they might want to argue, and a loophole they may want to drag through the courts? This could have made a real mockery of our election system and of the by-election.

Based on that, I certainly saw the reasons and the necessity for bringing in the amendment we have here today, which basically is saying that even though something is written in the Elections Act with regard to a writ being dropped, notwithstanding a section – I am sorry in the Statutes and Subordinate Legislation Act, that statute which says the gazetting has to happen on the same day. In spite of that piece of legislation in another act, we are saying here today, these two by-elections are valid.

I feel comfortable in saying that, number one, knowing what is in the Elections Act, the two steps that make an election call valid; and, also knowing that the gazetting of the proclamation is not something that is done in other jurisdictions. Those first two steps are all that is necessary in most jurisdictions.

Knowing that having the proclamation gazetted and gazetted on the same day the writ is dropped is something that is not a general practice, then I felt it was valid. I can support doing what we are doing.

I think it is really important that we realize – and as the House Leader talked about – we do have a responsibility to make sure that everything that is written, that all our legislation is accurate, that it is useful, that it expedites the whole movement

of democracy here in our Province. We have that responsibility.

We also have a responsibility, and it is certainly the responsibility of a minister, to make sure all the steps that have to be taken according to our legislation are taken; but if we discover we have things in our legislation that are really slowing down a process and are unnecessary, then we are going to need to look at our elections process from that perspective, so the change that might need to happen in the case of the calling of elections, general or by, is a change that might have to be made in this other act rather than the Elections Act itself, or there could be something in the Elections Act that refers back to the other act saying that the gazetting of proclamations does not cover elections proclamations.

That is the kind of thing we will need to have a look at and decide whether or not that needs to be done in order to make sure this kind of error, which in and of itself was an unnecessary error in the sense that the gazetting should not even be necessary, that this kind of error does not happen again.

In our Province we have an awful lot of people who are not voting. Our voting percentage has gone down considerably. In the CBS by-election, for example, it was only 43 per cent of people who turned out for that election. So, people already are showing more than a lack of interest in our elections, but they almost have a disdain for elections.

We have a real responsibility, and the government has a responsibility, and we should not be laughing at our responsibility. We have a responsibility to make sure that people are not mocking our system, that people are not making fun of us, that people – because we all carry it. We all carry it, if we are not carrying out our business correctly and efficiently and accurately. The more they see that, the more they then will say: Why even bother to vote? So making sure we have a process that is moving smoothly, that is moving well, is extremely important.

What we did the other day is a good sign of what we need in our government. When the three parties sit together, receive a briefing, and sit there and say this is a good thing, we need to do this. We really do not want this to become an

issue, because it is not an issue that is substantive. We do not want it to become an issue and become something that could actually mock our electoral system. We need to work together, and that is why the three parties are here together saying we do want this amendment.

To do that together at a table in one room and then come in here and make fun of the process does not make sense to me. Working together is what we need, and there are various ways for that to happen, through a committee structure working together –

MR. SPEAKER: I remind the hon. member to speak to the amendment, please.

MS MICHAEL: Yes, Mr. Speaker, I will do that.

What we did last week, getting our briefing together and understanding together why we are doing this, is good and it is a sample of how we may continue that. As we continue to look at our Elections Act, because we did agree on that last week at the briefing we had, that we really do need now to look at our whole electoral process and system and look at the legislation to make sure there are no more loopholes like this in our legislation around elections.

I hope in doing that we will broaden our thinking, look at how we can better work together so people will want to vote, look at things like proportional representation, things that will encourage people to see we can get a system here that shows people we are working together as the people they elect, working together for their good.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

I am certainly happy to have the integration of Early Childhood Development into Education,

and we will speak to that at another time. For right now, of course, we know that we are looking at Bill 25, An Act to Amend the Elections Act, 1991.

It is a little surprising to me some of the commentary I am hearing regarding what seems to me to be a housekeeping item that we should be able to move through fairly quickly, particularly given the fact that the three parties – as the Leader of the Third Party just said here in the House – have already met around this, they have already agreed to this amendment, and they understand that we simply need to move forward and get it done.

It is a little surprising to me that we need to have this much debate in the House of Assembly regarding this particular act. We are simply about correcting a human error, Mr. Speaker, that which can happen any time to any one at any place.

We have recognized it, all parties understand the need to correct it, and so we get on with doing that. What we are seeing is a debate of some hour or so at this point in time with the Leader of the Third Party even suggesting that we need to stay at this because if not, we will have to resort to Address in Reply to the Speech from the Throne. She does not want to do that. She wants to insult the Speech from the Throne by His Honour.

It is absolutely amazing to me, Mr. Speaker, but that is what she said here in the House and Hansard can show you that she said: if not this, then we have to go back and listen to the people from the other side. I am a little surprised but it certainly explains to us why there has been so much stalling on this very simple housekeeping item that we need to do here today.

Mr. Speaker, what we will do is we will simply reiterate from this side what needs to happen here in order to amend this bill. It is a fairly standard process. It involves a series of steps. It involves the Lieutenant Governor and other officials signing a proclamation, that proclamation is then conveyed to the Chief Electoral Office for the issuance of the writ, and then to Legislative Counsel for gazetting.

Mr. Speaker, in that process there was a delay that occurred, simply because something was happening late in the afternoon. I understand that the issuance of the writ was taking place somewhere around the 6:00 o'clock period in the evening. The assumption was made that the gazetting would be okay to happen in the morning. It is a simple administrative error.

Internal process, people have recognized it. It is brought forward. Discussion was had amongst all three parties. A decision was made, let's take it to the House, let's amend the act, let's get it corrected because we certainly do not mean for anything untoward to happen here. Whatever the outcome of both of those elections, Mr. Speaker, we do not mean for anything untoward to happen, so let's go about rectifying this.

The bill is actually as simple as that. It is amending by renumbering subsection 58(1), and by adding immediately after that subsection of the following: the fact that writs respecting the by-elections to be held in the electoral districts of Trinity – Bay de Verde and Humber East were issued on November 3, 2014; but, the proclamations respecting those by-elections were not published in the Gazette until November 4, the very next morning, Mr. Speaker. That does not invalidate those writs, nor does it in any way affect the validity of calling those by-elections.

That is what we want to do. We want to make sure that those by-elections are still valid by-elections. The people who are out there who have decided to put their names forward, Mr. Speaker, to seek election to this hon. House are working hard at what they are doing, and they believe in the democratic process. That is why they have come forward.

We want to ensure that the work they are doing and the success that two of them will meet with will be validated. It is very simple, Mr. Speaker, no more than that to it. There is nothing untoward happening here. It is the recognition of a simple error, and trying to fix it here in this House of Assembly.

I believe it was the Member for St. Barbe who said it would cost \$22,000 a minute here in this House of Assembly. He had calculated out \$22,000 a minute; yet, we have people standing

and going on and on and on about something as simple as a process that was already agreed to, Mr. Speaker, outside of this Chamber. When people actually sat down, discussed this and said: Yes, we understand how that happened. We understand the need to correct it. Let's put something in place. It was agreed to. Let's put something in place. We will go into the House of Assembly and do it.

Well, Mr. Speaker, we are here to do it. I have no doubt that is what we are going to do, and I think we ought to get on with it, Mr. Speaker. So I will certainly be voting for this amendment.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. BALL: Thank you, Mr. Speaker.

It is my privilege to stand and speak to Bill 25. We have had a number of members who have taken their liberties in suggesting that it was some political grandstanding on the part of the Official Opposition. Well, I will say, Mr. Speaker, in this particular case it is not the case at all.

I do believe that the public and people who are watching this today, have a right to know what this bill is all about and how we got there. So, the urgency around making the correction and the administrative here that has been discussed already, we understand that. For me, as the Leader of the Official Opposition, I just want to put some timelines and some perspective on what it is we are actually talking about here today.

This was two by-elections that were called in the lateness of the day on Monday. Keep in mind that on Tuesday, November 4, we were up against a deadline in the Elections Act that said the election would have to be called within sixty days; therefore, the election would have to be over within ninety days. These are the parameters of what the staff was up against on Monday, November 3, late into the day.

We understand the proclamation process, how it occurred, and the events that surround it late on Monday of that day. On November 4, it would have been a different situation. Even though the Chief Electoral Office was involved in this process, we were called, as the Official Opposition, on Thursday morning, November 6. This was when we were first notified. I think it is fair that this schedule, this timeline becomes part of this debate so the people would understand why it is we are here today.

One thing that has not come up, however, is this. Much of the discussion today has been about three political parties here in the House of Assembly. Three political parties, and we have agreed, and we will support this bill. We must keep in mind, though, that the democratic process in the Province and in all jurisdictions allows for people who are not aligned to a political party to put their name on a ballot. That was not discussed today, and was one thing that we did discuss in our meeting. We have to make provision that independence would be included in this process.

It is fine for members in this House of Assembly to get up and say we are going to support those changes to validate this election on November 25 in Humber East and Trinity – Bay de Verde as political parties, but we must keep in mind that there are people out there today, or when this decision was made, who might have wanted to run as an independent. They deserve the right to have an understanding about what this would mean to them as well.

The Chief Electoral Office made it quite clear he was not prepared to bring that writ back. He had issued the writ and was not prepared to bring it back. It was during this discussion we had with the party leaders, and the House Leader in this particular case, that we all agreed that having to do this process over again would not be best.

We understand it was an administrative error, and we agreed we would support this today, but on November 6 we also agreed that we needed to let the public know as quickly as possible, because there could be someone in those districts who saw fit to run as an independent. That was the reason why we felt it was important to get out as quickly as we could, not wait until November 17, but we would put our

support behind this on November 6, and we all agreed that we would support this legislation.

It was not just about political parties. It was about people in those districts who could put their name on the ballot, run as independents in a fair, democratic process. That is what was important. That is what was important in that discussion. That was the reason why. This was not about the cheap politics, as some members would say, it was about the timelines that I just talked about.

Monday, November 3, after 6 o'clock the proclamation was made. On Tuesday, the fourth, it was recognized that there was a procedural here that occurred, and indeed, it needed to be gazetted. Therefore, the public would be notified. That was the normal course of doing this.

On Wednesday, there was some discussion. On Thursday, we became involved as the three leaders. It was then that we all agreed it was important that we get this information out there to the public and that everybody would be notified of the procedural here that occurred.

Mr. Speaker, I am not going to delay this, but I felt it appropriate that we establish the timelines that we understood as the Official Opposition, why we believed it was important to get this out there as quickly as possible. We will be supporting this, as we did, and the commitment that we made on November 6.

I just feel it was appropriate and timely that we explain this. It is fine for all members here in this House. We have the benefit of understanding all of this. People who are watching this are just wondering what this procedural error was all about because of this debate. The understanding that we will actually bring this piece of debate and this piece of legislation we are talking about here today – it was important that we get that information out there.

Thank you, Mr. Speaker.

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I am glad to have an opportunity to get up and speak to Bill 25. I listened to folks on this side and the other side give their views on Bill 25, and what the issue is in regard to this amendment. I think it is important I just go through exactly what the amendment is and what the issue is today that we are discussing here in the House.

The explanatory note says that, "This Bill would amend the Elections Act, 1991 to confirm the validity of writs issued for by-election in the electoral district of Trinity – Bay de Verde and Humber East." As we have had a number of discussions here in regard to a process, in regard to Executive Council issuing a writ and that writ being proclaimed, there is a process in place for that. That happened consecutively within the same calendar day. In this particular circumstance, due to a situation, that did not occur in the same day. As a result, as I said, it was not gazetted in that day.

The procedure is very clear. It is laid out in terms of when a writ is dropped, what happens when it is called, the notification process, and what the requirements are for that. The fundamental issues before that had taken place: was there anybody who would be negatively affected by it, taking the process in totality and as a whole; what was required; what the intent is in regard to notifying the public; and, would anybody be aggrieved by it?

I think based on consultation and what was done with Executive Council, the Chief Electoral Officer and the office, and as well the leaders of the various parties here, the House Leaders with the Official Opposition and the Third Party, got together and reviewed the situation. They looked at the full parameters of what the issues were in regard to the actual legislation.

They came to a conclusion that there was no inherent grievance to anybody in the process, based on advice that there could be an amendment made to the act here in the House which would allow the by-elections to proceed and everything would be taken care of. The dates, as were set in the original decision, could be adhered to and we could move forward.

That is democracy. When people step forward, dates are set for by-elections or general

elections, and people get a chance to step forward to run in those elections. Dates are set and everything they do in terms of campaigning is driven towards those dates.

In this particular case when all got together they recognized that was the important element to all of this. It is a very straightforward amendment that we are doing here today to make sure that process is allowed and is allowed to continue on the dates that originally were set.

The Leader of the Third Party mentioned, when she was up, about how the representatives got together. I agree with her. It was positive in terms of talking about the issue and other issues that may come up. How in the future we may have to look at various other items, and how consulting together we can come up with new ways of doing things. Or if amendments need to be made in the future, it would be very supportive of the process and making sure at the end of the day that things are done and done appropriately.

With this, it was a procedural error. It was taken care of. Everybody met and decided that this was the way forward with this amendment here today in the House through Bill 25. I will be supporting Bill 25 as I said and other speakers on this side have indicated.

It is something to be rectified very easily here with this amendment. There is no prejudice to anybody in the process, which is so important from a democracy point of view. The process was set, the dates were set, and we could move forward. With this separate amendment it could be taken care of and we move forward to the election date, Mr. Speaker.

Thank you.

MR. SPEAKER (Cross): I recognize the hon. the Member for St. John's Centre.

MS ROGERS: Thank you, Mr. Speaker.

I am very happy to stand and speak to Bill 25, An Act to Amend the Elections Act, 1991. We have heard a lot back and forth in the House today. Basically what we are talking about is a procedural error. There has been an appropriate

solution that has been agreed upon by all three members.

What is kind of interesting, Mr. Speaker, about procedural errors is that they often then shine a light on issues. What has happened now, because of this procedural error, is that it has shone a light. It has made some of us stop and think about elections, how important they are, and how we do them. How we do them is what this is about.

Why elections are so important is because people have a chance to vote to determine who is going to sit in this House, and decide how we are going to live our lives together as a community, how we are going to handle and manage our resources, and how we are going to ensure that everyone is taken care of. That is what we do here in this House, how we prepare for our future.

How our elections are run is very, very important because the decisions that are made on election days are so vital to how we go forward within our community. What this has done in fact again, Mr. Speaker, is that it has made us stop and take stock. Something went wrong. What went wrong? How do we go forward? We are shining a light on our election process because it is so important. It is the fundamental underpinning to us as a society and how we live together.

The interesting thing, Mr. Speaker, is that our current Elections Act has not been reviewed since 2007. This is making us stop and look at how we proclaim an election. How do we notify the people of the Province? Many people on both sides of the House now have talked about how this was done in haste. Did it need to be done in haste? There was no crisis that precipitated it, so why was it done in haste?

One of the things we also have to look at, Mr. Speaker, is that consistently Newfoundland and Labrador has had among the lowest voter turnouts in the whole country. What we should want to do within our Elections Act, and how we execute our Elections Act, how we call our elections, is that we would want to do it in such a way to ensure that as many people as possible know about the election coming up and get involved. The Leader of the Official Opposition

talked about what if somebody wanted to run as an independent, how much notice did they actually have?

I think that is really important, Mr. Speaker. It is so important. Voter engagement and voter participation is so very, very important. We stop now and look. Why the haste? There was not a precipitating crisis to put us up against the wall. Oftentimes, these kinds of procedural errors happen because people are up against the wall, because we do not have the time to do it properly. There are lots of guidelines on how to do it properly, but because of decisions that back us up against the wall it does not allow us to do it properly.

It is so very, very important that we have more voter engagement. What is the role then of Elections Newfoundland and Labrador? They can call; they can make sure they follow the procedures to ensure that our elections are done fairly, that our elections are done legally, and that they are announced.

Because we have such low voter turnout, who has the role, whose responsibility or whose duty is it to ensure that voters are more engaged? Who will take the responsibility to do voter education? When a writ is dropped, when an election is proclaimed, when an election is gazetted, who is going to take the responsibility to ensure that the people on the margins who are not voting, whether it be young people, whether it be people of different demographic sections of our society, or people who are on the lower socioeconomic group – are they less likely to vote?

Once the election is called, there is not much time. As we can see again when there is not much time, errors are made. Who takes that responsibility to ensure that more people vote, that more people of different socioeconomic brackets, different educational brackets – are enough women voting? Are enough Aboriginal people voting? Are enough young people voting? We do not know that because our Newfoundland and Labrador elections do not keep those kinds of statistics. Mr. Speaker, how do we ensure and whose role is it to ensure that more people are engaged in the election process?

If we are constantly up against the wall as this error is a direct result of being up against a wall, about not having enough time, if we are constantly up against the wall and we do not know when the election is going to be – although we have a fixed date election in Newfoundland and Labrador, we still do not know when our provincial election is going to be in the Province. That then impedes the whole issue –

MR. SPEAKER: Order, please!

I would like to ask the member to come back. I have given you a fair bit of leeway to talk about Elections Acts in general but I think let's bring it back to the two at hand.

Thank you.

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

If we are up against the wall, the procedural error was because there was not enough time. People were scrambling. It is so important that we are not scrambling around election time. Elections are about the fundamental basis of how we decide how we are going to live together, how we make our laws, how we make our rules, how we share our resources, and how we plan for the future.

Mr. Speaker, this is an amendment that we can absolutely support. Again, to see all three parties working together to ensure that these two by-elections are legal, although we had to do a correction in terms of the error, it is so important that candidates have the time to be ready to run effectively, that the people of the Province are educated, engaged, and are pulled directly into the process of elections because it is again a determinant in how we live our lives together.

Mr. Speaker, I look forward to not just this amendment that we are looking at today, but I think perhaps it is time to review our Elections Act because we have not had a review since 2007. We need to look at whose responsibility it is to encourage and engage all people across every sector in Newfoundland and Labrador to be involved in our election process.

Thank you very much, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

Congratulations on your new duties in this hon. House. Black looks good on you. Maybe no one else agrees, but I think it does.

I am pleased to rise for just a few minutes to talk about Bill 25. I will certainly be supporting this bill. What we have in this hon. House today is no doubt a heated agreement. There seems to be lots of support for this bill, which makes sense because the parties leaders were all consulted and it was agreed that this approach would be the right approach to take.

I appreciate the Member for St. John's Centre talking about challenges around voter turnout and the engagement of the public in the elections process. I do, too, see it as a real issue. I would love to see Elections Newfoundland and Labrador and others encouraging more people to take an active interest in actually exercising their democratic right. We have done some good work around Make Your Mark to encourage people to get involved in local elections, but I think we need to do more to encourage people to get involved in the provincial election process as well.

What we are talking about today, the bill is a rather simple bill. It is one paragraph long. It is a rather simple amendment to amend the Elections Act, 1991 to confirm the validity of the writs issued for the by-elections in the electoral Districts of Trinity – Bay de Verde and Humber East, the two by-elections that are currently ongoing.

Back on November 7, Executive Council advised of a procedural error that had occurred, and it is not an error that will have any impact on the by-elections that will take place next week. It was about the gazetting of those writs when they were issued.

I am pleased to know that internal processes within Cabinet Secretariat and Executive Council have been clarified to make sure that

such errors do not occur again in the future. Every day we have thousands of programs and services running that are delivered by thousands of very dedicated public servants throughout our Province, and sometimes mistakes happen. This is a simple error that was made, but I am pleased to say that processes are now in place to ensure that it does not happen again. There was also a technical briefing for the media that took place on November 10, just a few days following the discovery of the error, so that everybody has been in the loop in terms of how this unfolded.

As I said, the party leaders were briefed as well. There were several options available to address this error, but everybody agreed on the approach that has been taken. The Chief Electoral Officer was also briefed, and certainly concurred with the approach as well. That is why this amendment is necessary. It is specific to the by-elections that are ongoing right now in the two districts I mentioned, and it validates them retroactively, notwithstanding the procedural error that was made.

Delaying gazetting the writ from Monday evening to Tuesday morning does not cause any actual prejudice to any political parties or to the general public, but it does eliminate the risk of legal challenges, and we want to make sure that the by-elections that happen in a week or so are valid and are legal, and that is why this is a necessary step.

So, as many have done this afternoon, I do support the amendment. It is a necessary piece of legislation, and I am glad that all party leaders could work together to arrive at a solution that makes good sense.

Thank you.

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

I am very happy to stand here again today on our first day back and speak to legislation again. That is one of the main reasons we are here, and certainly I take pleasure in standing here every time I get an opportunity to speak to it. I do not think everybody does; we were scolded by certain members of the other side for having the

audacity to debate legislation. I am happy to be here, I am happy to speak to it, but it does not seem everybody is.

Now, what I want to do is I want to talk about this section, and I also want to talk about some of the commentary regarding this that I have heard from members all around. I agree with the Deputy Premier when he says that this is simple. It is simple in the sense that it is a one-paragraph clause. It is very small when you compare it to the other pieces of legislation that we debate.

I disagree with the Minister of Education who said it is housekeeping. This is not housekeeping. I would be willing to guess – and if somebody wants to prove me wrong by all means, that is what we are here for, correct me if I am wrong – that this is rare. This is extremely rare. We are passing amendments to legislation to make sure that by-elections are valid because there was a screw up. That is what we are doing.

I would be interested to see if this has happened anywhere else in Canada. I would be interested to see that. To call this housekeeping is wrong. Is it a small amendment? Yes, it is, but just because it is small does not mean it is not important.

The reason I am standing here today is that when we stand and speak, it is all on the record. It is all in Hansard. I want what I have to say – and I am sure every member here does want what we say – to be recorded for posterity and perpetuity to see how we feel about the different issues that face this House every day. That is the purpose of it.

It is funny; somebody said you are holding it up. I would remind certain members of the other side that we consented to having this bill passed in one day. We are not holding it up. We want these by-elections to occur. We want the by-elections to stand. We want to eliminate the possibility of challenge in a court of law. Nobody wants that. That is why we are agreeing to it.

Agreeing to it does not mean we are going to keep quiet and not talk about it. How would we know why it is we are doing what we are doing? How would we know why we are here today to

look at this piece of unprecedented legislation? I am going to put it out there as members on this side have. They have stood up and had their say about this. This is what we do.

I have made some notes about this piece of legislation and about the comments that I have heard on the other side. When we look at this, “Notwithstanding subsection (1) and the Statutes and Subordinate Legislation Act, the fact that writs respecting the by-elections...of Trinity – Bay de Verde and Humber East were issued on November 3, 2014 but the proclamations respecting those by-elections were not published in the Gazette until November 4, 2014 does not invalidate those writs nor does it in any way affect the validity...”

From my limited understanding of how our system works, a member resigned. I believe it is the government’s responsibility, whether it is Executive Council or the Premier, somebody makes the call to have the by-election. My understanding is that you have sixty days in which to call it from the date. Once you call it, then it must be held within thirty days, so we are dealing with a period of ninety days.

What we need to note here is that this by-election – and this is what we have been mentioning. It has been said that this is an error. When we talk about an error, it means somebody made that error. We are trying to get to the point of why that error happened. That is important to why we are here today to discuss this piece of legislation.

I reiterate for anybody who is listening, we support it because at the end of the day we want the by-elections to happen. We do not want to go through the foolishness that would make these not happen, would make them illegal or invalid. We do not want court challenges.

It is simple, but it is procedural. We must follow procedure. We must follow it. If you do not follow procedure then you start breaking bigger rules. That is what we want to happen.

There was a technical error made. It was not gazetted. I think the Leader of the Official Opposition has made it quite clear why that is important when we talk about everybody’s access to this. These rules were made for a

reason. The rule was broken. Now we have to deal with the aftermath of that rule being broken.

We are saying that this happened because of the lateness of the call of the by-election. It was at the last minute, the eleventh hour. That decision is made by government, nobody else. That decision is made by government when it is called. By virtue of government waiting until the last minute until it is called, that put pressure on the staff who have to respect the orders given by government. That is what happened there, it was the last hour. Things did not happen, but that was at the discretion and at the direction of members opposite and the Premier.

That is why we are here to change the law and to respect that an error was made. We are trying to make sure it is on the record. We understand why this error was made, we understand why we are here today, but we need to discuss it. We need to put it out on the record so that people do not just see ten years from now what happened there, those by-elections, I wish I could remember. It is funny how the passage of time sort of diminishes our memory.

Now they can go back and look at Hansard and say oh, that is why they did it, that is why this happened. If we did not debate it, if we sat down and just let this happen, as the Minister of Education wanted us to do, then nobody would know – stifled debate. It is funny how one thing leads to another. The minister talked about the audacity of us to question the Throne Speech and at the same time trying to stifle debate. It is ironic how that happens, isn’t it?

I am going to continue on. I have a list here. I want to make sure I address every point that I wrote down here.

Holding it up? No, we are not holding it up. We are debating the legislation. We want it to go through so that these by-elections can happen, so that the people in these two great districts can have the representation they want and deserve, which will be given to them when somebody is elected on November 25. That is what everybody here wants to happen. We are not disagreeing with that. I go back to the second point, housekeeping. No, it is not. It is not housekeeping.

I have to keep going. I do not have a lot more here. I know there was a reference to cheap politics which I find interesting, but I will leave that alone today. I think that has been addressed. This is not cheap politics. This is actually doing our job and debating legislation. When we do not debate legislation, we end up with mills being expropriated. That is what happens when we do not debate.

I think the Member for St. John's North mentioned it because he was getting questioned on relevance. He talked about the fact that these pieces of legislation are drafted by the chief legal officer, who does not happen to be here. Regardless, the point of this today, this being our first day back – I do not think anybody wanted to be here to debate this. We would rather be debating the other important pieces of legislation. There were four put on the Table today and there are more coming. Nobody wanted to have to do this, but a mistake was made. We have to discuss why it was made, we have to discuss how it is going to be fixed, and here is where we are right now.

On that note, I think I have laid out why we are discussing this very important, rare amendment today. We will support it because we want this to move forward. If I have any more questions I am sure I will have an opportunity in Committee to discuss that, unless it goes against the wishes of certain members who do not want us to debate legislation.

Thank you.

MR. SPEAKER: The hon. the Minister of Natural Resources.

MR. DALLEY: Thank you, Mr. Speaker.

It is a pleasure to stand here today, the first day back. Obviously there is a lot of anticipation and excitement out there around the Province, Mr. Speaker, to see what is going to unfold over the coming weeks as we enter into the fall session.

It is always good to get back and have an opportunity to speak to the people of the Province, Mr. Speaker. Today, we are having a discussion about Bill 29 –

AN HON. MEMBER: Bill 25.

MR. DALLEY: Bill 25, sorry. I want to discuss Bill 29, Mr. Speaker, because I think there are a lot of good things going to happen with Bill 29.

This particular bill, Mr. Speaker, it is interesting for people who are home listening because it is not your usual debate. As my colleague referenced, it is like arguing over an agreement. There is some posturing going on here, different positions around the bill and what has taken place here, but I think people listening can weed through some of the things that are being said here, and I think it is quite evident that there was a procedural error made.

Mr. Speaker, I think credit to party leaders and House leaders who got together and came to an agreement that what this is about here is a mistake was made, but we have to think about the people who have put their names forward. We have to think about the people out there, the volunteers, the investments, and the planning around by-elections, and the importance that once it is called, that people get an opportunity to do their work, and these particular districts, the two districts, Trinity – Bay de Verde and Corner Brook, would have an opportunity to have representation. Certainly, full credit to the leaders and the House leaders who recognize fully that what occurred was a mistake, there was an agreement, and it is important to move forward.

Now today there are some who want to get it in the record and so on – and that is okay, Mr. Speaker, that is fine, but I think what is important for the people of the Province to understand here is that there was a mistake and the leaders of our political parties agreed. That does not happen very often, Mr. Speaker. I can tell you if there was something done wrong here, you would not get agreement today, you would not have got agreement to allow this to move forward; but there was an acknowledgement, a recognition, and that is what is important here. That is why I am going to support Bill 25; because it was a decision that protected public interests, it was a decision that protected people involved in the political process, the democratic process, all encompassed here. There are times when we have to have these discussions and

debates, and it is always nice to know that we can end up on the right side of a particular issue.

So that said, Mr. Speaker, I just wanted to add my voice to this. I will certainly be supporting Bill 25, and for the people of the Province to kind of listen to everything that is being said here today. The reality is that a mistake was made. The party leaders had come to an agreement to move forward. Today, we are kicking this around quite a bit. I am not sure that the people of the Province expected to see a lengthy debate on something like this today in anticipation of the fall setting and what could come forward; nonetheless, we all reserve that right, as do the Opposition parties, and we look forward in the days to come to getting into some issues, and certainly in the by-elections, encourage the people of the Province, and particularly those districts to get out and vote and support the candidates who are out there knocking on doors and trying to do their best to represent their parties.

Mr. Speaker, on that note, thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I recognize the hon. the Member for St. John's East.

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

I take pleasure rising in my place again on behalf of the people of St. John's East to talk about this issue. I think there is a recognition here that some things can happen that are caused by human error, and some things can happen probably because of timing.

I do not know whether it was the case of government waiting for the very last second to call this by-election. I think deep down the people of this Province knew that once a member resigned that there were strict timings that were in place and that by-elections were going to be happening on particular dates. I think they are smart enough here in this Province that they can actually figure out that a by-election is going to be happening at a certain date.

We all know that it is the responsibility of the government here to be calling that particular date that falls within a particular timeline; that, there is no question. Mr. Speaker, I think that there is something here that the people of Newfoundland and Labrador really wanted to say here. I think it is four words: get on with it. Either way on November 25, the people of Newfoundland and Labrador are going to have their say in which way they are going to vote in these two particular districts.

Do we all recognize that there might be a problem with the act? Yes, sure, there might be. It might be time to go ahead and revisit the act. It might be a good time for an all-party committee. I do not know if the people of Newfoundland and Labrador are going to be engaged enough in that because, Mr. Speaker, they are too busy out there trying to work and do everything else. They trust us to try to go ahead and do the right thing on their behalf.

The whole purpose of revisiting Bill 25 here today was to try to correct an error that might have been caused possibly by human error, possibly by government, I do not know. Again, Mr. Speaker, I will leave you with the thought the people of Newfoundland and Labrador just want us to get on with it. There are much tighter issues that we have to deal with in the Province next to this.

We all recognize democracy as a right, the right to vote, and the right of the independent to be placed on the ballot. We are lucky in some cases that the people of Newfoundland and Labrador understand that. The simple fact is that they just want us to get on with it.

Mr. Speaker, I will finish up on that particular point. Hopefully, we might be able to come together in the future and probably form an all-party committee and probably deal with the Elections Act in the future.

Thank you very much.

MR. SPEAKER: The Chair recognizes the hon. the Member for Mount Pearl South.

MR. LANE: Thank you, Mr. Speaker.

It is a pleasure to have an opportunity to stand on my feet now for the first time in this session to speak to Bill 25, An Act to Amend the Elections Act, 1991. Mr. Speaker, I am not going to prolong this too much. I know there have been a lot of points made here on all sides by all parties. At the risk of sounding repetitive, though, I do want to echo some of the commentary, particularly my colleague, the Member for Burgeo – La Poile, made, as it relates to the role, first of all, that we all have in this House of Assembly, as it relates to the passage of legislation, as it relates to the debate of legislation, and certainly our role in it, our right to participate, and really we should be participating in it.

Mr. Speaker, this particular piece of legislation we know, as has been said many times now, this is a result of an error that occurred. Now, when we talk about the error we have some members certainly opposite who are basically trying to pin that error on the bureaucrats and so on, and I think that we would say that perhaps if the by-elections had been called in a timely manner, if they did not wait until the last hour to call them, perhaps then the pressure would not have been on, and even if they never got gazetted that day, perhaps they could have got gazetted the next day.

They had sixty days, if they had to wait forty days and call it, even if it did not get gazetted on that day, they could have gazetted it on the forty-first day. If they had to call it on the fiftieth day, they could have done it on the fifty-first day, and so on and so on and so on. The fact of the matter is that they left it right until the very last minute, and that is what caused it to happen.

The rationale as to why it got left until the last minute I guess is up for debate. I think there are a lot of people, if you talk to people out there, they would think there was a lot of perhaps political maneuvering around when the by-elections got called and so on and that is what led to this problem – and of course, that depends on who you ask. I guess we will never know. Only those who waited to the last minute actually know the rationale as to why they did it. Of course, we know that would be the government.

Now, Mr. Speaker, the bigger point related to this that I want to make – and again, I my colleague for Burgeo – La Poile sort of made this point, but I want to echo it – is that as elected members, we have a duty and a responsibility to debate legislation. Now, whether that legislation is a minor amendment, whether that legislation is considered housekeeping by definition or not, or if it is some wide sweeping piece of legislation that is going to have a huge impact on the people of this Province, regardless of what type of legislation, regardless of the size of the amendment or the piece of legislation, we still have responsibility, as elected members, to ensure that we have our say, to ensure that the legislation brought forward is the best piece of legislation possible for the people of the Province.

Mr. Speaker, I said in the last session, I will say again, as one elected member I have every intention to have my say, to have it in Hansard for the record, on every single piece of legislation that comes forward. So if there are five pieces that come forward, ten, twenty, thirty, whatever the government plans on bringing forward, I will say in advance that I will be on my feet for every single piece of that legislation, every one of them I am speaking to it. I am not sitting down. Despite the fact that some people might not want to hear us all speak on it, we have that right. We have that responsibility, and that is exactly what I intend on doing.

I have to say, I did feel some of the members opposite who spoke, and their commentary was fine, was respectful, was all good, explaining it, and I have no issue with that. I did feel, though, there were a couple of times when a couple of members spoke, it was almost like – I think my colleague used the term scolded – being scolded for having the gall to actually stand on my feet and participate in a democratic process. I would say to anybody who has an issue with that, well I guess you are going to have to be disappointed because I am going to continue to do so.

Also, Mr. Speaker, if we wanted to take that approach to legislation, we could always argue, why debate any legislation? No matter what the legislation is the government has the numbers, they have the majority. If you wanted to look at

it that way, government can come in here, just take all of the legislation, put it all on the table, go first reading, second reading, third reading, and we would just sit here. We would say nothing, because they have the numbers, they are going to vote for it anyway. They are just going to do whatever they like, and people could argue they are going to do that anyway.

At the very least, we hold out the hope that if we stand up and we debate legislation, that maybe something will click. Maybe there will be an idea that will come from this side of the House, whether it be from the Official Opposition, whether it be from the Third Party. There might be something said that might cause government to pause and say, do you know what? We never thought about that, maybe we should make this change. Now, I doubt they will do it, but who knows. At the very least it gives us, as members, the opportunity to have our say, to have it recorded in Hansard as was said. So that in days gone in the future, or as years go by, someone can look back and say a piece of legislation was passed, this person spoke and I know why they voted the way they did.

Now, as has been said as well, this legislation is necessary. An error occurred, a significant error occurred and we need to put this piece of legislation in place to retroactively go back and correct the mistake so that we can carry out the by-elections in Trinity – Bay de Verde, we can carry out the by-election in Humber East, and it will be done properly, it will be done legally. It will be done without court challenge and additional cost to the people. Most importantly, so the people of those districts can have their by-elections, elect a person of their choice to represent them in this House of Assembly.

That is really what it is all about. It is important that we do it. It is important that we all support it. We do support it, but in supporting it, in supporting this piece of legislation to correct this error, which we all support, it is also important that we point out why we support it. It is important that we point out what led to this legislation, that we point out we have concerns about how this process went. We are supporting the legislation because it is a necessary thing to do, but we also want to point out the issues we have around it and how it came to pass.

It is important that we have the opportunity to stand in this House and do that. That is what everybody here, I think, is doing. That is what I am doing, and I want it on the record. That is why I am standing up to speak to it. As I said, I will continue to do so on each and every piece of legislation. If somebody does not like it, well I guess that is just too bad. That is my right. That is what I was elected to do, that is what I intend to do.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Environment and Conservation.

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, the Member for St. John's East was most succinct when he stood up and spoke and said this is much ado about nothing. We just heard, for the last eight minutes, a member talking about it is going to be on the record for people in the future who will look back and see exactly what he said on this issue. I do not think too many people, Mr. Speaker, are going to look back and read what he said on this issue because what he just said for the last eight minutes really did not make a lot of sense. We are not debating anything here. We are having a conversation, it sounds like to me, about the process.

Mr. Speaker, mistakes were made. We know what happened. We know exactly how it happened. All of the leaders of each of the parties decided that there would be a remedy to this situation. We are dealing with the remedy today, Mr. Speaker. Here we are today in the House of Assembly, I am sure everybody in the House is going to support this.

In this circumstance, Mr. Speaker, we could be spending more valuable time debating issues that are more important to the people of the Province. I am certainly sure there are people on the opposite side who have issues about this and that, and more things as well.

Mr. Speaker, I just want to get it up there and not belabour the point, and just say that I am not going to waste anybody else's time as well. I

will let the next member on the other side of the House come in and have a word as well.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

The hon. the Minister of Business, Tourism, Culture and Recreation – Rural Development.

MR. KING: Rural Development, not recreation.

The Member for the Bay of Islands is going to fight for his recreation grant here this year. The Member for Bay of Islands, pay attention, I am talking about you. I said this year your fight for the recreation grant is going over there.

MR. JOYCE: What?

MR. KING: It is split off from Tourism and Culture. Your fight for the recreation grant this year is with the minister of seniors and aging. I am just pointing out the narrow scope of my department.

Tourism, Culture and Recreation has been split, I was explaining to him. I said as an example, the Member for the Bay of Islands will look for recreation grants from the new department over here.

Thank you, Mr. Speaker.

I am just going to be a moment. Members have, I think, exhausted to no end really, what we are doing here. We are coming together, and hopefully united. I think I am hearing that the members will support this bill to make it a retroactive decision that will apply to the calling of two by-elections in Trinity – Bay de Verde and Humber East as a result of the writ and a calling of the by-elections not being gazetted, as is currently the required process, or at least one interpretation of the current process.

My speaking now will bring this to a close. I would ask members to support that and then we will move it through to Committee.

Thank you.

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Elections Act, 1991. (Bill 25)

MR. SPEAKER: The bill has now been read the second time.

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

Now?

MR. KING: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Elections Act, 1991", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 25)

MR. KING: Are you going to recognize me?

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

MR. KING: Thank you, Mr. Speaker.

With leave from my colleagues opposite, I move that the House resolve itself into Committee of the Whole to consider Bill 25.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into Committee of the Whole to consider the said Bill 25.

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

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Littlejohn): Order, please!

We are now considering Bill 25, An Act To Amend The Elections Act, 1991.

A bill, "An Act To Amend The Elections Act, 1991". (Bill 25)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

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

MR. J. BENNETT: Thank you, Mr. Chair.

Mr. Chair –

CHAIR: The hon. the Member for St. John's North.

MR. KIRBY: Thank you, Mr. Chair.

I think there is some confusion about who has the floor. I do not know if that is correct, Mr. Chair, that I have fifteen hours left to speak.

Since we sat down to discuss Bill 25, we have heard all sorts of things from people. I did not hear anybody get called out on relevance, so it must be relevant, and maybe I will ask some questions about these things; but you heard members talk about the relevance of this bill to proportional representation, to increasing the voter turnout in districts, to all-party committees. I heard the hon. Deputy Premier get up and talk about the government's voter education programs and the relevance of Bill 25 to that.

I do not dispute that they are all very interesting issues, important issues that we might debate and discuss here in the House of Assembly, but I do not see any relevance to any of those issues

to the direct language here in Bill 25. We have heard a lot of ministers across the way basically brush this bill off as some sort of waste of time. I do not think it was a waste of time. It was also implied somehow that the party leaders, the caucus leaders, had some meeting and agreement and that we somehow should not violate this gentleman's agreement by getting up and contributing to the debate.

The Leader of the Official Opposition did not give us any direction about sitting down, being quiet, and shutting up and not participating in this debate and discussion –

CHAIR: I ask the hon. member to speak to the amendment to the bill, please.

MR. KIRBY: Yes, Mr. Chair.

That is why, I think, we all over here took an opportunity to say a few words about why we think that this bill ended up here today that this is why we spent the entire afternoon, the first day back after the House was recessed for months, and we had the minister over there, Mr. Chair, say just a few minutes that this is much ado about nothing, while the hon. Government House Leader got up initially and said that this protects people from court challenges about this legislation –

CHAIR: Order, please!

I remind the hon. member that he speaks to the amendment of the bill or I will ask the hon. member to sit, please.

MR. KIRBY: When the hon. Government House Leader stood up to speak to this bill, Bill 25, initially, he talked about the fact that there could be a challenge in court. Someone mentioned that there could be a challenge in court to overturn the two by-elections that were improperly gazetted and, thus, improperly called according to the procedure, the statutory requirement of the Government of Newfoundland and Labrador. We had the minister over there a minute ago saying that it was much ado about nothing.

What I am saying, Mr. Chair, is that I do not believe that. I think we should ensure that elections are called properly. We should not

wait until the eleventh hour for them to be called. We should not wait and wait and wait day after day when there are sixty days to call the by-elections, and we should not, as I said initially in my comments, blame it all on somebody else when those who called the by-election get it wrong. People should take responsibility for what it is that they have done and not try to slough it off on the bureaucracy, people who are working hard for Executive Council.

I just wanted to drive that home because bill is either important or it is not because if government is bringing legislation that is not important to the floor of the House of Assembly, then we have to call into question why they are sitting over there at all, Mr. Chair. That is what I am raising.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for St. Barbe.

MR. J. BENNETT: Thank you, Mr. Chair.

Mr. Chair, people watching need to understand why it is necessary to do this, why it is necessary that the Elections Act, which is 122 pages long and section 58, which we are amending, was an amendment to the Elections Act that was passed by this government in 2004. This government should be fully familiar of section 58 which they are now seeking to amend.

They want to amend section 58 of the Elections Act to fix a mistake that they made. If they would stand up and say – and it would only be necessary for one minister to say that and debate would close – we made a mistake, it is on us, help us fix it, we would help you. They do not want to do that. They want to make a quiet little deal. They want to get the thing pushed through today. We are all in agreement that it needs to be done today.

They want to pass a piece of legislation that would be retroactive. Where did we hear that word before? We heard retroactive only a few months ago in the whistleblower legislation when they said you could not pass retroactive

legislation. This is a piece of retroactive legislation.

This bill is to pass retroactively and why is that? The reason is, Mr. Chair, if you go to section 58, which we are about to amend, it says. “The day of polling to be fixed by the proclamation required under section 57” – which is the section before that – “shall be a day not less than 21 clear days from the date of the proclamation nor more than 30 clear days.”

That means from the date of calling the election, the government did not have just twenty-one days. First of all, they had a sixty-day window when they could have called the election any time during the sixty days. Then they had a window of anywhere from twenty-one days to thirty days.

Mr. Chair, they waited until the very last day to call both by-elections and then either neglected, or forgot, or did not realize that they had to be proclaimed. Then they were proclaimed on the next day, the next day being November 4. From November 4 to November 25 it must be clear days. The legislation says clear days so that means every single day must count except for the date which the event falls upon. That is straight statute construction.

They thought they called it on November 3 for November 25, when in fact they did not get it out the door until November 4. Clearly it was a mistake. How big of a mistake? Well, big enough of a mistake that not only would the by-elections be casting it out as being unlawful if we were not to go through with this – which we will go through with this; we will pass this. It means that the entire Elections Act, section 58 that this government passed in 2004 – because they did not like the way elections were being run at that time; they had a beef with the government before. They introduced this act so they would clean up the Elections Act to suit themselves. Even then, they did not get it right.

What we have now is we have this government coming before the House, coming before the people of the Province of Newfoundland and Labrador and asking the Opposition members for co-operation and collaboration to correct a mistake that they made. If they would simply say we made a mistake, sorry about that; will

you help us fix it? We would say yes. They want to stand in this House and they want to blame hard-working bureaucratic support people who have called election after election after election and always got it right. They will not accept any responsibility.

That is the problem with this government, the arrogance and refusal to accept responsibility. You have to acknowledge first that you made a mistake. Mr. Chair, this government refuses to acknowledge that it makes any mistakes whatsoever. If it would do that, I suspect that people would be a lot more forgiving and would say anybody could make a mistake.

For minister after minister after minister after minister to stand in this House this afternoon and say we did not do anything wrong, someone made a mistake, well no, someone did not make a mistake. It is like a child going off to school and saying the dog ate my homework. The dog did not eat your homework and you cannot blame it on the bureaucrats.

It is a mistake that came about because this government procrastinated until the sixtieth day, and then they wanted the election called in the shortest possible time of twenty-one days. If they had said we will call it in twenty-three or twenty-four days, being gazetted the very next day would have been fine. They ran it out as long as they could because they did not want to face the people in a by-election, so it would be as short as it possibly could be.

You develop a habit, Mr. Chair, of having all the good news made public and all the bad news made private by calling things at the last minute, sneaking away and not accepting any responsibility, which is what they are trying to do here. That is why they have such a loss of confidence by the people of this Province.

Mr. Chair, clearly I am going to support this bill because it is in the public interest to do so, but this government should not walk away and pretend to the people that this was not another one of their mistakes.

Thank you, Mr. Chair.

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

MR. LANE: Thank you, Mr. Chair.

Mr. Chair, I had not intended to speak again on this, I think I had said my piece last time. I am just prompted to make a quick comment.

As I indicated when I spoke earlier, this is an important piece of legislation, regardless if government wants to acknowledge it or not. There was a serious error made that we have to go back retroactively and correct because of that error. That is government's error; it is not the bureaucrat's error.

Mr. Chair, as an elected member I have the right to stand up and bring this forward so people understand my perspective when I am voting on this. To hear the Minister of Environment and Conservation stand up and say it is much to do about nothing, well, that speaks volumes. Maybe when he was in his previous department that was the attitude he took with the blue zones. Maybe that is the attitude he is taking now with the people of Ocean Pond, that it is much to do about nothing.

Thank you, Mr. Chair.

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I am pleased to stand again and have a couple of minutes in Committee to speak to this legislation. I certainly appreciate all the comments from members on this side of the House, as well as members opposite. Some have given very impassioned speeches here today. I am surprised, but impressed, I have to say. I look forward to more extensive legislation to see what that brings.

As has been said on a number of occasions, Mr. Chair, what we are talking about here is correcting a potential procedural error, we will call it. One of the things that have not been said a lot today is that there is some advice that suggests perhaps we could have proceeded the way without doing this fix.

The Office of the Chief Electoral Officer, in particular, believes that it was unnecessary to do what we are doing today and in fact that we

could proceed and that everything was legitimate. The concern, however, was raised that it leaves the potential – because of the failure to gazette the calling of the by-elections and the dropping of the writ, because of the failure to do that – for someone to challenge the results of the by-election.

I listened earlier to the Leader of the Opposition, the Member for Humber Valley. He makes a very important point that not many have also raised here today, which is correct. It is not only about the three political parties here, it is about anyone else outside of the parties.

It is one thing to say, well fine, all three parties agree, but he is correct when he asserts that we have to cover all bases to ensure that we are not just talking about three political parties. There could in fact be independent candidates with no particular affiliation at all who would choose to offer themselves. If in fact they did that and felt then that there was some opportunity to call for this to be invalid, then they would certainly be outside of any agreement or any understanding amongst the three parties.

Having said all that, it was felt that collectively, by the two leaders opposite and myself, taking the advice of the Clerk of the Executive Council, perhaps the most appropriate route to take would be to have this debate here today, and to pass a piece of legislation that speaks specifically and only to the by-elections in Trinity – Bay de Verde and Humber East. That is what we are talking about here today, nothing more.

We have also identified – the Leader of the Third Party, the Leader of the Opposition, and myself, and other members have picked up on it I note today as well – that there may be some opportunity, some need, and some desire at some point to revisit the Elections Act itself and perhaps remove what we have now as a dual-track process. Right now, once the writ is dropped it goes in one direction to the electoral office which proceeds with the call of the election, and the wheels get set in motion; whereas on the other side, the notification goes to Legislative Council which is then required to gazette the call. That is the piece that was not done in this particular case.

There is some question as to whether in fact maybe at some point in time down the road we need to change that to be similar to – I am not certain, but I think most other provinces in Canada have a single process, not the way we do it. There has been discussion about whether we may move in that direction. I certainly would not be adverse to that myself if that is where we want to be.

That is essentially what we are doing here today. I am pleased to speak to that. I am encouraged at my colleagues across the way.

MR. JOYCE: (Inaudible).

MR. KING: The Member for Bay of Islands is shouting at me with his words of support for this bill as well. I want to thank him for that, and thank all members who have contributed to the debate today.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clause 1 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Elections Act, 1991.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I move, seconded by the Minister of Natural Resources, that the Committee rise and report Bill 25.

CHAIR: The motion is that the Committee rise and report Bill 25.

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, Mr. Speaker returned to the Chair.

MR. SPEAKER (Verge): The hon. the Member for Port de Grave.

MR. LITTLEJOHN: Mr. Speaker, the Committee of the Whole have considered the

matters to them referred, and have directed me to report Bill 25 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and they have directed him to report Bill 25 without amendment.

When shall the report be received?

Now.

On motion, report received and adopted.

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

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Finance and President of Treasury Board, with leave from members opposite, that Bill 25 be now read a third time.

MR. SPEAKER: It is moved and seconded that Bill 25 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 25 be read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Elections Act, 1991. (Bill 25)

MR. SPEAKER: This bill has now been read a third time and it is ordered that it do pass and its title be as on the Order Paper.

On motion, a bill, "An Act To Amend The Elections Act, 1991", read a third time, ordered passed and its title be as on the Order Paper. (Bill 25)

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

MR. KING: Thank you, Mr. Speaker.

At this time I would like to call from the Order Paper, Address in Reply.

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

I am very pleased to be able to stand here in the House of Assembly today and speak to the Address in Reply. I am going to concentrate on my district.

I would like to welcome everybody back to the House of Assembly. It is certainly good to get back and get down to business. It has been an interesting year in my district, both politically and economically, but I have to commend the people in Labrador West, they are taking it all in stride.

First, I would like to address Wabush Mines with Cleveland-Cliffs, the present owners. In February, they announced they would be going into what is known as a warm idle. A warm idle basically means the mine itself is going into – they go into layoff mode, but everything is kept up and running. They went into warm idle, much to the dismay, I guess, of their employees, over 400 people were affected by this. It was a bit of a surprise because there was really no warning.

Cleveland-Cliffs had an option of giving a twelve-week notice to their employees that they would be going into warm idle. Rather than exercise the right of giving a twelve-week notice, they gave twelve weeks pay in lieu of notice. That certainly was taken by surprise, by the employees, as well as the municipalities and the provincial government.

I have to commend this government with their quick reaction when Cleveland-Cliffs went into warm idle in February. Within a matter of twenty-four hours, the Premier and five ministers were on the ground in Wabush. We

worked diligently with the unions and with the municipality to make sure that everything went into place to try and make the transition as palatable as possible.

For example, the minister at the time, and the present Minister of Advanced Education and Skills, took the lead on the file and very quickly had extra human resources on the ground there to help during the transition to offer the proper type of block training that was necessary, so that we could get as many people who were affected by this warm idle back into the workforce as fast as possible. Also, to get a lot of the employees who were affected back into the education system because that option was there. Quite a few people took advantage of this. It certainly paid off in dividends, I find, for the municipality.

Most of the employees at Wabush Mines today have found employment. Some within the region, either through other local industry, other mining industries that are there, local companies that supply to the other mines that are in the area. Also, the word of fly-in, fly-out, two years ago in my district was a bad word. Many people have come to realize now that sometimes it is an option that at certain times can get you through a transition period.

That is exactly what a lot of the employees at Wabush Mines are doing now. They are flying in, they are flying out. Many of them within the Province, which I am glad to say either at the Muskrat Falls Project or at the Voisey's Bay Project; or they are flying in and out to different projects here on the Island portion of the Province.

I am glad to see that many of the residents have not left the area permanently. I am also glad to see that they have not left the Province. They are still working and contributing to the economy here in Newfoundland and Labrador.

This, we are hoping, will be a transition. We do have a company that is interested and looking at the revitalization of Wabush Mines. The Minister of Natural Resources has been working diligently on that file. I have to commend him, he has kept me abreast of everything that has been happening with Cleveland-Cliffs and the other interested company to make sure that

everything is being done as it should be done, properly, and hopefully we will eventually see Wabush Mines back in full operation.

One of the other things that has really had an effect on my district is Alderon. As we all know, Alderon is another mining project that was showing great prosperity. I read an article in a magazine just this morning, in *Atlantic Business*, and it said if you were to look at the CEO and President of the Alderon project, he should be the envy of everybody in the mining industry. Unfortunately, because of the downturn in the economy, this is not the case; but we are still very, very positive that Alderon is going to be a go.

Many of the people in my district, especially with the Wabush Mines downturn, felt that the Alderon project would be their saviour, would be the one that would bring everything back. They felt that a lot of the employees at the Scully Mines project who had been displaced in the employment field would now be picked up with Alderon and business would go on as usual. Also, Alderon was actively looking at the Scully Mine project itself. Because of the economic downturn right now in the iron ore industry, that also has sort of slowed down.

Again, in my district, and myself as the MHA, I feel very confident that Alderon will eventually come into the market. China is still a very strong component in the mining market there and we are hoping we will eventually see where Alderon will come on full stream and move forward with that. The resiliency of the residents within my district is unbelievable, because from day one we have seen they have had a positive attitude. They believe it is going to come back and this is just another bump in the road.

I remember in 1986, the Minister of Mines and Energy at the time, the department was called Mines and Energy, and the minister at the time was in the district, and he spoke at a dinner I went to. I remember he commented – and this stuck with me, not just through my experience in politics but in my experience as a former business person. He said: you are living in a mining town. You have two mining towns here in the middle of nowhere, so you are considered a one-industry town and mining is like a

rollercoaster. It is great when you sit at the bottom at the beginning of that rollercoaster and you feel yourself being brought up and brought up and the excitement and the thrill is there that this is going to be exhilarating, and then when you get to the point that you feel that exhilaration is going to be there, it takes mere seconds for you to be back at the bottom.

That minister at the time said: You go back up just as fast. So hold on, keep your seatbelts on, because it is going to get better. That is what we are feeling right now in Labrador West, that this is just a little bump in the rollercoaster. We are going to go back up and we are going to have a great ride when we get there.

There are many other things happening in Labrador West that make it positive for the future of Labrador West. The Julienne Lake deposit is a huge deposit that is in the works right now. Again, through the Department of Natural Resources, the government is working on moving that forward. It is said to be bigger than the IOC, with their expansion included. Everybody thought that for many, many years IOC was the be-all and end-all of Labrador West, and here we are now making discoveries that are actually even bigger than the IOC project.

The IOC expansion is another one that we saw the expansion; the Genesis project was moving forward. We all felt that they were going go from 16 million tons to 23 million tons a year. Again, the economy dictates the necessity of that. The economy right now, with the slowdown in the economy, is saying that is not going to happen. We need to slow it down a little bit and wait.

The glory of all of that is that the infrastructure for those expansions, when they actually happen, these mining companies have invested in the infrastructure. I remember a year-and-a-half ago in my district being very, very nervous because the average home went from being \$85,000-\$90,000 for an ordinary three-bedroom bungalow to \$350,000-\$400,000. There are homes there that have sold, new homes that have been built, for upwards to \$600,000.

That always, in a position that we here as Members of the House of Assembly sit in and

representing the people in our different districts, when you see an increase like that it makes you nervous because you always wonder what is going to happen when there is a downturn.

One of the good things that we saw in Labrador West was that the companies themselves invested in the community. In order for them to expand and to see the expansions that were on the horizons, the infrastructure that they invested in and built in is now in place. For example, IOC spent about \$1.6 billion in preparing for the Genesis project. We have a 108-unit apartment building built to get ready for the expansion. We have another fifty-four-unit apartment building built to get ready for the expansion.

We had bunk houses that were brought in during the construction of all this expansion. Some of those are now reverted into permanent housing for the companies just in case. It is not all temporary housing now; some of it is there, if it is needed, so that the companies can have it at their disposal. This all adds to the economy of the community.

I remember at the beginning of it all that I sat as a town counsellor. We were nervous that if we allowed temporary housing to come in we were going to have a permanent fly-in, fly-out workforce in the district and in the communities. This government made sure that did not happen. Working collaboratively with the municipal governments, we made sure that the temporary workforce that was fly-in, fly-out remained temporary. There were very strict conditions put on all of that.

The infrastructure right now in the community is there for when the expansion happens. The good part of having that infrastructure there is that there will come a level now where people can afford to live in the area. We went through a period where we could not afford to have new people move into the area; therefore, it is very hard to recruit and retain new employees. We are at a point now where we are going to keep that. I am really pleased to see that.

In my neighbouring District of Lake Melville, you are seeing the same thing there now that you actually saw in my district seven or eight years ago. The people in Lake Melville quite often refer to the people in Labrador West as to where

do we go; what do we do? They have some experience. What has happened in my district I think is helping other districts, such as Lake Melville in the Province, to get ready for the booms and the busts.

One of the other things that I would like to comment on is the third transmission line that this government agreed to bring through to Labrador West from the Upper Churchill, Churchill Falls. When we agreed that we would bring in the third transmission line, the third transmission line was needed because of the expansions that were happening within the region. There was a major fear that unless the third transmission line came in the municipalities themselves, number one, would not be able to attract new businesses; number two, that Alderon, the mining exploration in Alderon, would not have the power that it would need.

The government agreed they would build the third transmission line on one condition, that Alderon would have all of its finances in place. Although, the third transmission line is now put on hold it is only put on hold until Alderon secures their finances. That was made clear from day one. It has not changed, so I am really pleased to see that is still there.

One of the big fears – and again I look at the government that I sit as a member of – in Wabush especially is that in Wabush, as they do in Labrador City, they work with the mining industries. The mining industries do not pay taxes. The mining industries pay grants in lieu of taxes. This government is working with Wabush now.

The grant in lieu of taxes that Wabush is actually losing per year is \$2.3 million. They actually have to do a budget this year of saying we just lost \$2.3 million. They know that is gone. I am very pleased to say that I have been working with the Minister of Municipal and Intergovernmental Affairs. He has made this a priority. We are looking at how we can alleviate some of that pressure for the Town of Wabush, how we can work with them as we have worked with other municipalities throughout the Province, Stephenville being an example, Grand Falls-Windsor being another example.

This government made a commitment – the five ministers and the Premier of the day sat in Wabush and they made a commitment to the people of Wabush that you will be treated no differently. They are working with the municipality now to try to make sure that actually happens.

Again, I am not blowing the horn of government. That is what we are supposed to do when we are here, we are representing government; but I can speak very passionately because I am living there. When you are a minister, as I have been, and you stand in the House of Assembly, you represent the whole Province; but when we stand as an MHA and you are representing your district, you can speak passionately about that. I am living in that district. I am seeing the hardships that are there and I am also seeing how government is working with the municipality, working with the companies to try to make that better. I think that is important.

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: We have Muskrat Falls. I guess I did not realize it until Wabush Mines closed. Muskrat Falls is having a major effect right across the Province of Newfoundland and Labrador. I would venture to say that I could guess that of the forty-eight districts in the House of Assembly that are represented here, every one of us as MHAs has at least one person working in Muskrat Falls.

I know there are districts, and I look across at my colleagues in other parts of Labrador, that Muskrat Falls has been a saving grace in their districts when it comes to employment. There are many, many people and it is because of a lot of the stringent rules with IBAs and stuff that government has put in place that Labradorians, Aboriginals come first. That was important to this government. It was very important to this government that if it is in Labrador and the resources are in Labrador, then the Aboriginals in Labrador and the Labradorians should have the first opportunities, and we are doing that.

When it comes to certain skilled trades, you cannot take a non-skilled tradesperson and put them into a skilled trade; it is not safe. Where the opportunities are there for the Aboriginals

and for the Labradorians to move forward in Muskrat Falls – and I have witnessed it. I have been down there, I have seen it, and I will guarantee you it is one of the best things that can ever happen to Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: I am running out of time shortly. The last thing I would like to touch on is I have been in Labrador West for thirty-seven years and I was always one of the advocates who said we are not a one-industry town.

I still say we are not a one-industry town. We certainly depend on a main industry, as many municipalities and districts throughout the Province do. I am very pleased to say that over the last five years one of the major changes I have seen in the district and especially in Wabush is their industrial park.

In a lot of the benefits that have been made with the emerging mining industry that has been happening, even though some of it now is idle, some is put on hold, some is moving forward – and I use Tata Steel as an example in Schefferville. All of their supplies have to be purchased through Newfoundland and Labrador. The most feasible place for them to purchase their supplies is Western Labrador.

The Wabush Industrial Park is a prime example of seeing a success story of where those benefits and those agreements come to dividends. We have an industrial park in Wabush that has grown tenfold. We have one company there that worked out of Montreal which three years ago built an 80,000 square foot warehouse in the Wabush Industrial Park. Now all of their supplies, rather than coming from Montreal, come from Wabush. That is an example of diversifying industry. That is an example of saying we are not just a one-industry town, and we can make this work, we can diversify it to bring it in and bring in new economy and bring in new jobs. We are seeing some of that.

So again, I thank you very much for the opportunity, Mr. Speaker, to be able to stand here and certainly to concentrate on my district today. It is a district, it is very resilient, the people there have a great tenacity, and I have no doubt that – in the mining industry you are either

doing very well or you are doing very poor, and right now we are going to move forward.

So, thank you very much, and I look forward to getting up and speaking again.

SOME HON. MEMBERS: Hear, hear!

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

MR. KING: Thank you, Mr. Speaker.

Given the hour of the day, I move, seconded by the Minister of Fisheries and Aquaculture, that the House do now adjourn.

MR. SPEAKER: It is moved and seconded that this House do now adjourn.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

This House stands adjourned until 1:30 o'clock tomorrow.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.