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Speaker: Honourable Wade Verge, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Verge): Order, please!

Admit strangers.

I am pleased to welcome today to the Speaker's gallery Dr. Atul Gurtu, an Adjunct Professor of Physics in Delhi University in India.

Welcome to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I am also pleased to welcome to the public gallery today Her Worship Wanita Stone, the Mayor of Red Bay.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will hear members' statements from the Member of the District of Mount Pearl South, the District of Kilbride, the District of Torngat Mountains, the District of Humber East, the District of Exploits, and the District of Baie Verte – Springdale.

The hon. the Member for the District of Mount Pearl South.

MR. LANE: Mr. Speaker, it is my privilege to rise in this hon. House to offer congratulations to a group of individuals who have made a significant contribution to sport in my community.

Once again, this year's Mount Pearl Athletic Awards was a tremendous success, which highlighted the achievements and emphasized the important role that sport has played and continues to play in the development of youth and adults alike within our great city.

There were a number of worthy nominees again this year nominated in five categories. Congratulations to this year's winners: Peter Halliday Executive of the Year Award winner, Ms Melanie Hallett of Campia Gymnastics; Coach of the Year, Mr. Travis Maher of the Mount Pearl Special Olympics; Female Athlete of the Year, Hannah Noseworthy for her accomplishments in the sport of soccer; Male

Athlete of the Year and track and field sensation, Daniel Kelloway; and Team of the Year, the Mount Pearl Special Olympics Canadian Silver Medal Soccer Team.

Mr. Speaker, I would ask all members of this hon. House to join me in congratulating these individuals on this significant accomplishment and wish them all the very best in their future sporting endeavours.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Kilbride.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Mr. Speaker, on March 7, the Harness Horse Owners Association held its Dinner, Dance, and Awards Presentation at St. John's Racing and Entertainment Centre with approximately 100 people attending.

After a fine meal, a total of twenty-three awards were presented. The top award winner was Danny Williams – not the ex-Premier – with four awards. Brad Forward walked away with three awards. Danny was the top trainer with a .460UDR rating. He was also recognized as the Standardbred Canada Owner of the year, rookie driver of the year, and the Top Driver in the 20-39 starts category. Brad Forward was the Driver of the Year, the Driver with the Most Money earned, and the Top Driver in the 40-plus starts category.

The Most Gentlemanly Driver was awarded to Bill Taylor. Colin Sheppard had the most wins in the 10-19 starts category and received an award for the Most Improved Driver. Scott Forward was the trainer with the most wins.

Nine awards were presented for the horses. The Horse of the Year award went to Inspired Art, and the horse with the fastest time of two minutes and two seconds was Dusty Lane Wild Bill.

I ask all hon. members to join me and my colleague, the Member for Ferryland District, in congratulating all the award winners.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Torngat Mountains.

MR. EDMUNDS: Mr. Speaker, I rise in this hon. House today to congratulate Catharyn Andersen of Makkovik, who was recently appointed special advisor on Aboriginal Affairs to the President of Memorial University. In her new role, Catharyn will be responsible for the management of the university's Aboriginal office, and helping with the recruitment of Aboriginal students.

Catharyn is a former director and Inuktitut language program coordinator with the Torngasok Cultural Centre in Nunatsiavut where she helped develop and deliver various language, cultural, and heritage initiatives. She is very passionate about her history and culture, and dedicated to the preservation of the Inuktitut language.

Catharyn brings to her new role a strong educational background, having earned a Masters of Arts in Linguistics and Business Administration from Memorial University. Her past work experience with Nunatsiavut will also enhance her efforts with Aboriginal affairs at the university.

Catharyn will be a tremendous asset to Memorial University in building stronger relations with the Aboriginal community throughout Newfoundland and Labrador.

Mr. Speaker, I ask all hon. members to join me in congratulating Catharyn on her new appointment and wish her success in her new role at Memorial University.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber East.

MR. FLYNN: Mr. Speaker, after nearly six years of planning, the Rotary Arts Centre in Corner Brook is set to officially open on May 9,

2015. This beautiful facility, which includes a ninety-three seat theatre, the Tina Dolter Art Gallery and six studios designed to house emerging artists, will become a focal gathering place for the arts in Corner Brook and surrounding area.

While the objectives of the Rotary Arts Centre are varied, the primary focus is to present a venue for the work of artists in the community, and also provide the opportunity for emerging artists to hone their skills and develop their talents. The centre is governed by a volunteer board of directors, a volunteer staff who manage the facility on a day-to-day basis. The board has worked hard to establish a community partnership in the fulfillment of this dream including the Rotary Club of Corner Brook, the City of Corner Brook, Anthony Insurance, Grenfell College, and several local business partners.

Mr. Speaker, on behalf of all of the residents in Corner Brook and surrounding area, I ask members of the House to join with me to offer congratulations to Chair, Mr. David Smallwood, the Board of Directors, and all other volunteers and thank them for bringing this wonderful dream to a reality.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. FORSEY: Mr. Speaker, on March 9, the Peter's River Raid Adventure Race was held at the Shanawdithit Campground on the Botwood Highway.

The race was organized for students between Grades 5 and 9, and competed in a three kilometre snowshoe race, a fire building station, and finished with a three kilometre cross country skiing, each team consisting of five students and an adult.

Four schools competed in the competition: Cottrell's Cove Academy, Holy Cross School

from Eastport, Exploits Valley Intermediate, and Millcrest Academy from Grand-Falls-Windsor.

One of the organizers, Corey Samson, said “the race is a challenge that the students welcome and is certainly a different form of physical activity.”

Mr. Speaker, I ask all members of this House to join me in congratulating Nicholas Carroll, Grade 6; Carla Clarke, Grade 6; Timothy Hemeon, Grade 7; Kaitlyn Butler, Grade 8; Patrick Carroll, Grade 8, and teacher sponsor/racer Ms Karyn Rowsell of Cottrell’s Cove Academy for winning the race for the second time in a row.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Baie Verte – Springdale.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: Thank you, Mr. Speaker.

I had a lot of respect for this man and his wealth of knowledge, wisdom, and passion for rural Newfoundland. Born in Cape Freels, Bonavista Bay in 1926, Carl Wright moved to Nipper’s Harbour, White Bay. He married Mildred Noble and together they raised three sons, Eddie, Brian, and Boyd.

A man of many talents, Carl was a school teacher, United Church minister, a boat builder, store owner, and politician. Occasionally, I visited his home to extract stories and information about life in the past. I marvelled at his sharp memory and depth of knowledge as he so passionately talked about the fishery, forestry, and mining. Actually, he could talk about any topic.

For the past thirty-six years, Carl and Mildred resided in the beautiful town of King’s Point where he was held in high esteem.

With the passing of Carl Wright at the age of eighty-eight, not only did we lose a dad, a father, a husband, a grandfather, and friend, but also a

tremendous amount of wisdom, knowledge, and history.

I ask all members in this hon. House to join me, along with the entire community of King’s Point to offer condolences to the family and pay tribute to a person who made a huge impact.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

I am pleased to rise in this hon. House today to recognize that the annual report conducted by the Canadian Institute for Health Information has revealed that our Province has achieved some of the shortest wait times for priority medical procedures in Canada. This report spans the five-year period from 2010 to 2014 and cross-jurisdictional benchmark results for various procedures including radiation treatment, cataract procedures, hip fracture repair, and hip and knee replacement.

The institute’s report ranks Newfoundland and Labrador as the best in Canada for cataract surgery, hip replacement, and knee replacement. As well, we are one of the top three performers in the country for radiation therapy wait times. In fact, we are the only Province to achieve the nine out of ten benchmark result in all priority areas, with the exception of hip fracture repair. This can be attributed to a more precise method for measuring wait times for that specific procedure in Newfoundland and Labrador.

Mr. Speaker, the Government of Newfoundland and Labrador has invested more than \$160 million to specifically address wait times over the last eight years, and it is clear that our approach is paying off.

In 2012, we released two five-year strategies aimed at reducing wait times for hip and knee joint replacement surgeries and emergency department wait times. We are now the national leader with the shortest wait times in the country for hip and knee replacement surgery. In addition, Budget 2014 allocated \$1.8 million to continue implementation of the *Provincial Wait Times Strategy for Hip and Knee Joint Replacement*. This not only provided permanent funding for the orthopedic and rheumatology central intake clinics at Eastern Health, but also allowed for the creation of eight permanent positions.

Mr. Speaker, while we are proud of our efforts being acknowledged, we recognize there is still significant work to be done to reduce wait times in other areas and we remain committed to finding solutions. For example, while our wait times for rheumatology have improved we have yet to reach our target in that area. We also continue to seek ways to provide more timely service in such areas as neurology, heart valve replacement surgery, and mental health services as well.

We are always proud to have our accomplishments highlighted on a national level, and we will continue to work to reduce wait times across all areas of our health care system. We are committed to providing timely access to quality care for everyone in Newfoundland and Labrador.

Thank you, Mr. Speaker.

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.

The federal government signed a ten-year deal with the provinces to help reduce wait times in areas such as cancer, heart, diagnostic imaging, joint replacements, and sight restoration, and we have seen some improvements as a result of it, but the problem has not gone away.

The first thing is that wait times are only measured after you are on the list to get a surgery, after you have seen the specialist. There are people on a waitlist to see a specialist to get a replacement, and this is not captured in overall wait time data.

The Wait Times Alliance of Canada said that high numbers of patients waiting for alternate levels of care, such as rehab or long-term care is likely the single, biggest cause of wait times. This government spent about 36 per cent of its budget last year on health care. We have the highest rates of heart disease, diabetes, cancer, and chronic diseases. Sadly, we are spending the highest funding per capita, but getting the lowest outcomes compared to the rest of Canada.

So, unfortunately, when it comes to health care we are the worst, last, and lowest, and that is certainly nothing to brag about, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

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

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

Yes, the Canadian Institute for Health Information has some good news, but they deal only with the five priority areas that were set by the First Ministers in 2004. It is a good thing that in those areas the Province has gotten nine out of ten, I will agree, but we have an aging population and we need to look at what is going to happen with regard to joint replacement procedures as our population ages, and which is happening very, very quickly. That is one of the areas we are not good in.

Radiation therapy procedures are going to continue to rise in the future as well. I am not surprised the minister did not mention ER and the wait times for ER, where we are probably one of the worst in the country.

MR. SPEAKER: Order, please!

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

MR. SPEAKER: The hon. the Minister of Advanced Education and Skills.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, I rise today to inform residents and businesses throughout Newfoundland and Labrador about the release of the Job Vacancy Report.

This report is a comprehensive information resource that can be used by employers, education and training institutions, students, and job seekers to help clearly identify job opportunity trends in Newfoundland and Labrador.

The Job Vacancy Report was compiled by my department's labour market information team. It is now available on the provincial government website, and I encourage everyone to visit the site to view this report.

With a detailed analysis of more than 38,000 job advertisements recorded during the last calendar year, highlights of the report include job vacancy locations, post-secondary training requirements, key industries, and in-demand occupations.

Mr. Speaker, our Province has at its fingertips a homegrown, highly-skilled workforce and accomplished graduates ready to participate in and contribute to their communities and our economy. Current up-to-date information on labour market trends, the kind of information available in the Job Vacancy Report, informs the work of my department on employment supports and services available to the people of the Province and post-secondary programming. Skilled workers and graduates can use this information to help make informed long-term career and education-related decisions. Employers and businesses can also use the information in the report to assist with human resources and succession planning.

Mr. Speaker, opportunities are available in our Province's many industries, from services to

resources. By matching people to jobs and employers to people, we will encourage individuals to study, work, and raise their families in Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. Government has been operating for two full years without current labour market information. In those two years, Mr. Speaker, we have seen 10,000 jobs disappear.

Government's follow-up attempt to Labour Market Outlook 2020 is to look to the past. What benefit will a job opening last year have on the tens of thousands unemployed today? What benefit will last year's job openings have on the hundreds in Lab West whose lives have been turned upside down with the massive layoffs occurring?

Government's approach to workforce development is passive and reactive. They act as bystanders observing trends rather than trying to chart a course and create the conditions for job creation. Mr. Speaker, when we have the highest unemployment rate among provinces, these job openings will tell you that this government has failed miserably in preparing our workforce for the work that is out there.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

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

I, too, thank the minister for the advance copy of his statement. It is great to have the report online, but I point out to the minister the Department of Advanced Education and Skills was created over four years ago and mandated to help people find jobs, plan their careers, and as it says, "to ensure Newfoundlanders and

Labradorians can take full advantage and benefit from the tremendous opportunities ahead.” Yet our unemployment rate in this Province right now is 13.3 per cent, the highest in the country.

I ask the minister why, after four years, are we still plagued with such a high unemployment rate despite what they envisioned as opportunities (inaudible) –

MR. SPEAKER: Order, please!

The hon. the Minister of Service Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House to inform the public that bike helmets are now mandatory on all public roadways in Newfoundland and Labrador. This amendment to the *Highway Traffic Act* became effective on April 1.

A properly fitted bicycle helmet can decrease the risk of serious head injury by as much as 85 per cent. Working together with safety advocates and law enforcement, we have achieved a new safety standard that will help protect children and families in all communities throughout Newfoundland and Labrador. Safety advocacy groups that worked with us on this initiative included the Newfoundland and Labrador Medical Association, the Association of Registered Nurses of Newfoundland and Labrador, the Newfoundland and Labrador Public Health Association, Safety Services Newfoundland and Labrador, the Newfoundland and Labrador Injury Prevention Coalition, the Newfoundland and Labrador Brain Injury Association, and the Department of Seniors, Wellness and Social Development.

Mr. Speaker, I recently had the pleasure of joining safety advocates, police, and youth at Boys and Girls Clubs of St. John’s to talk about the new legislation, and demonstrate the proper way to choose a helmet, which involves using the 2V1 approach. The helmet should cover the top of the forehead and rest approximately two fingers width above the eyebrows. The side straps should fit snugly around the ears in a V shape, and the chin strap should be buckled and

then tightened until one finger can fit between the strap and chin.

Anyone seeking additional information about the 2V1 approach to fitting a helmet, or other information about the new bicycle helmet law can visit www.gov.nl.ca/BikeHelmet. This webpage also provides information on how individuals can seek assistance with purchasing a helmet. Those needing assistance with obtaining a bicycle helmet can contact Canadian Tire Jumpstart if the helmet is for a youth under eighteen, or Recreation Newfoundland and Labrador if the helmet is for someone older than eighteen.

Mr. Speaker, this amendment to the *Highway Traffic Act* continues the provincial government’s commitment to promote healthier and safer communities. I encourage everyone to learn more about the important new requirements, which our government has put in place to protect children and families throughout the Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

I thank the minister for the advance copy of his statement. Certainly, Mr. Speaker, we are very supportive of this legislation. I want to also thank all of the various stakeholders who had input and continue to advocate. I want to point out Canadian Tire and Recreation Newfoundland and Labrador for supplying helmets. It is important that everybody has access to these helmets.

Mr. Speaker, it is very interesting that in November 2013, it was this very minister who, on two separate occasions, was asked questions by the Official Opposition around having bicycle helmets. One response was: There is no plan to move forward on that. The other response was: At this point in time, we are not looking at implementing it.

Now, Mr. Speaker, thankfully the Official Opposition did not take no for an answer. We continued to advocate. We continued to raise this issue. We continued to raise this in Question Period. As a result, we have this legislation here today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

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

MR. MURPHY: Thank you, Mr. Speaker.

I thank the minister of the advance copy of his statement here today. Yes, it is a good piece of legislation, but there is always room for improvement. I have to note in debate last year, and I will bring up the fact again to the minister that we also need something that is going to end up covering things such as rollerblades and scooters. We still only have a 90 per cent compliance rate of usage of kids out there and such who are using helmets.

We have a report from the CBC that quotes a very interesting statistic that I will make the minister aware of. Between 1990 and 2011, nineteen per 100,000; it went up to twenty-six people per 100,000 as regards to accidents in these particular areas of scooters and rollerblades and stuff.

MR. SPEAKER: Order, please!

I remind the member his time for speaking has expired.

Further statements by ministers?

Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

Yesterday, the Premier said that he asked the RCMP to do an investigation on the shooting death of Donald Dunphy.

I ask the Premier: Why did you personally get involved in this investigation?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

If those were the words I used yesterday, I certainly did not intend to mislead the House. I certainly never gave any direction to the RCMP to conduct an investigation into the death of Mr. Dunphy, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Yesterday, the words of the Premier were very clear. It said that I asked them to do a full and fair and frank investigation. The Premier has had lots of time to withdraw those remarks. I understand sometimes in this House we can get a certain stat wrong or a certain name wrong, but remarks like this are very clear.

We all know this started about a Tweet to the Premier's office. It is a very serious and important issue. Someone from the Premier's office called the police. The Premier even, on the day, called and personally supported the young RNC officer. We know that the Premier's office is directly involved in this.

I ask the Premier: Are you or your office currently under investigation on this matter?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Just to clarify on the member's first question once again, I have not looked at Hansard to see exactly what my words were and I already said

to the member before his last question that if I misspoke or if my words were misconstrued or misunderstood, I fully apologize to the House and I want to correct it that in no way have I directed the RCMP or the RNC or any police service to do an investigation.

Mr. Speaker, it is not my place to do that. I have never done that. I will not do that as Premier. That is completely within the boundaries of the police services to decide what they want to do there.

As for the matters at hand and details of the circumstances that have taken place – and I will be clear – what I expect from the police is that they carry out a full, comprehensive investigation on the matter. We look forward to seeing the results of that, as well the oversight by the retired justice who is involved with this as well.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, given the tragic events on Easter Sunday, I think the question that I asked on the second question – I appreciate the fact that the Premier explained the position and the remarks about yesterday, but the second question was about the Premier's office. Is the Premier's office a part of the current investigation being carried out by the RCMP?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, if his question is are we playing a role in the investigation, clearly we are not. We have no involvement with the investigation. It is entirely up to the police to carry out that investigation. It is up to them how they direct and how they investigate. In no way, do I or my office have any involvement in any decisions on the progress of that investigation.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The question is not about the involvement and who called for the investigation; the question is about the ongoing investigation.

My question to the Premier about his office: Is your office currently under investigation on this matter by the RCMP?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: I have no knowledge of it, Mr. Speaker. I cannot provide him with an answer. I do not know if my office is under investigation.

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

MR. BALL: Thank you, Mr. Speaker.

The Premier also said yesterday that the RCMP has a number of options available to them, one of which was the appointment, as the Premier previously mentioned, of Judge Riche.

I ask the Premier: What other options are you referring to?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, the other option that would be available as we have seen exercised in the past from time to time, whether it is the RNC or RCMP, they have an option of calling in another police force from outside the Province or within the Province, depending on the nature of the investigation. That would be totally at the discretion of the police force.

As the Minister of Justice in particular with responsibilities for this, I have no authority in operational matters. There is nowhere in

legislation that gives me the right to impose my view on the RCMP. It is an operational decision that they make as to whether they do what they have done or choose another course of action.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, I just listened to the answer from the Minister of Justice and I refer to page 48 of the Luther inquiry where it talks about the unprecedented step where the RCMP called in the OPP for an investigation. It also says, they were “not ordered or forced by the Minister of Justice who had the authority to do so; rather this was at the invitation of the R.C.M.P.”

I ask the Minister of Justice: Are you sure you do not have the authority to intervene here?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I can only say to the member opposite, I cannot speak to the circumstance you just quoted. Since you seem sure I do have the authority, I would say to the House that I will go back and double check. I am advised by those who write the legislation that the Minister of Justice does not have the authority to intervene in direct police forces, but I will certainly go back and double check that before I give a concrete answer to this House.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, given that we had Judge Luther, the former chief of the Provincial Court say that the minister does have the authority, I look forward to the answer on Monday in this House.

Recommendation 26 of the Luther inquiry calls for an outside police force to be used in the

event of a police shooting in this Province. The family of Mr. Dunphy is also calling for an outside police force to complete this investigation.

I ask the Premier: Will you now support this call?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

Back to the previous question, irrespective of what the member is quoting, I can say to you very categorically that I am certainly not looking for that authority as the Minister of Justice. That is why we have police forces. They are trained professionals who make decisions on this. It should not be in the hands of a politician to decide who investigates what files and when.

With respect to the ongoing investigation, we have been very clear, Mr. Speaker, that both police forces are engaged here in different pieces of an investigation. We will see that through. Upon conclusion of those investigations we will make a determination whether further actions are required.

As I have said many times before, if an inquiry is required either through the fatalities act that I am responsible for or through Cabinet, the Lieutenant Governor in Council will make that determination.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, I am shocked to hear in this House today that the Minister of Justice is abrogating his duty to the people of this Province as the administrator of the Department of Justice. Perhaps the Attorney General would like to say.

Again, I ask, you have the authority. The Luther inquiry says to do it. Why will you not call in an outside police force, as you have the authority and the power to do so?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I appreciate the eagerness of the member, but I will say to the House, I do not take my direction from my critic across the way. I will read the legislation and see what direction I have.

I will say very categorically, that whether I have the authority or not, I certainly do not intend to intervene and call in another police force. I intend to let the investigation that is underway proceed. I have confidence in the RCMP to carry out the particular piece of investigation they are doing. As I said a few moments ago, at the conclusion of that we will make a determination as to whether an inquiry is required.

At the end of the process, all the members on this side of the House want what the public want, which is the truth and the facts of what happened. We will go to whatever lengths it takes as a government to make sure that we and the public are made aware of that.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, it is obvious that the Department of Justice is not following the recommendations in the Luther inquiry.

The Lamer inquiry discussed the tunnel vision that can occur when police forces investigate their own. There is also the negative public perception that may arise when this occurs.

I ask the Premier: Given the conclusions of the Luther inquiry and the Lamer inquiry, why are you not supporting the call for an outside police force to conduct this investigation?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Again, Mr. Speaker, let me be very clear. What we are supportive of here is making sure that all information that the public needs to know becomes public. We will do whatever it takes to support and facilitate that process.

We are currently involved in a situation that is very tragic for a number of people and a number of families. We need to find out what happened. We need to let the investigation take its course.

As I said a few moments ago, at the conclusion of that, through the facilities act I will look at the medical examiner's recommendations. Cabinet obviously will give every consideration to the interests of the public. If the public is satisfied and we are satisfied, it will be case closed. If the public is not satisfied and we believe there is a need for further investigation, then we will consider calling an inquiry.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, on page 146 of the Luther inquiry, Judge Luther says in reference to bringing in an outside police force such as the OPP, and I quote, "The wisdom of already having in place the established protocol with the O.P.P. for such major incidents was borne out in an abundantly clear fashion in this investigation. This Memorandum of Understanding or something similar should continue to be renewed. It serves our people well."

I ask the Minister of Justice: Does this Memorandum of Understanding with the OPP still exist?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, I am aware that our two police forces, both the RNC and the RCMP, do engage the OPP. I cannot speak to the specifics as to whether there is an official Memorandum of Understanding but I will certainly endeavour to check and get back to the

House. I think there is but I am not definite, so I will check.

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

MR. A. PARSONS: I ask the Premier: Given that your Chief of Staff was the former Chief of the RNC, are you or are you not aware that this MOU does or does not exist?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, I think the question has already been answered. I stood on my feet thirty seconds ago and said I believe it exists but I am not definitive. I want to check it out with the proper authorities and I will report back to the House.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, I ask for the last time: Why do we need to relive what we have already been through? We have had the Luther inquiry; we have had the Lamer inquiry.

I ask the Premier: Why do you still resist having an outside police force conduct this investigation? Why are you resisting this?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

The member opposite indicated this is the last time he will ask the question, so hopefully it is the last time I will have to answer it and be very crystal clear as to where government and where I stand on this. There are currently investigations ongoing before a very serious incident that has happened in this Province, very tragic, and our hearts go out to everyone involved in that and I am sure the members opposite share in that respective comment.

We will let the investigation unfold. We are committed to see that through. We are confident that the RCMP will do their due diligence. Upon the conclusion of that, I will review the medical examiner's report and recommendations. Cabinet will also give consideration to what is in the public interest, and if there is not full disclosure and there are still some issues with confidence in the public then we will consider calling an inquiry, but we will do so upon the termination and completion of the investigation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber East.

MR. FLYNN: Mr. Speaker, the Minister of Environment and Conservation said yesterday: I was in business for twenty-five years. Mr. Speaker, there is a big difference between signing the front of a business cheque and the back of a paycheque. He lacks business experience. He suggested that business owners should always look two or three years out. That is exactly how outfitters do it. That is why they sell their hunting packages in advance.

I ask the minister: Why did you not follow your own advice and consult with outfitters before hitting them in the pocketbook?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, first of all, I would like to say to the member opposite I was in business for twenty-five years. The last ten years in business, I was regional manager for a major company with over \$160 million worth of sales a year. That is \$1.6 billion in ten years of sales.

I was in charge of profit. I was in charge of loss. I was in charge of distribution. I was in charge of marketing, Mr. Speaker. So challenging me and my business experience, I take offence to that. I will just put that out there.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, when you are in business, you need to think about the future, always. You need to make adjustments when costs go up. So your labour costs go up, your costs go up for insurance, your costs –

MR. SPEAKER: Order, please!

I remind the minister his time has expired.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber East.

MR. FLYNN: Mr. Speaker, yesterday the minister of tourism did not respond when I asked him about this loss of income to small business owners in our tourism trade. Would he answer my question today?

Given that your government made these increases retroactively, I ask the minister: Will you commit to working with your uninformed colleague in Environment and drop this increase for one year as requested by the outfitters?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Again, Mr. Speaker, when you look at the big game resource and what we have here in this Province, it is second to none in the world. As a matter of fact, we have the only caribou population that is hunted in North America or pretty much anywhere in the world.

We have helped protect that herd. Mr. Speaker, 40 per cent of the licences for that herd is reserved for non-residents which go to outfitters. They charge up to \$10,000 for a hunt for these woodland caribou, massive antlers on them. That is why hunters want to come here and hunt.

Mr. Speaker, we have been working with the industry. We will continue to work with the industry. We understand that this is a challenge going forward for some of these outfitters, but they have the ability to pass those costs on. They have the ability to raise their rates next year and recuperate any costs that they incurred

this year and going forward into the future. The ability is there for them to do that.

MR. SPEAKER: Order, please!

The hon. the Member for Torngat Mountains.

MR. EDMUNDS: Thank you, Mr. Speaker.

I am glad the minister mentioned caribou. Mr. Speaker, all the caribou herds in Labrador are classified as threatened to some degree. Three years ago government implemented a five-year ban on harvesting the George River caribou herd, the last herd to be protected. Confirmed reports of illegal hunting of the protected Mealy Mountain caribou herd is cause for concern.

I ask the minister: How has this herd been impacted by illegal harvesting?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, caribou is a valuable resource in Labrador, and we understand the attachment to the Aboriginal community and to other residents of Labrador – an important resource, important food source. We want to see these herds come back. We think that is possible. The research that we are doing right now is showing that some of these herds are starting to flatten their decline. So our research is showing that there are some positives there.

Mr. Speaker, in terms of illegal hunting, you are exactly right; it is something that is not acceptable. Every single animal that is out there now is important to the replenishment of that herd and the resurgence of those herds.

We have some information about certain hunts that have occurred in the last number of months. We have investigations ongoing. We have evidence that we have collected, and we will continue to do the work of enforcement.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Torngat Mountains.

MR. EDMUNDS: Mr. Speaker, I am glad you mentioned evidence, because there are several cases of illegal caribou harvesting in Labrador that remain on the docket – some for as long as three years waiting to be processed. Individuals from Quebec have already and are once again planning to return to harvest more caribou from Labrador.

So I ask the minister: What enforcement measures will you put in place to protect the caribou herds in Labrador from illegal harvesting?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, we have investigated two illegal hunts in the last couple of months. We have gathered evidence of both those hunts. Some of that evidence includes actual carcasses. Justice officials have interviewed hunters from the area. So we have gathered evidence.

Sometimes it is very difficult to bring this in front of the courts, but we do have a plan. We know that there is a threat to go and harvest animals again. We have an action plan in place. In the next few days we are going to see what the Innu from Quebec are going to do, but we have a plan in place, and we will take action immediately if we see any illegal hunts that are happening in the near future. So we are on top that, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. MITCHELMORE: Mr. Speaker, the Minister of Environment stated in the House of Assembly yesterday, “No, we did not talk directly about fee increases” The outfitting association confirmed they were not consulted on these staggering retroactive fee hikes.

So I ask the minister: Since you also hold the portfolio of Service Newfoundland and Labrador, responsible for red tape reduction, will you reverse your irresponsible retroactive decision that adversely impacts business and their ability to plan?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, there was no retroactive decision made here. Actually, when we look at allocating licences for the outfitters, we have a two year plan. We allocate them every two years. We let them know two years in advance how many licences they have. We do not tell them what the fees are going to be. We reserve that right as a government as things change.

We also reserve the right, if there is a crash in a herd, to take the licences back. We did that a number of years back with the caribou, Mr. Speaker, to try to protect that herd.

Mr. Speaker, there is no retroactive happenings going on here. So I do not know where his information is coming from.

In terms of the fee increases; again, Mr. Speaker, the outfitters in moving forward can charge more money. They can rejuvenate that revenue going forward and charge more for these fees.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. MITCHELMORE: Mr. Speaker, having a right to do that does not mean the government does not have a right to consult.

The outfitting industry creates local jobs, brings millions of dollars, new dollars into the Province’s economy. Increasing fees is a deterrent and contradictory to your government’s red tape reduction initiative. The last report on red tape said this government is losing ground.

I ask the Minister of Business, who was not consulted on these retroactive fee increases, what he plans to do to ensure the Environment, Service Newfoundland and Labrador Minister reduces red tape versus increase it?

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Again, Mr. Speaker, the outfitting industry in Newfoundland and Labrador, we think it is a very robust industry. We spend millions of dollars researching and making sure of the sustainability of all the big game animals that are out there.

In terms of the fees; the fees are necessary, Mr. Speaker. We have some of the lowest fees in Canada when it came to non-residents. There are provinces in Canada that do not allow non-residents to hunt their big game. We allow them to come here.

Mr. Speaker, \$167 extra for a moose hunt is not unreasonable. We understand the business models that the outfitters are following. Mr. Speaker, again I reiterate, they can find ways to get that back. They can find ways to charge that and pass it along to the non-residents who are coming here hunting our herds that we spend millions of dollars a year to manage and sustain for the people of the Province and also for (inaudible).

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

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

MR. OSBORNE: Thank you, Mr. Speaker.

Last night we held a housing forum in St. John's and some of the stories from Newfoundland and Labrador Housing tenants were nothing short of alarming and heartbreaking. Parents told us of children's bedroom windows that cannot open – an obvious safety concern; children being placed on puffers and steroids to cope with leaks and mouldy carpets, and no units being furnished with fire extinguishers.

I ask the Minister Responsible for Housing: What sort of example are you setting as the Province's largest landlord?

MR. SPEAKER: The hon. the Minister Responsible for Newfoundland and Labrador Housing Corporation.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, I guess you can always cite individual cases, but let me point out a number to the hon. member. Since 2009, this government has tripled the spending that has gone into modernization and upgrading of Newfoundland and Labrador Housing.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: For some twenty years, there was \$4 million put in annually. This government increased that since 2009, up to \$12 million. Mr. Speaker, 77 per cent of Newfoundland and Labrador Housing units have been modernized and upgraded. That speaks to our record. We will continue that work and the work of Newfoundland and Labrador Housing.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Thank you, Mr. Speaker.

They should put a few more dollars in the Budget so they can buy fire extinguishers.

Mr. Speaker, a senior with health complications was offered a housing unit with no parking. She needs her car for multiple medical appointments and to maintain her independence, given that she has mobility issues. Housing cancelled her application for twelve months because she did not accept the unit without parking.

Why can't your policies treat vulnerable people with dignity instead of forcing them to choose between a house or a car?

MR. SPEAKER: The hon. the Minister Responsible for Newfoundland and Labrador Housing Corporation.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, his question almost paints the picture of an individual from Newfoundland and Labrador Housing who appears not to want to do the right thing for an individual. That is the impression he has left with me. In all of my dealings with the people of Newfoundland and Labrador Housing, they want to find a solution for individuals.

We have had members who have raised particular issues on this floor from this side and from the members opposite that we have taken back to officials to review. In all of my dealings with the officials at Newfoundland and Labrador Housing, I find they always want to do the right thing.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

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

Yesterday in Question Period the Premier avoided giving a direct answer to a question I raised, so I am going to try again today.

I ask the Premier: Is the protective services unit a section of government or of the Royal Newfoundland Constabulary?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, the protective services unit operates through the Royal Newfoundland Constabulary. They have various duties that the Premier has spoken on, on several occasions. One of which includes providing some protective and investigative services to public figures, not only the Premier's Office. They are engaged any time other politicians of other counties, for example, or other parts of the Province visit, if there is some particular threat.

They clearly do not operate as an arm of the Premier's Office. They operate as an arm of the Royal Newfoundland Constabulary.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

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

Well, it is very difficult to find anything on anybody's website with regard to the protective services unit.

So I ask the Premier: Can he give us more details about the terms of reference of the unit as it relates to his office?

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

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

Let me clarify my previous answer. The RCMP is also a part of the protective services unit. To be clear, it is not just the RNC. I will certainly endeavour to seek out a list of the responsibilities of this unit.

As I said before, to be very clear, this is not a unit that is assigned to the Premier's Office. This is a unit that has specific responsibilities around public figures. It may not be government. It could be Opposition members, depending on what they are engaged in. It could be a Lieutenant Governor's house. It could be visiting politicians.

I will certainly talk to the RNC and RCMP and ask to get a list of the responsibilities of that unit. I will be more than happy to share it here.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

MS MICHAEL: Thank you, Mr. Speaker.

We have learned today that the family of Donald Dunphy, supported by their lawyer, have expressed a loss of confidence in the investigation being carried out by the RCMP on his death and are asking for an outside police force to be brought in, as well as for an inquiry to be put in place once the investigation is finished.

I ask the Premier: Based on the red flag that is being raised, will he reconsider his position into an inquiry, into all the circumstances surrounding the death of Donald Dunphy?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Again, it is a very serious matter. We want to know exactly what took place as well. We share that concern with members opposite, and also members of the general public. We want to know what took place.

Mr. Speaker, as the member opposite just alluded to; we have to wait for the police to finish their investigation. We have to wait for the RCMP to finish their investigation. We look forward to receiving their report and also the report of the former justice who has unfettered access to the investigators and the investigation. He has an oversight role. We also look forward to receiving a report from him as well on the outcome of their findings in the investigation.

Once we have that, Mr. Speaker, then we will consider next steps. Just to be clear, at no time did we ever say or are we saying that we are opposed to a public inquiry. What we are saying is let's get the information first then we will make our decision before we can move forward.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

The minister is on record as saying that he does not see the need to add extra ambulances to the

fleet to address the red alert situation on the Northeast Avalon.

With the larger population, Mr. Speaker, on the Northeast Avalon, what evidence does the minister or this government have to arrive at that conclusion that we do not need more ambulances out there?

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I thank the member for raising a very important issue. It has been in a number of media reports this week.

I want to tell hon. members of this House that since 2006, Eastern Health has actually increased ambulance capacity in this region quite a bit. They have more than doubled response capabilities, more than doubling the number of ambulances and paramedics. So there are sufficient resources to meet our needs in this region.

We monitor red alerts very closely. Some red alerts are Level I which means there is no ambulance on standby when the call comes in. Some are Level II. It needs to be put into context. It is an issue that we are examining closely and we will continue to work with Eastern Health on it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's East has time for a very quick question.

MR. MURPHY: Mr. Speaker, falling back on the St. John's Regional Fire Department is not the answer.

I ask the minister: Is the answer to call another ambulance when St. John's Regional is tied up?

MR. SPEAKER: The hon. the Minister of Health and Community Services, for a quick reply.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, the member is creating a perception that emergency calls are not being responded to when a red alert arises. That is simply not the case.

All ambulances are actively responding to transports on a priority basis. There are protocols in place. Last weekend protocols were followed, and I am confident that Eastern Health is managing this matter quite well.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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 Route 510 from L'Anse au Clair to Red Bay is in a deplorable condition and requires immediate upgrading; and

WHEREAS the condition of the highway is causing undue damage to vehicles using the highway and is a safety hazard for the travelling public; and

WHEREAS both residential and commercial traffic has increased dramatically with the opening of the Trans-Labrador Highway and increased development in Labrador; and

WHEREAS cold patching is no longer adequate as a means of repair;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately allocate resources to Route 510 from L'Anse au Clair to Red Bay that allows for permanent resurfacing of the highway.

As in duty bound, you petitioners will ever pray.

Mr. Speaker, I have been on my feet a number of times petitioning for resurfacing of Route 510 from L'Anse au Clair to Red Bay. The road is in an absolute deplorable condition. Yesterday, the minister stood and he gave a statement and he talked about road safety. He talked about it being a priority with this government.

Well, Mr. Speaker, last week I was working from my Forteau office for a number of days, somebody did tell me that forty new bags of cold patch have gone into the area, but there comes a certain point in time when you move beyond the Dalmatian highway – which I talked about last year where there was more cold patch than there was pavement – that it becomes unfixable.

There are sections there that the school bus travels over – one particular spot in Forteau, you cannot tell what is road any more. People are swerving in around and they are going onto the grounds of a private business, Mr. Speaker. Asphalt is needed, it is desperately needed, we are going to have the Budget come down next, and I certainly hope – because what I am talking about does not fall under discretionary spending.

If we cannot do better than what we have there now, tear up what we have and put some gravel back down, or else we have to shut down the road. I invite the minister to come up with me. I know that he has received pictures from a number of mayors in the area that are very, very concerned. Now we have heavy, heavy traffic on an already extremely dilapidated road going back and forth to Muskrat Falls, which has made a bad situation almost extremely impossible.

We hear in this House lots of times talk about the billion-dollar tourism industry. Mr. Speaker, our businesses do not have a chance. Who is

going to come? Who is going to come in a motor home? We have the Mayor for Red Bay sitting in the gallery today; they got the designation last year, UNESCO status, World Heritage Site. Their community is depending on tourism, but who is going to drive over an atrocious road like that?

So, I will continue to be on my feet and to be advocating. I know there is a batch plant that is being set up this year for asphalt north of Red Bay. What a great opportunity to save some money and to resurface some of Route 510.

Thank you, Mr. Speaker.

MR. SPEAKER: Order, please!

The hon. the Member for Conception Bay South.

MR. HILLIER: Thank you, Mr. Speaker.

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

WHEREAS the Town of Conception Bay South is the second largest municipality in the Province with a population of approximately 26,000 people; and

WHEREAS recent dangerous incidents on community streets have highlighted concerns of high speed and inadequate traffic control in Conception Bay South; and

WHEREAS residents, organized groups, and the town continue to raise awareness about pedestrian safety along main streets and the lack of police presence in Conception Bay South; and

WHEREAS residents are increasingly concerned about safety in their community and are feeling insecure on their streets and in their homes;

We, the undersigned, petition the House of Assembly to urge government to review the level of policing in Conception Bay South with an objective of increasing policing services and improving public safety for residents.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I would like first to point out that I am in no way criticizing, in any way, the work of the Royal Newfoundland Constabulary officers in Conception Bay South. They continue to present themselves in a most professional manner as they go about their daily work in making Conception Bay South a safer place to live.

In speaking with residents, I feel the issue here is tied more to the degree of policing, perception of residents, and visibility of police in the community. Mr. Speaker, the Premier is fully aware of these issues. He is a former member of the RNC. He was a ward councillor in the Town of Conception Bay South. Also as the MHA for Topsail, he has been kept in the loop regarding councils concerns re: policing in the town.

Mr. Speaker, this petition came about with two points of focus. First of all, there is a major concern in the district of speeding and dangerous driving. Route 60 and the Foxtrap Access Road are provincial highways through the town. There are eight schools on or immediately off these highways where safety needs to be a priority. Recently, we have heard the mayor's concerns regarding the Conception Bay South Bypass Road.

This is not only a concern on the main street, but as well on side streets. The deputy mayor recently said speeding and dangerous driving are currently the biggest issues we have to deal with in our town. Recently a local Facebook group, CBS traffic safety group, has been created to draw attention to the issue. I know the Justice Minister is aware of the issue, as residents of his street have been very vocal about speeding in his neighborhood. I spent significant time with a parent group from his street when I was his councillor.

Mr. Speaker, the second concern in the District of Conception Bay South is a sense of insecurity among residents. This seems to be particularly true among seniors. I picked up on this in two ways as I have knocked on doors throughout the town. In some cases, residents were very forthcoming in pointing out –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HILLIER: – these feeling that they rarely see an RNC vehicle in their neighbourhood.

This may well be the case but residents are clearly concerned that they do not see regular police presence –

MR. SPEAKER: Order, please!

I remind the member that his speaking time has expired.

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

MR. MURPHY: Thank you, Mr. Speaker.

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

WHEREAS we, the residents of the Port au Port Peninsula, do not want hydraulic fracturing to be used in oil exploration in our area as it will contaminate our air, water, and soil; and

WHEREAS fracking will destroy tourism and rural diversification forever; and

WHEREAS we are not willing to leave the toxic footprint of fracking for future generations;

We, the people who will be most affected, call upon the House of Assembly to urge government to include a representative from our area on their fracking review panel for which consultations will be held in our area.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I got this petition in. This was (inaudible) by a very interested person over on the West Coast who took it upon herself to get out there – her and some of her friends – and get names, signatures for this petition. It was a very good effort brought forth by these people who are asking government a very simple question about the fracking panel and wanting to have representation on the same panel for obvious reasons.

I can quote one interesting news story this morning, Mr. Speaker, that comes out of Saskatchewan talking about some wells that were tested that were leaking hydrogen sulfide gases and actually killed some animals in the area where the wells had occurred. This is an area of this province where there is a danger particularly to part of our agriculture industry, in this case to farming and the sheep industry for example. When they tested the wells, Mr. Speaker, they found twenty-one out of twenty-two of these wells were leaking and caused damage to some farming areas in Saskatchewan.

These people have a direct concern. They have a direct concern not only for the people's health and for the security of the water, but for their industries as well. So we would certainly hope, and we have asked this as a party on this side of the House, that the government would reconsider – while it still has time, that this government would consider the fact of putting West Coast representation on this panel. Why? Because the people of the West Coast are to be the most affected by this. I am going to ask government again to consider while there is still time for government to consider having a member, a person from the West Coast, sit on the fracking panel to represent the interests of the people on the West Coast.

Mr. Speaker, I am quite pleased to table this petition on their behalf today. Hopefully government will pay attention to this petition. They can see that it is coming from various places like Mainland, Lourdes, from Stephenville itself, Winterhouse, Lourdes again, Black Duck Brook, Mr. Speaker, communities from all over the Port au Port Peninsula that are directly concerned with this issue.

Thank you very much.

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 the responsibility to ensure that Internet access is broadly available so people have a 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 Bide Arm was by-passed under the Broadband for Rural and Northern Development initiative, which saw high-speed Internet added to thirty-six communities on the Great Northern Peninsula in 2004; and

WHEREAS nearly a decade later Bide Arm still remains without broadband services despite being on amalgamated town with Roddickton; 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 services;

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

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this petition is signed by residents of Roddickton, Griquet, Ship Cove, and Bide Arm which are all in my constituency.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: The Town of Bide Arm amalgamated. It is part of a municipality of Roddickton, Bide Arm. It is the largest town now on the Northern Peninsula east. It is a major service area. The children and people who are living in Bide Arm are certainly hindered in terms of their education, in terms of the equal opportunities they have and all other residents.

So with the federal government having \$305 million under the federal program for expanding broadband Internet, I would hope that the current government would be pursuing opportunities, working with providers, as I have been doing, to see that broadband comes to Bide Arm because they missed the boat a few years ago when there was \$225 million there.

I put forward this petition and hope that we can get some movement for the people in that community. It is well-deserving. I know we have a member on the other side who is from Bide Arm, the Member for Baie Verte – Springdale. Let's make sure we get the broadband Internet there in Bide Arm. It is a great town.

Thank you.

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

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

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 residents humbly sheweth:

WHEREAS hundreds of residents of the Southwest Coast of the Province of Newfoundland and Labrador, including residents of the communities of Margaree, Fox Roost, Isle aux Morts, Burnt Islands, Rose Blanche-Harbour Le Cou, Diamond Cove, and La Poile, use Route 470 on a regular basis for work, medical, educational and social reasons; and

WHEREAS there is no cellphone coverage on Route 470; and

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

WHEREAS the residents and users of Route 470 feel that the provincial government should invest in cellphone coverage for rural Newfoundland and Labrador;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the Government of Newfoundland and Labrador to

partner with the private sector to extend cellphone coverage along Route 470.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I have entered this petition on a number of occasions. I am going to continue to do so until we get something done. Now, thankfully we are starting – again, I do not want to speak too soon, but we are starting to move past the winter season where we saw people stranded for hours and hours on barren roads, desolate roads in a snowstorm with no supplies, and we do not have an ability to call people on a cellphone.

Now the good news is that with the advent of technology we can alleviate this problem with a minimal investment. We are not talking huge dollars. I would like to think that it is an investment, because the fact is the returns you are going to get will outweigh what the actual investment is, I can guarantee you that.

The fact is right now we have people coming over here, we have tourists who are coming over here and one of the things they see when they get off the ferry is: Oh, we have no cellphone coverage in a lot of the places that we would like to go visit. Well, maybe we will not go down there.

The second part is we have people who are not getting calls for work because God forbid if they step outside their house, they cannot get a call on the cellphone that they pay for. I pay for my cellphone but I do not have to worry about that in most of the places I am in, but they do not get that.

Again, it is something that affects the majority of us in this House of Assembly in many places. I also have Route 480. I am looking forward to the minister working with me on this issue to ensure there is cellphone coverage in rural Newfoundland and Labrador. It is time to make it happen, and his department can make that happen.

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.

I call from the Order Paper, Order 2, second reading of a bill, An Act To Provide The Public With Access To Information And Protection Of Privacy. (Bill 1)

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

MR. KENT: Thank you, Mr. Speaker.

I move, seconded by the Minister of Municipal and Intergovernmental Affairs, that Bill 1, An Act To Provide The Public With Access To Information And Protection Of Privacy, be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 1, An Act To Provide The Public With Access To Information And Protection Of Privacy, be now read a second time.

Motion, second reading of a bill, “An Act To Provide The Public With Access To Information And Protection Of Privacy.” (Bill 1)

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

MR. KENT: Thank you, Mr. Speaker.

It is my pleasure to rise in this House today to start the debate on the Access to Information and Protection of Privacy Act bill. I suspect there will be considerable debate on a piece of legislation that is important to those of us in this House and important to people throughout the Province.

The Access to Information and Protection of Privacy Act, also known as ATIPPA, is an important piece of legislation. It is legislation that provides people with the right to access information and ensures the protection of personal privacy. It applies to more than 400 public bodies, from government departments and agencies, to health care and educational bodies, as well as municipalities.

As you are aware, in March 2014, former Premier Marshall announced the appointment of the ATIPPA Review Committee which was mandated to conduct a comprehensive review of the legislation, including the amendments that we made in 2012. The ATIPPA Review Committee consisted of individuals with expertise in law, expertise in privacy legislation, and expertise in journalism.

The committee was comprised of Clyde Wells as Chair, Jennifer Stoddart, and Doug Letto. Mr. Wells, as members of the House know, is a lawyer, a former chief justice, and former Premier of Newfoundland and Labrador. Ms Stoddart is the former Privacy Commissioner of Canada. Mr. Letto is a journalist with over thirty years of experience.

When drafting the terms of reference for the ATIPPA review earlier this year, the Government of Newfoundland and Labrador made an unqualified statement that the committee's work would be transparent, comprehensive, and independent of government. We remain strongly committed to these principles and we were very fortunate that such highly-qualified and respected individuals in their chosen professions agreed to undertake this important review.

The committee was given a mandate to conduct a comprehensive review of the provisions and operations of the act which included: identifying ways to make the act more user friendly so that it is easily understood by those who use it and can be interpreted and applied consistently; assessing the Right of Access (Part II) and Exceptions to Access provisions (Part III) to determine whether these provisions support the purpose and intent of the legislation or whether changes to these provisions should be considered; examining the provisions regarding Reviews and Complaints (Part V) including the powers and duties of the Information and Privacy Commissioner, to assess whether adequate measures exist for review of decisions and complaints independent of heads of public bodies; reviewing time limits for responses to access to information requests and whether current requirements are appropriate; reviewing whether there are any additional uses or disclosures of personal information that should be permitted under the act or issues related to the

protection of privacy (Part IV); and reviewing whether the current ATIPPA Fee Schedule is appropriate.

On March 2 of this year, the committee presented government with its two-volume report on the independent statutory review. The report contains a total of ninety recommendations including draft legislation and policy and procedural changes designed to be user friendly, and to provide legislation that when compared with international standards will rank among the best in the world.

Since reviewing the committee's report, government has moved forward with implementing a number of recommendations to provide more efficient and effective services before introducing this bill in the House of Assembly. Let me summarize for you some of those changes.

First of all, eliminating the \$5 application fee for filing ATIPP requests, as well as amending the fee schedule; removing the practice by some departments of having MHAs and political staff having to go through executive assistants on constituency matters, such that MHAs can now go directly to departmental staff who are able to respond to these matters; requiring departments to report all privacy breaches to the Office of the Information and Privacy Commissioner, as well as the Office of Public Engagement; providing a toll-free help desk for municipal ATIPP co-ordinators seeking advice and guidance on access and privacy matters; and, directing ATIPP co-ordinators in departments to anonymize the identify of ATIPP applicants during ATIPP requests, thus ensuring the protection of their privacy throughout the request process.

Mr. Speaker, the decision to accept all recommendations in the report and to move quickly on bringing this legislation forward is more evidence of this government's commitment to increasing transparency and accountability. It is also consistent with government's broader commitment to open government. The act is not intended to simply address amendments that we made in 2012; rather, it is a new approach to access to information and protection of privacy not only in Canada, but internationally.

The key to success starts with building a strong foundation. This bill recognizes that the right to access information is vital to democracy, and recasts the purpose of this act to specifically acknowledge this. It also ensures the privacy of individuals is protected to prevent the unauthorized collection, use, or disclosure of personal information. This newly identified purpose sets the foundation for a strong piece of legislation that promotes the basic and fundamental democratic rights of accessing information and protecting privacy.

Mr. Speaker, we are putting forward a bill that will replace the existing Access to Information and Protection of Privacy Act, and will change how the act is administered by changing the role of the ATIPP co-ordinator, increase the protection of personal information, promote transparency and accountability in municipalities, and significantly change the role of the Information and Privacy Commissioner.

Now, Mr. Speaker, I would like to touch on the administration of the act. A number of the amendments to the legislation will make the current processes more user-friendly and efficient. First, the act will give delegated authority for handling a request solely to the ATIPP co-ordinator. It will also anonymize the identity and type of applicant, which will protect their privacy throughout the request process.

The act will also legislate what fees can be charged for responding to ATIPP requests. Specifically, no fee can be charged for requests for personal information, no application fee can be charged for general requests, and the free time spent in locating records in response to a request increases from four free hours to fifteen free hours for public bodies, ten free hours for local government bodies such as cities and towns.

As I previously stated, government moved forward with implementing this recommendation as an early action in advance of introducing this bill. On March 9, government announced that it had eliminated the application fee and amended the fee schedule to reflect the language in this draft bill, what was the draft bill.

Now, Mr. Speaker, I would like to focus on a critical component of the bill: the access to information provisions. While the act provides for the right to access information held by public bodies, this right has some specific and limited exceptions. Most exceptions to disclosure are discretionary, meaning the head of a public body can choose whether to release information. Whereas other exceptions are mandatory, meaning the head of the public body has no discretion to release information but is instead required to withhold information.

One of the most notable elements of this bill is the expansion of the public interest override. Currently, information is required to be disclosed when there is a risk of significant harm to the environment or to the health or safety of the public, and disclosure is clearly in the public interest. This bill has broadened this override, which applies to most discretionary exceptions. This would require officials to balance the potential for harm associated with releasing information in an ATIPP request against fundamental democratic and political values.

It provides that where a public body can refuse to disclose information under specific exceptions, those exceptions would not apply where it is clearly demonstrated that the public interest in disclosure outweighs the reason for the exception. This is a significant change from the current legislation and the Information and Privacy Commissioner has been tasked with developing the test for the public interest override in providing training and guidance on its application.

Mr. Speaker, one of the most prevalent comments we have heard in response to the ATIPP review report and the recommendations of the Committee is that this is pure and complete reversal of the amendments made in 2012 through Bill 29. I believe some members of the House have heard of that bill and would remember it.

I think the narrow characterization of this new modern and leading piece of legislation is a disservice to the work undertaken by the Committee and by government to bring forward today what I believe to be an incredible piece of legislation.

During the review, Mr. Wells commented on a number of occasions that the amendments made in 2012 were both good and bad and that the review was about far more than those amendments. It was a full and comprehensive review of an entire act, not just amendments that were made in 2012 but an entire act and how it operates.

What this bill represents is a new approach to access to information and protection of privacy legislation, not only in this Province but also in the country and internationally as well.

With respect to the major criticisms of the 2012 amendments, only three of these provisions have reverted. The protection of briefing books, the Commissioner's ability to review solicitor-client privilege records, and the three-part test for third-party business information.

Other sections that received a lot of attention because of the 2012 amendments have been modernized and changed, thus they are creating provisions that are new and improved. Very different from what we have ever had.

Now, Mr. Speaker, I would like to touch on the role of the Office of the Information and Privacy Commissioner. The Commissioner plays a fundamental role in the administration of the Access to Information and Protection of Privacy Act. This bill strengthens the role of the Office of the Information and Privacy Commissioner as an advocate for access to information and protection of personal information. Specifically, the bill increases the powers of the Information and Privacy Commissioner to include responsibility for approving extensions of time for ATIPP requests and the power to review various types of records including Cabinet records, solicitor-client privilege records, and other records in the custody or under the control of the public body.

In addition, the bill will give the Commissioner the power to monitor and audit the practices and procedures employed by public bodies in carrying out their responsibilities and duties under the act and make special reports to the House of Assembly containing the Commissioner's findings and, where appropriate, his recommendations and the reasons for those recommendations.

Mr. Speaker, this bill also provides an appointment process, term, and salary that support the independence of the Information and Privacy Commissioner.

Another provision I would like to highlight deals with the complaint and investigation process to be undertaken by the Commissioner. Given the enhanced role of the Commissioner, whereby he can promote and facilitate efficient and timely access to requested information, the bill requires a more expeditious complaint and investigation process, which includes adopting practices and procedures to respond quickly to complaints and to avoid excessive delays in resolving complaints.

Mr. Speaker, governments function best when they are open to the people they serve. Our government has always strived to be open to meet the expectations of the people of the Province. Disclosing information should be the default. Withholding information should be the exception.

I have highlighted the key aspects of this new legislation. I would also like to point out that the Office of Public Engagement, for which I am responsible, will continue to hold administrative responsibility for this act and the regulations that come under it.

We will work closely with the Office of the Information and Privacy Commissioner to ensure training and awareness sessions, and associated materials are developed and made available to ATIPP co-ordinators within the public bodies that are covered by the act.

As I mentioned earlier, Mr. Speaker, government has been working on early implementation on a number of the review committee's recommendations. These actions are improvements to government policies around access to information and protection of privacy that municipalities, applicants, and others are using right now and will lead to more efficient and more effective services.

Mr. Speaker, the Committee provided government with the strongest possible framework for access to information and protection of privacy, and government wants the public to benefit from these recommendations as

soon as possible. To make this happen, we have established an interdepartmental transition team to roll out these recommendations and prepare for the implementation of these recommendations.

The transition team is working with the Office of Public Engagement to prepare for the necessary steps that must be taken to bring the act into effect. The team comprises of members from a range of departments including Cabinet Secretariat, the Department of Justice and Public Safety, the Human Resource Secretariat, and the Office of Public Engagement, and reports to the Clerk of the Executive Council as well as to the Deputy Minister of the Office of Public Engagement. Of course I am receiving regular updates from the team as well. I approved the terms of reference for the team. They are published on the Office of Public Engagement's website.

Mr. Speaker, the transition team's work is focused on four main components. These components include a training plan and related materials, policy manual revisions, an organizational review for ATIPP co-ordinators, and a series of tasks relating to municipalities.

The various groups of people within government such as deputy ministers, assistant deputy ministers, and ATIPP co-ordinators, as well as other public bodies have been identified as key stakeholders requiring training related to the changes resulting from the ATIPP review report, including the legislative changes in Bill 1. That training is already underway. Government has already held a number of preliminary training sessions throughout the Province. For example, today in Labrador West one of these training sessions is taking place.

Mr. Speaker, government has also additional training planned for ATIPP co-ordinators. That will take place next month. We have also identified additional training that is needed for the municipal sector that will take place during the summer. Also, the review committee recommended that ATIPP co-ordinators be trained in service delivery excellence. That specific training is also scheduled for our government ATIPP co-ordinators. It will take place early next month in May.

The implementation team has identified that the ATIPP policy manuals need to be thoroughly revised to reflect the changes resulting from the ATIPP review report. These revisions are already well underway and government is consulting with the Information and Privacy Commissioner on this work. Additionally, government is reviewing how the ATIPP function is staffed within the provincial government.

The Committee made a series of recommendations related to municipalities. That was actually a clear focus of the report. To advance work on these recommendations, government has formed a municipal working group, and it includes provincial government officials, the Office of the Information and Privacy Commissioner, and representatives from Municipalities Newfoundland and Labrador, and municipalities themselves. This group has been charged with working on a range of recommendations contained in the review report that pertains specifically to municipalities. The transition team will also be bringing forward a change management plan on how to effect a cultural change within the provincial government.

Mr. Speaker, as the transition team works through the required steps to be ready for proclamation of the bill, a couple of items came forward that actually required clarification from the review committee. When Mr. Wells met with me to present the report, he made the offer that we could call upon him any time and call on the other members of the Committee, should we require clarification on anything that is contained within the report.

So, our implementation team, our transition team, including the Information and Privacy Commissioner, had a discussion with Mr. Wells with respect to a couple of things: with respect to the definition of data set; and, the expanded definition of public body as it relates to local government bodies contained in the draft legislation presented by the Committee in its report. The outcome of that discussion resulted in Mr. Wells writing a letter to my deputy minister in the Office of Public Engagement clarifying the intent of the Committee with respect to these provisions in question and suggesting rather minor language changes to

these definitions – rather minor, but yet important and significant.

As government has committed to accepting the recommendations of the Committee, those changes discussed in Mr. Wells' letter have been reflected in the bill. We are considering his letter to be an addendum of sorts, and we have reflected those recommended changes from Mr. Wells and the Committee in Bill 1, which is now before you in the House.

The first change relates to a minor drafting error in the definition of data set contained in the bill. In this provision, the word "adopted" should have been the word "adapted." That change has been made to Bill 1, the bill that is now being presented in the House. Some may say well, that is not significant, but when you talk to lawyers they will definitely tell you that such wording can be very significant.

Government and the Information and Privacy Commissioner also sought clarification on the expanded definition of public body. The review committee provided guidance on this point in the form of a slightly revised definition that they felt better expressed the Committee's intention regarding entities created by local public bodies to carry out public policy objectives and provide public services on behalf of local government. Mr. Speaker, the revised language in this definition has also been reflected in the bill we have before us today.

At the suggestion of the Office of the Information and Privacy Commissioner, government has delayed the coming into force of this section of the act only – this section related to the new definition – to August 1. The reason for that is to provide time to work with municipalities and talk to municipalities about all of the entities which manage their assets and discharge their responsibilities.

With the introduction of this bill, there is an historical opportunity to create a made in Newfoundland and Labrador plan for access to information. One that, when compared with international standards, will be user friendly and will rank among the best in the world. So, Mr. Speaker, I view this new legislation as a win for the Province, a win for all of us.

As the head of the Centre of Law and Democracy told VOXM on Monday, it is great to see that the Bill 29 debate led to a very important conversation on avenues forward which has ultimately led to reforms that are going to make the law the strongest in Canada and a much better system than it was in the pre-Bill 29 days. Mr. Speaker, frankly, I could not agree more.

Government is looking forward to supporting the implementation of this legislation. This bill illustrates the significant changes that are being made right here in Newfoundland and Labrador and will serve as a model for other jurisdictions across Canada to follow. So we have certainly learned a lot.

I expect there will be support in this House for the bill, given that many hon. members have been advocating for increased access to information and stronger protection of privacy for some time. Also, I will acknowledge there are members opposite who expressed concerns about the changes that we made in 2012. This new piece of legislation certainly addresses those concerns.

Mr. Speaker, I will conclude my remarks at this time in the debate. I look forward to closing second reading in debate at the appropriate time. I look forward to working with all members of the House as we work through the Committee stage of the bill process as well. This is a significant piece of legislation.

I am proud to be tabling this piece of legislation in the Legislature today. Mr. Speaker, I look forward to the debate.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

It is a great opportunity to speak to Bill 1, An Act to Provide the Public with Access to Information and Protection of Privacy Act.

Bill 1, as the Minister of the Office of Public Engagement made very clear, is a result basically of PC secrecy, a government that is not open, accountable or transparent with the result of what was implemented in Bill 29. We all lived through that, many members here in the House that were here in 2012 in June. The public basically of Newfoundland and Labrador has suffered under this government's regressive approach to sharing information.

I really welcome Bill 1 and the amendments that have been put forward. There have been a number of clauses and changes that were proposed through the independent review panel by Commissioner Wells, Commissioner Stoddart, and Commissioner Letto, who were a part of this committee that went out and looked and did the jurisdictional scans, but also did the review and did consultation and looked at bringing forward the piece of legislation that we have here today.

Mr. Speaker, when you look at what the public expects from a government, they expect a level of openness and accountability to ensure that the public trust has been able to establish a system of transparency, public participation and collaboration. It was very clear, if we go back to 2012 and the months and years that followed, because we are three years later now, that this is a government that clearly did not listen, was not being transparent, failed to engage in public participation and the collaboration that was needed that resulted in a Bill 29 which was a very regressive piece of legislation.

In fact, the minister just talked about how with this current bill that is being proposed, this made in Newfoundland and Labrador plan, we would be the best in the country. Now I believe that was said in the debate in 2012 as well. Instantly when Bill 29 was implemented, we went from being one of the highest ranked with our previous access to information law, the ATIPPA law that we had, we dropped instantly, and the Centre for Law and Democracy, Democracy Watch, people spoke out. They compared this regressive legislation to a number of countries that are not that open or transparent and have a high level of corruption and things like that. So it was really taking a step back by what happened at that time.

Government should be transparent because that really promotes accountability. It provides information to citizens and what their government is really doing. This is why the Leader of the Official Opposition in 2012, immediately after the debate, after this government invoked closure, shut down debate, shut down public dialogue and stunted any ability for the consultation, said that Bill 29 does not work. Bill 29 is wrong, and the Official Opposition would repeal Bill 29. He immediately said that and continued moving forward.

When we look at access to information and privacy protection, we have to really go back and look at how we got to where we are today and how we arrived at Bill 1, as the Minister of the Office of Public Engagement talked about. He talked about the past and going back and how we got to Bill 1, where we are today.

If we go back to June 16, 1981, this is when Newfoundland and Labrador's first Freedom of Information Act became law. Both the government and the Opposition members of the House noted at that time that the legislation was creating an important right to the people of the Province because here as legislators in this House we produce laws and we have to act in the best interests of the people of Newfoundland and Labrador.

It was established, a statutory regime, so that citizens could access information and records of government, and government departments and agencies subject to limited exceptions. This was the first opportunity for informed participation in what we would call the democratic process and assurance of greater accountability.

This act stayed intact for nearly two decades. This is why the Newfoundland and Labrador Freedom of Information Act until 2000 were looked at creating change. We have to look at the evolution of time. In 2000, we basically entered what was a real information age with technology and how society acted and interacted with the introduction of the Internet, and how information exponentially gets shared and deciphered in society. This is why it is very important to look at not just freedom of information but also look at privacy protection.

In response to that this is where a more in-depth review – a freedom of information review committee gave a broad review and put forward proposed changes. It was actually in December of 2000 when the Justice Minister at the time, Kelvin Parsons, who was the minister and the Member for Burgeo – La Poile announced that government would undertake a comprehensive review of the Province's freedom to information.

A Freedom of Information Act Review Committee looked at all of the literature, examined information, and looked at other jurisdictions. After that time, after a number of months, seven months of doing some consultation and review, former Premier Roger Grimes and Justice Minister Kelvin Parsons held a news conference to release the Committee's report on the Freedom of Information Act review.

The result of this Committee's recommendation which was done within the Department of Justice created a completely new bill. It was the access to information bill. It was drafted. Just like we have here today; we have Bill 1, which is basically a completely new bill. So I would be under the assumption that the former Bill 29 will be repealed as was called for by the Leader of the Official Opposition after the debate of Bill 29 back in 2012.

This piece of legislation, how we got our past ATIPP legislation, it was debated in the House in the fall 2001 and actually referred to the Social Services Committee for examination.

Now, I take everybody back to that time because I was here debating Bill 29 in 2012 and one of the first amendments that was put forward by the Official Opposition was to say look, we need to put forward an amendment that defers this bill, takes it out of the House right now, and defers it to the Social Services Committee for examination so that it can have a proper review, so you can bring in the witnesses that you need to. Talk to the people that you need to talk to, as basically would happen if the proper process and channels were taking place.

If this government at the time listened to the Official Opposition that was doing its role, holding government accountable because it was listening to the people of the Province – that is

something this government was not doing. It was not listening. Actually, the former Premier, Premier Tom Marshall, said that; we were not listening. We are going to listen to the people of the Province now after we have talked to our supporters and talked to people, they are saying Bill 29 was a bad move.

The process that was followed under the past Administration to improve the access to information legislation actually followed a very fair process. Government reviewed the recommendations. A new act was introduced to the House of Assembly, Bill 49, which was to provide the public with access to information and privacy protection.

At the time, the Official Opposition proposed thirty-five amendments and thirteen of those thirty-five amendments were accepted, with modification. At that time, this was an opportunity where there the Official Opposition saw improvements or saw areas where there could be change, where you could have improved legislation.

If we go back and look at the debate in 2012, when meaningful amendments, meaningful dialogue, and consultation were being suggested by the Official Opposition, what happened? The government members on that side – and maybe some of them will speak to it when they get up and talk to new Bill 1 and know that no amendment was accepted by the Official Opposition, that was put forward in this House to improve access to information at that time to this regressive and draconian Bill 29 that resulted in, I cannot tell you how much amount of toner. The toner budget must have went through the roof in Newfoundland and Labrador since Bill 29. I receive documents, pages and pages that have been blacked out.

I was in the elevator just yesterday and there were twelve boxes of toner going to the fourth floor which is the Premier's office, so I think it is trying to black out all the information they can while this bill is not actually passed in the House of Assembly.

This is a government that says they are changing, but I am holding government to accountability in this and their process. When it comes to what they say they are going to do and

what they actually do it is two totally different things, Mr. Speaker. This is why I am taking the time to look at the historical significance –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Littlejohn): Order, please!

MR. MITCHELMORE: – and then also go through Bill 1 and I will have every opportunity in Committee if I do not get to finish everything that I want to say today on a clause-by-clause basis to Bill 1, and there are 130-something clauses I do believe in this particular bill. It is important that we have thorough debate in the House of Assembly and that government does not invoke closure as they have in the past.

We have seen a very regressive government here where they do not want to listen to the ideas of the Official Opposition in many cases but when they do listen, they get good legislation like the bicycle helmet legislation that came forward that was asked for by the Official Opposition.

Going back to the bill, when it was brought back into the House at the Committee stage it was assented in March 2002, so we look at the transition of time that took place. It certainly was not rushed. It was a bill that was passed in the House of Assembly and you cannot proclaim a bill or a section of a bill until all aspects are made operational, until that functional change is made. This was very monumental because if we look up to that stage as of 1990, the old bill was nine stages, had sixteen sections that was much more limited.

Bill 49 in 2002, after the first major overhaul that was done since 1981, which was done by a Liberal government, had had thirty-two pages, it had seventy-seven sections, and it really focused on the right to access, the public disclosure. It was very detailed what could be disclosure or harmful in certain situations, the disclosure of personal information, the protection of privacy, how personal information should be collected, how the accuracy needed to be maintained, and the protection of personal information.

This is all very important because, as a government, government collects a significant amount of information on people when everybody fills out forms, when they file for

different reports. We have seen, just recently, in many cases where there have been privacy breaches, where lots of information has gotten into the wrong hands, because the right protocols and measures and steps were not thoroughly enforced.

So, we need to see situations where we look at protecting privacy. I was very happy to see the minister talk about privacy protection, because that is important too, finding that particular balance. Government collects all this information, and all this information that is personal in nature is looked at as a provincial asset. It is information that gets put forward and certain aspects of information that government collects can be very useful. Very useful in policy decisions, very useful in finding and collecting stats, and putting out in an open way, in terms of open, usable data sets.

One of the sections of Bill 1 talks about open data and data sets. We have not seen where –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: – information that has been put forward that government would have – we have not seen that visionary approach yet, Mr. Speaker. We have not seen it. Because government talks the talk, but it does not walk the walk. A year ago they said they were doing this Open Government Initiative.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I understand members have various conversations, but if members would take those conversations to other corners – it is difficult to hear the speaker. So I ask members' co-operation.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I would expect that members opposite would be very interested in Bill 1 and enhancing and

protecting personal information, privacy, and access to information. If the government is really open, accountable, transparent to the people, that this should be the most important topic of discussion in the House of Assembly, and all members should be very attentive to debate in this particular House at this time.

I will go back talking about this piece of legislation and how we got to this particular time. That was the access to information legislation that we had.

This government, even in its Throne Speech just this week, one of the first pieces of information talks about openness and accountability. During this session members passed forty-one pieces of legislation. A prominent theme, our government's legislative agenda was openness and accountability.

Well, Mr. Speaker, the people of the Province have heard all this before. In 1999 the Blue Books states, "A PC Government will establish a new *Freedom of Information Act* ... to reduce the wait for information, and to ensure Ministers actually provide the information requested where that information belongs in the public domain." This was back in 1999.

I do not have to take people too far. I do not even have to go back and talk about Bill 29. I can talk about just an access to information request that has been made through our office for public library board minutes. Public library board minutes through the Newfoundland and Labrador public libraries board, library association, whenever you look at agencies and minutes that are being held by public bodies they should be made publicly available, especially things like the agenda of a particular meeting. If there needs to be a closed camera meeting to discuss a particular matter, well that can be something very different. The policies and protocols in place, when you are talking about minutes of a particular meeting and how they go about doing their business, something like that could be in the public domain.

Knowing who is on a particular board should be in the public domain. When we asked about the Marble Mountain Development Corporation in the Public Accounts Committee there were lots of vacancies on particular boards, this

information was not made available. When I actually asked the public libraries board for this information they said no, we are not going to give it to you. You should file an access to information request. When things should be made available to the public, it should not be something that is delayed or it should not take a significant amount of time, but this matter was.

I remember asking a municipality for public minutes of their meetings. Any individual of a town has the right to go into a municipality and ask for the minutes, to see those minutes. My office, when I asked for town minutes, I was charged a twenty-five cent fee for every single page and delayed and had to push and talk to the Office of the Information and Privacy Commissioner to get information, simple information.

So we really do need to see under the legislation that when we talk about what should be made readily available, one important component and one thing the minister talked about was the training that is happening. Making sure the ATIPP coordinators and municipalities have adequate training so that information that really belongs in the public realm gets there, and information that could be sensitive or needs to be held back because of a section of a particular act, then that needs to happen as well.

Back in 2001, when we talk about the ATIPP legislation that we had, former Premier Williams said the party who rejects it can completely ignore the recommendations of the Citizens' Representative, and that is significant. He also stated that in the absence of the public, which meant in secret, code of silence. So there needs to be a commitment to accountability, responsibility, and earning the public trust.

We are moving from 1999 when there was a promise made. In 2003, the Blue Book stated, "A Progressive Conservative government will: Proclaim new Freedom of Information legislation which will include amendments that will clearly identify information that should be in the public domain," – now everyone will find this very interesting – "including cabinet documents, and will require full and prompt disclosure of the information ... "

Back in 2003, it was promised that Cabinet documents will be something that would be available to the public. Did this ever transpire under this government? When we look at what was available prior to 2012, prior to Bill 29, things like briefing books and other notes, whether it would be in Estimates, these types of information was available through access to information, but Bill 29 made sure that information would not be available. It actually extended section 18, I believe it was.

I may have to refer back to Bill 29, but I think that extended Cabinet confidence and what could be looked as a Cabinet record. Anything, basically, could be stamped by the Executive Council Clerk to be determined a Cabinet document. This is something that in 2003 – we are now twelve years later – was to be included in a Cabinet document, and that information was pulled back.

I remember sitting in multiple Estimates as the Vice-Chair of the Resource Committee, and as a critic of a number of portfolios over the years that I have been here, over the last four years, and asking questions, asking for bits of information, having to do significant follow up to get pieces of information. Some things were never forwarded. Asking for the notebooks and notes that the ministers were being provided and not getting that information. Going through to having to file a particular access to information and then having that delayed, so information that is delayed and access to information that people should have the right to access.

We have seen it in the House of Assembly many, many times where ministers have read particular notes and documents and not tabled them in the House of Assembly or made them readily available. We have seen times where government has missed their own dates for making reports, whether it be draft reports –

MR. KING: A point of order.

MR. SPEAKER: A point of order, the hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

The member opposite is suggesting that ministers here have stood and deliberately not

followed the code of conduct for the House which requires that when they read from documents they table it. I would ask him to retract that statement.

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

MR. MITCHELMORE: Mr. Speaker, speaking to the point of order, I would state that my comments were not of that. I said there are particular times in which a Speaker has made a previous ruling in this House of Assembly that stated that if they do not see the minister, it is up to the discretion of the minister to table the information in the House of Assembly. I have seen in the House of Assembly where there are situations where information has not been tabled in the House of Assembly.

MR. SPEAKER: There is no point of order.

The hon. the Member for The Straits – White Bay North may continue.

MR. MITCHELMORE: Thank you, Mr. Speaker.

Going back to the Blue Book of 2003, it states, “to release to the public every government-commissioned report within 30 days of receiving it.” It will take the report’s recommendation within sixty days. How many times have we seen reports that we have requested, that have been in draft form or have been complete, that were not being made available? They said they will not put forward that information and make it available on the Internet.

There has been many times when information should be posted online, whether they are annual general reports, whether they are other documentation. That is not getting done in a timely manner. This is something that we have seen. A staggering history where government has really said they are going to look at the documents that are under Cabinet secrecy, under that, but they have really pulled back on that information. Bill 29 was a prime example.

We look at in 2008, Wangersky who is the editor, I believe, of *The Telegram* said that, “Transparency and accountability are like an exercise program: practice it conscientiously, or

it'll end up doing you no good at all." If you do not practice it all the time, it will do you no good at all.

So, this is a government that said that it was going to make all these changes and then it implemented Bill 29 and said we are not going to release this information. We are not going to provide this to the public. People spoke on this quite significantly – the Centre for Law and Democracy, Democracy Watch. We have seen where this government has really lost its way, and lost a lot of momentum in creating opportunities, because information is an asset, and how it gets shared, and how those data sets get shared in making good business decisions, making good policy decisions, and informing the public so that they can capitalize on the opportunities that Newfoundland and Labrador would have.

Under this government there has been a tremendous amount of wealth that has come to the Province, but they have showed that this government is just unable to manage the resources of the Province, make good decisions for people – and the policy decisions that have come forward have resulted in misspending and deficit budgets and borrowing. All of these things come back and result to how you do business, and how you earn the public trust and how you have accountability.

It was the past Premier in 2011, Premier Dunderdale, saying that well, four years is not enough time. This is a government that has been talking about it since 1999 in one of their books, been in government since 2003, and then in 2011 said well, you really need a second term to consolidate, to entrench your systematic change – and boy, in 2012, did they entrench their systematic change. Yet, Premier Dunderdale said it takes that second term to do something around transparency, accountability, and principles like resource development for putting people first. You really need a longer period of time.

So it is very rich of the minister to get up previously and talk about how you would need that second term, when what they are doing is they are pulling back on Bill 29, on all this regression, years later now, and this is not about being accountable. For that period of time there

was a real loss of accountability, and that is something that we are going to continue to press as the Official Opposition to ensure.

I give you an example of the Auditor General. The former Auditor General Wayne Loveys, when he requested and sought information on government's infrastructure build program – they talked about this \$5 billion plan they wanted to do. The Auditor General does these performance audits to make sure that we are getting best value for public dollars. When he went seeking that information about an infrastructure build program and what the plan and the strategy was, he was denied access. He was denied access to information. The Auditor General was denied access to information under this government.

The past Premier said government has nothing to hide, and said that the Auditor General had alternative ways of getting the same information. Although, the former Premier could not suggest any ways to the reporters as to how the Auditor General could get that information. This is a real serious problem when we look at the past of this government and their legacy, when we look at what they have done to withhold information. It is very dangerous to the people of the Province. It impacts public trust.

Everyone should care about access to information and privacy protection. Secrecy is a recipe for corruption, waste, and public abuse. Boy, have we seen that under this current government. Do I only have to bring up Humber Valley Paving where \$19 million in bonds, where small business operators in this Province are not going to get paid because government gave back \$19 million in bonds without having any information, any documentation?

When we look at the review that the Auditor General conducted and said that he was not satisfied with all the information that was provided and the approach of ministers of this Crown not following due protocol by not properly documenting – it is highly suspicious when you make such a quick decision without having any paper trail, no information, when you talk about things without having documentation. It is important to have a paper trail when you are making decisions because that is accountability.

I would say that the decision of Humber Valley Paving shows secrecy and it shows unaccountability. The public trust is broken when those types of things exist. That is a real problem.

When we look at what Bill 29 brought. Bill 29 brought upon this ATIPPA Review Committee. It required another \$1.1 million to be spent on this particular review to reverse changes in Bill 29.

If you do not have a strong, open government and the open government law to enforce the system for high penalties, if people can basically not be accountable for their actions in Newfoundland and Labrador, it creates a bad government and it creates the perception of a bad government. It basically leads to abuse of power and communities are impacted and we see a waste of public taxpayers' money.

We have seen that happen here. We have seen it happen in many cases with decisions that this government has made. Errors that have happened that have resulted in millions and millions of dollars of misspent public money, taking on things that were not needed in terms of various environmental liabilities that are just causing significant problems. So when you take on errors that you do not have to and when you accept liabilities and you give back money that you should not be giving back, then you have a real problem with how you can truly administer good public programs, services, and infrastructure in Newfoundland and Labrador.

Government is failing and continuously failing. The Member for Trinity – Bay de Verde has been up in this House of Assembly asking for government to release information on the Business Investment Corporation, on their bad debts and writeoffs that have happened and want to find out the accountability on this. The Minister for Child, Youth and Family Services has committed to providing this information and tabling it in this House. That is weeks ago now, Mr. Speaker. We still have not received that information.

The Minister of Fisheries has been up in this House saying that he would go seek and get information that was put forward by the Fisheries critic, the Member for Carbonear –

Harbour Grace. My colleague here in the House has been pursuing and actively requesting information. The minister basically put forward that these matters are private or protected or confidential to a series of questions where information really does need to be made public, not all of it is protected under business confidences. So, the minister has to do his job and put forward that information in the House of Assembly. Both should be more proactive in disclosing information.

We have seen where we have asked for information and we have not received it, and that is a real problem. Not only the Official Opposition has had a problem with accessing information and what has happened in Newfoundland and Labrador under this secret, non-transparent, unaccountable government. The Canadian Association of Journalists spoke out very clearly and said that in Newfoundland and Labrador under Bill 29 public information is going to be more in darkness.

The media was being charged thousands of dollars in some cases to get information. I remember there was a real hesitation of making restaurant reports public. Now they are online. There is proactive disclosure there, but they are not online for public bodies. Whereas the Member for Mount Pearl South has been rising in this House of Assembly asking government to be more accountable, more open, more transparent, and see proactive disclosure. They had to pay an excessive fee for that information.

Also, there have been times when the Fisheries critic here through the Official Opposition requested information on aquaculture. I believe that was thousands and thousands of dollars that the Official Opposition would have to pay for information.

So I am very pleased to see in this particular bill where the application fee – which is something we spoke out about, I believe, in debate in 2012 about the \$5 fee, and also about the increased fees that would be happening. The Official Opposition talked about it that access fees would increase from 66 per cent from \$15 to \$25 an hour. Those types of things were restrictive.

When we had the briefing with the officials on Bill 1 they talked about, even with all of the

application fees, they only received \$6,000 in revenue from this particular matter. So this is why fees would be eliminated. That is a good step for the application fee to be eliminated. It is something that the Leader of the Opposition had raised in the ATIPPA Review Committee, in the public hearing. He was actually the only leader in this Legislature to make a presentation before the Committee and put forward a number of recommendations, recommendations that were accepted and even expanded upon by the Committee.

This government here back in 2012 really felt that the public accepted and was okay with their past draconian Bill 29, despite MHAs on this side of the House receiving a number of calls and emails from the general public speaking out, upset, outraged.

I remember being here when the galleries had a significant amount of people, whether it be in the daytime or the nighttime, when members of the Official Opposition debated and spent seventy hours plus debating, or about seventy hours debating this in the Legislature.

People reached out to us. MHAs in other districts who would not speak out on their constituency concerns – they would not speak out about government’s own secrecy bill. This is something that requires – and I am glad that it has a serious review by having such members like a former chief justice as Clyde Wells, a former Privacy Commissioner, and someone who worked in journalism and who would understand the importance of information and sensitivities of information as it would be put out in a matter of a public way.

Looking back, there are real problems with how government was saying and members opposite were saying that this would be one of the best. The Minister of Justice at the time, who introduced the bill – because back then access to information and privacy protection was under the Justice department. So the former minister said that this was just a modernizing. Some ministers even said it was just housekeeping legislation, claimed the bill was based on consultation, research, and best practices across the country. We all know that it certainly was not the best in the country at that time. People spoke out heavily about Bill 29.

The current Premier of the Province on June 11, 2012 said, “It is a good piece of legislation, I say, Mr. Speaker.” If it was a good piece of legislation, we would not be here today with a brand new rewritten bill, Bill 1, with significant changes, basically repealing Bill 29, which should happen, because it is a very regressive piece of legislation that our leader the Leader of the Official Opposition said needed to happen. We continued to pursue and request and demand that the bill get repealed. Now we get a repealed bill, we get Bill 1 with new access to information requests.

So I am very happy to be able to speak about – while I go into the closing of Bill 29 because Bill 29, after the seventy hours, the Government House Leader at the time invoked closure. The minister said that there would be all the time in the world in this House to debate the issue. The House Leader changed their mind. This is a government that changes their mind. So, when we look at what they say they are doing and what they are actually doing, we have to make sure, as the Official Opposition, we continue to press for the greatest level of accountability because this government has changed their mind in many, many situations, have made bad decisions; and in many cases, based on our pressure, our accountability, we have seen improvements to legislation.

This government, in Bill 29, promised openness, but they provided closure. Being open and being closed are two different things – very radically different. This is a government that has withheld, shut down debate, shut down information, shut down dialog, and the people of the Province have been very upset with this and with this government and their way that they manage and govern the people of the Province. They know that it is bad management on that side of the House of Assembly, and this is why we have Bill 1 coming in repealing Bill 29.

This is a government that promised transparency, yet buried information. I have given examples, I have given situations where people could not see it, people could not have access to it. Basic things like library board minutes withheld. Information in it that the strategic plan that would happen, which in every government department the strategic plan is posted on government websites – that

information blocked out, black toner; we have seen our share of it.

They promised accountability, but made sure that was impossible to achieve under that draconian Bill 29 legislation. Because if you look at what we are seeing and what has happened before, there are many situations that we debate in the House of Assembly where government truly lacks accountability to do the job that they need to do. When you are not consulting with the people on the very decisions that you are impacting, when you are adversely impacting the economy of small business and jobs in rural areas, like the Minister of Service NL and Environment is doing, then you have a real problem, because you are not truly being accountable to the people of the Province.

I want to go and move beyond the review of Bill 29, one the former Premier talked about moving forward on that, because I have alluded to how the Premier said I think people have real concerns over Bill 29: One of the things I said we are going to do is we are going to listen to the people of the Province. He also said: I have talked to good supporters of ours – I guess PC supporters – who have expressed to me concern about the legislation.

So we have seen a lot of change happen, but I want to move forward because the ATIPPA Review Committee, which did very important work to get us to where we are to Bill 1 here in the House of Assembly, raised very important points. The Leader of the Official Opposition on July 22, 2014, actually presented to the review committee. The presentation was not meant to be an exhaustive list of issues with the legislation, but the ones that really impacted the Office of the Official Opposition – which role is to hold government accountable for their actions and to ensure the public trust is there, that we have ensured government is doing things that the people of the Province truly want.

The Leader of the Official Opposition made our position clear, very clear on Bill 29, and that it needed to be repealed. I have made that point several times. In the review the Leader talked about sections of Bill 29, sections 18, 20, 27 and 30. In July, 2012 – so over a two year period – during that presentation the Official Opposition submitted over 130 ATIPPA requests to

government. Forty-six of those were denied in full or in part. That is a significant amount of denied information that the people of the Province should have.

Some of that information should have definitely been made available to the people of the Province, so that we as legislators in the House of Assembly, who represent people on their issues of concern, should be made available. The four sections cited, where eighty-eight times in those forty-six access to information requests, those four sections, 18, 20, 27 and 30, were the primary reasons why information was being denied.

They also talked about where government was not responding, the timeliness of response. In Bill 1 we are very happy to see twenty business days, and then there is the onus on the department to request a refusal of information, or that particular matter. What the Official Opposition saw in many cases was information was delayed, and sometimes only a few days, but in other cases it was six months to respond to requests. Access delayed is the same as access denied. My colleague, the Member for Burgeo – La Poile, has said that many times in this House of Assembly as the MHA for the Official Opposition responsible for Justice, and really pushing on government to show they are accountable.

Section 18 was on the particular Cabinet confidences. The Official Opposition made recommendations that it should be replaced with a similar version of section 18 pre-Bill 29, and “The Information and Privacy Commissioner, together with government, should agree upon a clear interpretation of the substance of the deliberations test.

“The Information and Privacy Commissioner should have the power to subject an access to information denial that cites Section 18 to a substance of deliberations test.”

This was put forward. This is a really good thing. The onus now is on the department to prove that they have to withhold this information; that they have to pass a particular test through the information of the Privacy Commissioner.

Section 20 was about policy advice or recommendations. This was used in many cases to deny information. “Section 20 should revert to the version of Section 20 that existed prior to Bill 29.” That was accepted. It was accepted and that is a good thing.

When you look at advice or recommendations and the language that was put there, it was very vague. It really extended what could be determined; or this draft document, or the beginning, or a note, or anything could have led to what may be advice, or a policy advice piece. I have actually seen it in those library board minutes where basic information that should be made available was used as section 20 to withhold information.

This is a very serious matter. I hope that on a go-forward basis, once this act gets passed and put forward, there is going to be a way to look back at some of this information that was withheld and not proactively disclosed to say we are going to make this available now. We were wrong. This government was wrong on that matter. Withholding information is certainly a negative thing. Using particular sections in a way that withholds information is negative. It just relates in bad policy, bad legislation.

Section 27 states, “Disclosure harmful to business interests of a third party.” The recommendation was that section 27 should be repealed, reverting to section 27 which was in place prior to Bill 29, wherein a three part test ensures appropriate access to information rather than just a blanket view that it needs to be protected. This is why maybe government is trying to withhold their business investment corporation information and try and use a section like 27 to say we are not going to provide it. We will continue to press and seek that information.

Section 30, “Disclosure harmful to personal privacy.” The recommendation put forward by the Leader of the Official Opposition –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: – at that time, at this hearing, was to consider revised language under

section 30 to clarify what is considered personal information and to reveal section 32(f) reverting the language to the pre-Bill 29 version of the ATIPPA, which followed for the disclosure of remuneration, not just salary range. We saw that included in the new bill, Bill 1.

In Bill 29, the Official Opposition had a significant amount of amendments that were put forward but because this government is not open, not accountable, not transparent, is a closed government, decided to invoke closure and not listen to the Official Opposition’s amendments that can improve the legislation.

The past Liberal Administration, when they brought forward the original ATIPPA, access to information request brought forward in the House, it was referred to Committee. Amendments were accepted by the Official Opposition at the time. So it produced a better quality piece of legislation than existed in 1981.

This is how legislation should happen. We should have a functional Legislature that looks at legislation in a quality way. Where we have quality debate and we talk about the issues, as I am raising here in the House of Assembly today.

I have to go back and talk about the Bill 29 situation. This is a government that did not go through the proper channels that were available to legislators here to look at putting forward proposed amendments and making sure we can have a positive change to a bad piece of legislation.

Actually, on March 3, 2015, for more than forty minutes – this was produced in the *Telegram*, *Telegram James* actually published this and said: For more than forty minutes at a news conference on Tuesday morning, Public Engagement Minister – the minister who introduced this legislation – sat quietly while the former Premier, Clyde Wells, talked about the exhaustive flaws to government’s access to information legislation and talked about how the Minister of Public Engagement was one of the government MHAs who stood in the House of Assembly and defended very strongly Bill 29 – and I have heard the Minister of Public Engagement get up and talk about how the legislation this government produces is the best in the country, the best in the country in many

cases, and highlighted how that during this period, during that filibuster, during that time he stated that we are going to be a new, open government. We are going to be on transparency.

It has been over a year since the Open Government Initiative was announced. We have seen very little proactive disclosure. We have seen information that is there that is not in useable forms. They are not good datasets. It is just rash – this government has had over a year to actually do something like DataBC has done, to actually do with good spatial maps where you can get actual information like land use, things that are valued by people in the Province to be able to make good decisions, yet we have seen a census put up of the Voluntary and the Non-Profit Secretariat that is no use to anybody.

I cannot see how anybody can look at that data and make a good decision as to how it can be used, how it is a usable form. It is a series of questions. It does not identify in any way who answered, who responded; it just breaks things by region and answers. The actual data itself, the qualitative data that government has, may be useful to them in full form but what they have produced publicly is absolutely useless to anybody and that information – I have seen that case where you are not able to decipher and use these Excel spreadsheets, series and series, pages and pages with hundreds of lines that do not connect, that are not in chart form or graph form, or allow you to do searchable information in a way that you can actually use it that makes sense to the people of the Province.

I would like to see this where government is talking about – but in the Speech from the Throne they talked about moving forward and making this government very accountable and open but when they talk about doing their open data portal and their government initiative, they are talking about 2020. We have seen this case where this government's outlook is years and years and making promises saying that they are going to do this; they are going to balance the books in 2021. This is a government that cannot balance its budget; it is borrowing ideas, lost –

AN HON. MEMBER: (Inaudible)

MR. MITCHELMORE: I will have that opportunity I say to the minister and I look forward to debating the Budget in the House of Assembly and also continuing this bill clause by clause on particular matters, if I have questions about specific sections. I look forward to the minister who is responsible – whether it is the Office of Public Engagement, or Justice, or some former minister who is responsible for bills and this legislation – to answer the questions. The people of the Province have a right to know. They deserve to have that information.

The Leader of the Official Opposition put forward a number of recommendations to the Committee in part or full, things like reverting fees in the schedule, reducing the fees, reverting them back to 2012 amendments where we have seen those types of things happen. Also, one of the things that the Official Opposition has been pushing very firmly is that “MHAs should be able to work on behalf of their constituents without the involvement of political staff in the minister's office.”

We have seen that change happen where somebody can go forward and actually access the staff who would have the information. For a period of time this government shut down the ability for the Official Opposition and MHAs who represent districts and represent people in Newfoundland and Labrador to have the access to the information, and the direct access to people who can provide delaying further and slowing down the progress for the people in the communities that the Official Opposition represents here in Newfoundland and Labrador. I say, that is quite shameful.

The bill itself, going in, I wanted to talk about a particular piece of Bill 1.

AN HON. MEMBER: Take your time.

MR. MITCHELMORE: Oh, there is lots of time. I still have a few minutes.

One of the sections that interest me quite significantly is the enabling disclosure of datasets. That is one of the things that were changed in the definition put forward. That was actually from the draft legislation and expanded.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: So there was a letter put forward – from my understanding from the briefing – by Premier Wells in that. Maybe the Minister of Public Engagement will table those letters for clarity and make sure that they are available to all Members of the House of Assembly. We want to see that. I would certainly want to see that.

I want to hear more debate and discussion around the datasets and around what is not happening when it comes to the information that government has readily available and why this directive is taking such a long time to move forward.

One piece of the actual bill that I am very supportive of is finding that balance and striking a balance in privacy, because people do have a right to have their privacy protected and ensuring that individuals are notified for a privacy breach that creates a significant risk of harm to the individual and that they report that breach to the Commissioner. It is important that that system exists so that the Commissioner's office is informed and that the red flags that need to go off, that things can happen in a quick manner. When you see that, a privacy breach –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Speaker is having trouble hearing the member.

Thank you.

The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I know that I have said a lot here on this particular bill, talked a lot about the history and how we have got here, and talking about the privacy information I have a lot that I could say about that. We talk about preparing the privacy impact assessments, how privacy investigations

and the role of the Commissioner's office would play. I think that the enhancements and the role of the Commissioner's office is a very positive thing, that independent body and what his role in this bill does. This is very good to see that extra layer and that extra step, and those powers being restored or expanded to the Office of the Privacy Commissioner. Because we have seen in the past where the Privacy Commissioner had to go to court to access information because government was withholding it – had to go to court in that situation.

So, there are all kinds of cases; there are all kinds of examples. I think I have made it very clear right now – and I know that I only have a small amount of time – but Bill 1 is repealing Bill 29, which is something that needed to happen, because this government has been failing the people of the Province in being open, accountable, and transparent. When you lose the public trust, you have to see where drastic action needs to happen. The Official Opposition is there to play that role to make sure that government is accountable.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. FORSEY: Thank you, Mr. Speaker.

I am very pleased to speak on this bill today, a bill which contains significant improvements to the access to information process.

Through this bill, we seek to increase transparency across government and strengthen the democratic process in our Province. We want to have world-class legislation on access to information, and that includes a first-rate approach to customer service and a process that is fast, fair, engaging, and low cost.

Mr. Speaker, I listened to the minister when he addressed the bill today and of course he covered most of the categories that are in the explanatory notes, but there are three there that I thought I would try to elaborate on today. There

are many, but if I pick three and maybe one of my colleagues might have the opportunity to discuss others or elaborate on others as we go along.

Mr. Speaker, the three that I was looking at elaborating on, there is the reducing of timelines, eliminating costs, and making the application more friendly. This bill contains substantial reductions in the cost of ATIPP requests to applications which are reflected in the new fee schedule that government released earlier this month. Where possible, government has been implementing recommendations made by the committee prior to the proclamation of this bill. For example, the new fee schedule has removed the \$5 application fee for ATIPP requests. This allows anyone to make a request, regardless of their economic situation.

In addition, the number of free hours an applicant receives for processing a request has increased substantially. In the 2012 amendments to the fee schedule, government doubled the free time that applicants receive by providing them with four free hours rather than two they had previously. Now, based on the recommendations from the review committee, we have expanded the free time that applicants receive from local government bodies such as municipalities and cities to ten free hours. The free time for all other public bodies has also increased to fifteen.

While free estimates under the old fee schedule were limited, the new fee schedule will see even further reduction in the number of requests where fees are required to be paid. This will ensure that the information is provided without cost to the majority of cases.

Mr. Speaker, I am extremely pleased to see the committee took into account the limited budgets that many municipalities in this Province have. To improve the process for municipalities, the committee suggests providing ten free hours for applicants to make a request to local government bodies rather than the fifteen other public bodies are required to provide. This balances the rights of the applicant to receive information with limited fees, while also ensuring that municipalities are not unduly affected by the financial implications of processing an ATIPP request.

Mr. Speaker, this bill has also seen a reduction in the type of costs that a public body can charge an applicant. Specifically, public bodies can only charge for the time it takes to locate records rather than the time it takes to locate, review, and sever records. Furthermore, this bill expands on the current regulations which allow applicants to request a fee waiver where fees would cause unreasonable financial hardship.

Now, applicants can also request a fee waiver for a request if it is in the public interest to disclose the records. While fee estimates were infrequent prior to the changes to the fee schedule, this bill will ensure that applicants are charged for requests in even fewer circumstances than before and ensure that costs are not a barrier to information.

In addition to reducing costs for applicants, this bill will provide applicants with the opportunity to request in what format they would prefer to access records. For example, if an applicant wants records in an Excel spreadsheet versus a PDF document, then it is possible for the public body to do so. They will be required to provide the records in Excel format; or, if the applicant wants the records in an electronic format rather than paper, the public body must provide the electronic copy when possible. While public bodies have provided applicants with records in the format requested before, under this new bill it will be required to do so whenever feasible.

This bill also puts increased emphasis on a public body's duty to assist the applicant and ensure that the applicant is more involved in the process and kept informed through every stage. In fact, Mr. Speaker, this bill will require public bodies to keep applicants informed of the status of their request.

This will be accomplished through a required advisory response detailing the status of a request and indicating any expected delays, possible fees, and any other circumstances that may impact the request. This advisory response must be provided to the applicant within ten business days of the public body receiving the request. We believe this increased communication and duty to assist will lead to greater satisfaction by those who request the information.

In addition to increased emphasis on the duty to assist applicants throughout the ATIPP request process, this bill will require the protection of the name of the applicant and applicant type. While it is already common practice for government departments to protect the name of the applicant, the inclusion of this requirement in the legislation will ensure that applicants are confident their personal information is protected.

Mr. Speaker, this government has worked diligently to improve timelines for responding to access to information requests. Since August of 2013, government departments have responded to 97 per cent of requests within legislated timelines. Currently, public bodies have thirty calendar days to respond to a request, with the ability to extend the timeline for an additional thirty days under limited circumstances. In addition, they can request additional time from the office of the Information and Privacy Commissioner.

Mr. Speaker, once this bill is passed the time to respond to a request will be reduced. Responses must be provided within twenty business days rather than thirty calendar days. The public bodies will no longer be able to unilaterally extend a request. They will now be required to request an extension from the Office of the Information and Privacy Commissioner.

Government does not see these new timelines as an obstacle. While getting used to the new timelines may take a bit of time, government is committed to continuing to meet legislative timelines and is committed to working with the Office of the Information and Privacy Commissioner to ensure the process for requesting an extension is seamless.

Furthermore, Mr. Speaker, I would like to note that this bill will also see changes to the time frame in which reviews conducted by the Office of the Information and Privacy Commissioner must be completed. They will now be required to complete any formal investigations within sixty-five business days.

This bill also puts restrictions on how long informal reviews can take. Government has always appreciated the effort the Commissioner's office puts into resolving matters between public bodies and applicants

informally. If a decision by government is under review within the Commissioner's office, we will work with them to ensure that their timelines are met and that matters can be resolved informally, where possible.

Mr. Speaker, the bill contains changes that emphasize fairness and oversight of the process. Under this bill, the name of an applicant will only be known to the person who receives the request. This ensures that requests will be treated the same regardless of who submitted the request.

Finally, in situations where a public body has reason to believe a request is frivolous, vexatious, or repetitive, they will need to apply to the Privacy Commissioner for approval to disregard the request. These oversights strengthen the fairness of the process.

Mr. Speaker, this bill will contain significant improvements to the ATIPP process and will improve customer service by reducing timelines, reducing or eliminating costs, making the application process more convenient. It will also strengthen and enshrine in the legislation requirements to assist applicants, keep them informed throughout the process, and safeguard the fairness and impartiality of the process.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I am very happy to stand here today and speak to Bill 1, which has the name on it: An Act to Provide the Public with Access to Information and Protection of Privacy. It is funny; what is that old saying? It is like déjà vu all over again. It was not long ago that we were here in this House for hours and hours and hours debating what was essentially –

AN HON. MEMBER: Days.

MR. A. PARSONS: That is right. The member opposite said day and days, and we were debating a piece of legislation that has the same

name but the exact opposite intent and meaning – the exact opposite.

It seems that members on the other side, I do not know if they have seen the light or come to their senses or realized the error of their ways, but the fact is – this is not parliamentary language I am going to use now, but I will say one thing: I told you so.

I have my speech here from June 2012 where I stood here, I think it was Thursday – it could have been Friday; I cannot remember what day – and I said look, this is the wrong thing to do. This is going backwards in time. This is not giving the people of the Province the access to information that they should have, that they had, and that you are doing the wrong thing. Members on the other side took every opportunity – well, actually not that many, but they took every opportunity to say, do you know what? You are wrong. It appears now that they have seen the light. Whether they were forced to or not, it does not matter. It is better late than never.

There is a lot of stuff I want to say about this piece of legislation. One thing I would note is that I would imagine that it is, I think – and we are not talking about the protection of privacy piece so much as we are talking about the access to information part. One of the good things and one of the things that makes me feel comfortable debating it is that I know it was not drafted by the crowd opposite. It was not. It was drafted by the Committee that was formed of Mr. Wells, Ms Stoddart, and Mr. Letto. These were the three individuals who were tasked with coming in and looking at this and saying, do you know what –

AN HON. MEMBER: A cleanup.

MR. A. PARSONS: Yes, a basic cleanup. Their job was to look at this.

We have to go back. What happened is that this came up in June 2012. Maybe that is the best thing I can do is provide some background, some history, to people out there watching and maybe the members on the other side, and we have some new members since then who were not lucky enough to partake in that. That really was a historic event when you think about it. It

was, I think, at that point the longest filibuster in the history of the Province. We broke that a few months later.

We go back to that time when the bill was dropped on our lap on a Monday. To echo the comments by the Member for The Straits – White Bay North, we were told this is housekeeping, standard stuff, nothing too serious. We found out very quickly that it was not. I think it was the Member for St. Barbe who coined the term that I love the most; it was the official secrets act. The official secrets act is the name that we put on it.

I cannot emphasize, I really think the role that the media played in this and that we as the Official Opposition played in this, the role that the Third Party played in this – because when this started, in many debates you do not get the attention that you need. In this case there was a decision made and contrary to what some might say, I will say that it was led by the Official Opposition, but I am sure there might be some discrepancy.

Anyhow the good thing –

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: I will get to the Member for Gander now in a second because he has some great quotes in that old debate too.

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: Sorry, I am not sure what the federal district is.

Anyhow, we had that debate and what happened was we had a lot of questions, we had a lot of concerns, and by extending and filibustering this piece of legislation, the media had an opportunity to report on it and get the news out to the public. Then what happened was you had an outcry from the public saying this is not acceptable. You are denying us information. You are locking the place up. I have always said it is funny; you look at the House of Assembly these days, it is literally shrouded, but in those days it was figuratively shrouded in secrecy.

We filibustered; we asked a lot of questions. In fact, from the start of that week to the end when

government invoked closure, I believe we only got as far as clause 6. I think that is when the former House Leader, the former member – I can say his name now, Mr. Kennedy – invoked closure on us and said we are not going to debate this. Up to that point, you could see the public getting engaged and getting involved and the backlash was very quick. Now again, members on the other side they spent most of that week saying how this was a great thing. They were saying how this was a great event and a great thing that they were doing. Hopefully, I will get it here.

There are a lot of interesting comments when you look back on it. In fact, our current Premier, at that time, if you go back to June 11, 2012, he said: “Mr. Speaker, I am going to tell you, this is not a bad piece of legislation. Is this tightening up some of the processes that occur? Yes, it is, but it is for the right reasons, Mr. Speaker. It is for the right reasons.” So all I can say is given that we are now here to toss that out, like the garbage that it was, we find out he was wrong. He was absolutely wrong.

Another thing, again sometimes it comes down to do you trust somebody. He was the minister back then, June 11: It is a good piece of legislation, I say, Mr. Speaker. Well, given the fact that we have completely had this thrown out and that we have had a committee, an independent committee that was appointed by the government and said we are going to tear the guts out of it, I say it was a bad piece of legislation. It was absolutely horrible.

They know that now. They know that, and that is why we are here now today debating the complete opposite of it, but going back to that, we had a debate. We never finished the debate. We only got to clause 6.

It was an interesting debate, and being a rookie member back then, and had not been in many extended debates, it was like nothing I had ever seen before. It was heated at times. You are sleep deprived, and back then we did not have the benefit of having the number of members we have now. We had six back then. So there were a lot of sleepless times, and you are sitting here trying to debate it.

Do you know what? We did what we had to, and the public caught on. From the moment it was forced down the throats of the people of this Province by this government, the same government that is still there, the people have not liked it. They have not liked one bit of it, and they have let this government know. It was like an albatross around their neck.

I really have to question the logic of bringing it in in the first place. For the cost they paid politically for it, I am wondering why it was brought in in the first place. I do not know if they could not see what was going to happen, I do not know whose brainchild it was, but they paid dearly for it. More importantly than them paying for it, do you know who else paid for it? The people – the people of this Province paid for it. They paid for it in many ways. One way they paid for it was literally in dollars, because one of the things we got with this nice report was a bill, and it was a bill for over a million dollars.

Now, we had no choice but to spend that to get rid of the garbage that that was. I have no other word –

AN HON. MEMBER: Atrocity.

MR. A. PARSONS: Atrocity is a good word for it.

We had to bring in this committee, and it completely validated everything we said on this side for days and nights, and it completely goes against everything the other crowd stood across and voted for and said was the right thing to do and was for the people of the Province. When you think about it in dollars and cents – so right now we just had a Throne Speech, and we have a Budget coming up next Thursday.

In that Budget we are hearing about – we have already seen the effects of some of it. I know the outfitters are paying for it. We are going to see fee increases, we could see tax hikes, we are seeing the cuts to services, and a huge, huge deficit. The more you think about it – again, I am interested to see where it comes. I do not know if it is going to be like a Harper budget where you have the minister saying: Oh, our grandkids will pay for it. I am wondering if that is where they are taking their cues from. You

are hearing about the hard times and we cannot do this, and we cannot do that, because it is money.

We asked for a seniors' advocate yesterday and one member said, well, we cannot do that, it is going to cost. Do you know what? This was a million dollars spent to fix something we told you about in the first place. We gave you the advice for free, but hindsight is 20/20.

I will continue on from June of 2012. I mean this bill had an effect. One of the things we saw – and I do not know if it came out of that, it is not actually legislated, but it has to be brought up. It is relevant to this because the Minister of OPE brought it up.

One of the ways this government put the shackles on us and on the people of this Province – and Mr. Wells and Committee brought it up in here – was this political practice, this intrusive practice, a breach of privacy practice, where if we as an MHA wanted to advocate on behalf of our constituents, we had to go to the minister and their EA. We were not allowed to talk to civil servants, the front line workers actually handling it; we had to go to the minister's staff.

The whole practice was absolutely wrong. In my case I think it is illegal, and it certainly would have been a point of privilege in this House, but the minister to his credit, the first day we brought this in he said, no, we are getting rid of that practice. He announced that. In some cases you had ministers who, you go to them and you get answers right away from them or their EAs.

Actually, the Member for Gander, when he was the minister he had one EA in particular, and I think she was in a number of departments; she was excellent to deal with. Maybe it was because her minister was excellent, I do not know. It is too bad he is not a minister anymore. Anyhow, what I am saying is that particular EA was excellent. Now, I should not have had to go to her in the first place. It was wrong.

The problem we had is some ministers and their EAs deliberately would not get back to you, would not get you answers, and would not give you information. They were hurting the people

of the Province for political gain, and it was wrong. It was absolutely wrong, scandalous, shameful, and ridiculous. There are not enough words to describe that behaviour.

Here we were representing constituents; they would come to you with an issue. You try to go to the front line worker for whatever department. No, no, no, we cannot talk to you, go to the minister. I go to the minister; the minister would go back to that worker. The worker would go back to the minister. The minister would come back to us. We would go back to our constituent.

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: Yes. Oh, it was a great model of efficiency. Here we were, and in some cases you had the front line worker saying I will go back to the constituent. They did not quite understand what our job was. Members on the other side know our job is to advocate on behalf of constituents. Members on all sides do that, but we were not able to do it. We were unable to do our job because of that particular policy that was tossed out to the scrap heap, thanks to this great work that was done by the committee.

I have to tell you, if there was one good thing that former Premier Marshall did in his short time here – he was here, gone, here, gone, supposed to be gone, here, gone – one thing he did was he made this happen. I will give him credit for that. He said, look, we have to review that. Maybe he had the sense politically. He said do you know what? This is hurting us; or maybe I think, hopefully, he said do you know what? This is the wrong thing.

Nobody else on that side came up with it. It was him. Do you know where he is? He is gone, replaced by the new Member for Humber East.

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: Yes, he is sitting in his government paid office.

So we go back to this. This continued on. We were living under this. It was funny; just about everybody on this side can tell you of an instance where we made an application for information and it would come back and it was

completely blacked out – completely blacked out.

I will not take it, but the Member for St. Barbe has a great example of one application he made for information. I will wait until he speaks to bring it up. It was absolutely amazing the lengths to which they would go to black out information. Sometimes they messed up, though, and we saw the information.

AN HON. MEMBER: They still do it.

MR. A. PARSONS: They still do it, but maybe it is because this is not implemented yet. Maybe it is not voted on yet. Maybe we have to get this through right away.

There have been some practices changed, and it is a start in the right direction. Again, I say, I am glad you listened to us. This was the last opportunity to do it. This is apparently the last sitting of the House before the general election, so this was the last chance we had to do this and get it right.

This whole file has changed. Back when we did it then, it was the Department of Justice. The Department of Justice handled access to information. I do not know if debacle is strong enough a word, but let's just say that it is not with Justice anymore. Now it is gone with the Department of OPE, the open propaganda, engagement, whatever. I do not know what it is. A simpler word would be mess. That is another simpler word. It was a mess.

The good news is, Mr. Speaker, I will inform you now. I am almost positive that when we pass this we will officially be ahead of Moldova. We will be ahead of Moldova. To that, I say congratulations to this government. Congratulations.

Now, I am not going to use that word but wherever that country may be – and we are having a bit of fun with it because it was a joke. That is why we are laughing, because it is a joke what we had to deal with then and the excuses that were made. Again, the current Premier back when he was a minister said oh, we have to do this because that crowd over there puts in all these frivolous and vexatious requests, hundreds and hundreds of them. I think he might have

said thousands of them, but it is funny because the media listens to this stuff and the media looked at it and I think it was eleven a week. So again, it is absolutely wrong.

I do not know – were they misled by their people? Did they have a chance to read it? Did they know what they were doing? I do not know. I can only venture a guess that they will have an opportunity during this debate to stand here and say why they did it in the first place, because I think the people still want to know. I think the people still want to know why it was done in the first place, so I would say look, come on with it, tell us; tell all the people why you did it in the first place.

We know why they are doing it now, because they have to do it. We will say to you it was the right thing; you should not have done it back then. Sometimes good comes out of bad. I have to tell you, I had a great legislative experience. That was the only good that came out of it; I had the chance to sit here and debate and learn the rules of the House as a rookie member, because that was our first session of the House as well. The election was in October 2011 but we did not have a session then because the former Premier did not want to sit. That was our first session.

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: Yes. It is funny; the more I hear comments, the more it jogs my memory because again going back to former Premier Marshall, I think he actually said that that whole debate – I might be paraphrasing – was a waste of time. That it was a waste of time and resources.

I would say to people if you want to, go back to Hansard June 2012 – I cannot remember which member said it was housekeeping. I have to say, we have different opinions of housekeeping, I can guarantee you that; I would hate to see your house. You say you are going to sweep the floors and you have the walls torn out, that is what it comes down to.

Again, I am going to get lots of opportunity during Committee to talk to this because do you know what? Sometimes you have to tell the crowd on the other side a couple of times to get it through. Look, we told you three years ago –

MR. JACKMAN: Are you saying they are slow?

MR. A. PARSONS: I am not going to comment on what the Minister of Seniors said then; I will leave that off the record and let people wonder what he just said.

MR. JACKMAN: Are you saying the people outside are slow?

MR. A. PARSONS: No, I am not saying the people outside are slow; maybe the people on the other side are slow.

Anyway, I appreciate the opportunity to talk about the great work that Clyde Wells, Doug Letto and Jennifer Stoddart did. It is better late than never. I look forward to continuing to debate and talk about these sections. Let's hope that they do not close the House on us this time.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. MCGRATH: Thank you, Mr. Speaker.

I am pleased to stand here today to have a little time to speak on Bill 1, An Act to Provide the Public with Access to Information and Protection of Privacy Act. I have been listening to some of the speakers; the purpose of this bill is to revise the law respecting access to records and protection of personal information held by public bodies. This bill would maintain the ombuds model for accessing personal information protection, but it also gives the Commissioner the decision-making power in certain procedural matters.

During the review – and the review as you have heard some people talk about through Clyde Wells, Jennifer Stoddart, and Doug Letto, three professionals who were commissioned to do this review, they did the review and they came out with ninety recommendations. Government has said that it would accept all ninety recommendations that were put forward. Sixty-seven of those recommendations were legislative and sixty-five of the sixty-seven relate to the

ATIPPA. Twenty-three of the recommendations are policy. Sixty-five legislative changes will take effect with this Bill 1. We have already started as a government to implement some early action changes on that.

We have put a transition team in place. That has already been put in place. That transition team reports to the Clerk of the Cabinet. They also will report to the Deputy Minister of the Office of Public Engagement. The terms of reference will be placed on the Office of Public Engagement website for public viewing.

We have already started training for some of the ATIPP co-ordinators. For example, today in Labrador West there was a session. I think there was another session earlier in Happy Valley-Goose Bay this week. The training for the ATIPP co-ordinators has already begun in some of the regional centres throughout the Province. This will continue. There will also be more training done which is scheduled for May, and then this summer for the municipal sector there will be training for the ATIPP co-ordinators.

Another big piece in this is the service delivery training for government co-ordinators. That is scheduled for early May. This will teach them how to utilize their responsibility for the duty to assist. By that, the responsibility for the duty to assist, those co-ordinators within government will assist people to go through the process, and hopefully that will be done in an accessible way to make it easier for the people who are availing of the services.

There will be substantial changes also to the policy manual. These revisions again are already underway; we have already started these revisions to the policy manual. There is an organizational review being done of the core Government of Newfoundland and Labrador ATIPP function. This is well underway and this will provide a much better form of the whole organization of the process for the ATIPP.

A municipal working group has been formed. I am not sure if it was my colleague for Exploits or the minister himself who said you will have members on that working group. It has already been formed. There are members there from the Office of Public Engagement, from the Department of Municipal and Intergovernmental

Affairs, from the Office of Information and Privacy Commissioner, from Municipalities Newfoundland and Labrador, as well as from different municipalities throughout the Province.

They have four key propositions that they will be responsible for: the public disclosure standard in the Municipalities Act; revised municipal guide; the template for municipal policies; and thorough and adept training. Once these are implemented, it should provide for a much clearer composition and better, more thorough communication line. That is one of the big things with this is the communication line to make it more accessible and more transparent. The change management plan, this will allow for a more open, a more transparent, and a more assistant-friendly process.

There were two changes to the draft bill language. As we had said, we would be accepting all recommendations by the commission, but Mr. Wells in his conclusion of the recommendations said that he would be accessible and available if there were any questions. As the government went down through the recommendations, there were two pieces that they had questions on. They went back to Mr. Wells. The Government of Newfoundland and Labrador and the Office of the Information and Privacy Commissioner met with Mr. Wells with respect to the definition of database and the expanded definition of public body as it relates to local government bodies contained in the draft legislation.

Mr. Wells suggested minor language changes to clarify the Committee's intent. The first one, as you heard the minister refer to, was basically a typo and that was the word "adopted" was replaced with the word "adapted." That was a fairly basic one. After seeing clarification on the definition of public body, the clarification that was given helps articulate the intention of the Committee to capture entities created by local public bodies to carry out public policy objectives and public services.

Basically, what that amounts to is there is going to be a clearer definition of what the public bodies mean. There are going to be different organizations, different public bodies that will be doing work on behalf of government and on behalf of different levels of government. We

need more clarification as to whether or not they will be covered by this. That will not come into effect until later on. I think it is in August that it is going to happen.

The Government of Newfoundland and Labrador, as I said, we sought the clarification there. That gave us the clarification. Basically, what it says is that it was created by or for a local government body or group of local government bodies. The purpose of it is the management of a local government asset or the discharge of a local government responsibility. We feel we need a little more time to make sure that clarification is there and work out some of the bugs in that one. It is going to be August 1 before that actually comes into effect, rather than in June.

The role of the ATIPP coordinators is also very clear in these messages. There are no officials other than the ATIPP coordinator involved in the request, unless consulted for the advice in connection with the matter or giving assistance in obtaining and locating the information. The coordinators now have a much more detailed and important role than they had before. The anonymity, identity of who is actually requesting the information – so the only person who will know who is requesting the information will be the coordinator who is working on that particular ATIPP request. That information now remains very confidential.

There are basically three major groups in the Province that requests this information. They are all balanced out pretty well. It is the media; it is individuals who are seeking information, whether it be personal information or public information; and then of course the political parties that seek ATIPP requests to be able to do research on behalf of their particular party.

The commission made recommendations about the fees. I know the Member for Exploits went through the fee structure in quite a bit of detail there actually. What we have done, the recommendation is that we remove the \$5 application fee. That has already been done. That has been implemented already.

The increase in free time; now for public bodies we have fifteen hours of free time, and for municipalities we have ten hours of free time.

Back in 2012 you had two hours, which was increased to four. That has increased for municipalities to ten hours, for public bodies to fifteen hours. I also have to say they will only be charged for locating the records. If there are redactions to be done or if there is reading to be done or typing to be done, they will not be charged for the time it takes to do that.

Also, they provide for a waiver of charges where it is a financial hardship in public interest to disclose, if that is there. Again, I will not get into the details of that. The Member for Exploits talked about that in detail. These are certainly positive moves that we see here.

The timelines, I thought, was one of the very interesting parts in the recommendations. The timelines for the ATIPP requests now are at twenty business days to respond. That really puts pressure there to make sure the answers get out in a very timely fashion. Most provide records if available or provide advisory response, they must provide this to the applicant now by day ten. So within ten days of the request they have to get back with some type of response, and then within twenty days they have to have a full response. It cannot be extended beyond that due date without the Office of the Information and Privacy Commissioner giving an approval of that.

Ten business days to respond to the notification of the Office of the Privacy Commissioner review; with the review there is an informal stage of thirty business days with the possibility of a twenty day extension to that, and that would be a twenty business day extension. The formal stage is sixty-five business days. That really, really tightens up the timelines when it comes to an extension to that within the informal days.

The ten business days for public bodies to respond to the recommendations are there. When it comes to the override – I have to say, during the briefing we asked some questions of this and I have to compliment the staff on the briefing they gave. They were very precise in explaining to us how the override works.

Basically, with the public interest override, the Office of the Information and Privacy Commissioner has to provide the guideline there, and he will provide guidelines. What will

happen is they will put together the format of a test so that when the coordinators go through the request they will then, as I stated earlier, bring it to either the Deputy Minister within the Office of Public Engagement or to the Clerk. They will look at it and they will use this test. So everybody will be using the same format to make the decisions, if there is an override necessary there.

I think that is really important, because in the public interest and the disclosure it clearly demonstrates that outweighing the reasons for the exceptions. Some of those exceptions include: municipal confidences, policy and legal advice, confidential evaluations, the disclosure harmful to governmental relations, financial or economic interests, conservation, and labour relations interests where the public body is an employer.

With everybody using the same format, the same template, to me that exercises continuity there. I thought that was a very good one. The Office of the Information and Privacy Commissioner can, of course, override that.

There are some mandatory exceptions there for the disclosure. That would be personal information, third party business information, the House of Assembly and statutory office records, and workplace investigations. The exceptions that were changed, some going back to what it was before, some being new.

Briefing books; once again, they certainly are accessible under ATIPPA. Third party business interests, there is a three part test in order for information to be withheld. They will only notify third party businesses if they intend to disclose that information. So they will try to get hold to the third party if they plan on notifying that.

The Office of the Privacy Commissioner will be able to review the records withheld under solicitor-client privilege. The Office of the Privacy Commission certainly has a lot more responsibility and accessibility than they did before.

Cabinet records, official Cabinet records are still private; any information or disclosures relating to the Cabinet. So any conversations that are

'ATIPP-able' right now. Of course, the Commissioner himself will be able to review all Cabinet records.

One of the other things with the policy advice when it comes to exceptions to draft reports is the timelines there right now. Public bodies have sixty-five business days to keep it in a draft form. Then after the sixty-five business days, if there have not been any requests for edits or changes, it then becomes policy. After it becomes policy, after the sixty-five days, it is 'ATIPP-able'. The term "consultations and deliberations" was removed from policy advice because that is exactly what policy advice is. It is all about consultation and deliberation so it was not necessary to have that in there a second time.

Records to which ATIPPA does not apply; in section 5 you have the records – and I think this is very important – of RNC investigations in which suspicion of guilt of an unidentified person is expressed, but for which no charge has ever been laid. If somebody is charged with something or if there is an investigation happening – we probably all can relate at some point to someone we know where somebody was being investigated. I know there was a question here in Question Period today. There may be an investigation on the go that you do not even realize you are a part of, therefore that information should remain private while that investigation is open. There are some parts of section 5 records that the Commissioner himself will be able to review.

The provisions that prevail over ATIPPA; there were six recommendations that were made. Basically in these six – that is the Aquaculture Act, the Aquaculture Regulations, the Lobbyist Registration Act, the Mining Act, the Royalty Regulations 2003, and the Revenue Administration Act. The provision is being removed in all of those saying that they could override the ATIPPA. Now it is the other way around. The ATIPPA would override that.

Basically what would happen here is before ATIPPA, if they wanted to get in there, they would have to go into court to try and get access to information. Now it has actually reversed where these bodies would have to go into court to stop the ATIPPA approval.

Personal information protection, reasonable efforts to notify the third parties; I mentioned the third parties. They would try to inform them that it was going to be there. It has to be within reasonable efforts shown that they did try to notify them that the information was there.

Privacy breaches, the mandatory reporting to the Commissioner, notifying affected individuals where there is a risk of significant harm; so they will be notified knowing that was there. One of the other ones is that now they are replacing salary range with remuneration. Before, if you requested that information you may be told that, well, their salary is between A and C, whereas now this information will give a full breakdown and full disclosure of exactly what the remuneration is. That would include any benefits and bonuses that may be contributed to that remuneration.

What is the role of the OIPC? Well the Commissioner will recommend disclosure. A public body can either comply, or within ten days must seek a declaration from court not to apply. The Commissioner, rather than public bodies, will now approve time extensions. The Commissioner will now approve requests to disregard certain requests. If they feel that they are frivolous or vexatious, the Commissioner himself can make the recommendation that it not move forward.

Public bodies will now be required to notify the Commissioner for all privacy breaches. Also the Commissioner will monitor and audit, as necessary, suitability of procedures and practices employed by public bodies in carrying out their responsibilities and the duties under the ATIPPA. The Commissioner has a lot more flexibility and power than they had before.

I think this is a very good piece of legislation. As you have heard the minister say, all recommendations will be accepted by this government. I think it is time that we move forward with this piece of legislation and move forward with the governing of the Province.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Signal Hill – Quidi Vidi.

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

I do not know if I can say I am pleased to have to stand to speak to this bill or I am in a state of shock that I am standing speaking to this bill. I guess the first thing I want to say, since the minister did not do this, is let's be honest about what we are doing here today. Let's not fudge our language, fudge our words about what is going on here today.

When the minister spoke the minister made the comment, among what he said, that some members of the House – he said some members, he meant of the House – did raise concerns about some of the terms of the previous bill, meaning Bill 29. This, meaning Bill 1 today, answers some of those.

Well I dare say some members did say something. As a matter of fact, we spent seventy hours in a filibuster saying it. What do we have here today? Again, let's not fudge our language. We have a piece of legislation that has cost over a million dollars; a piece of legislation that cost over a million dollars because this government opposite us refused to listen.

The reason they refused to listen was not because they did not think we knew what we were talking about, or it was not because they did not think all the Opposition knew what we were talking about, or it was not because they did not think that people in the Province did not know what they were talking about, or that professionals dealing with privacy and information issues did not know what they were talking about. It was because they had a plan and they were not going to let anybody keep them from their plan. They thought they could get away with it, a plan that today we can call Plan A. They did not know there was going to be a Plan B.

It was a Plan A that was determined to make sure the people in this Province were going to be restricted in the information they were going to be able to get. They wanted to put everything they were doing out of the reach of the people of

the Province. That was their plan, to go behind closed doors and to name every single piece of paper that had Premier written on it, or Executive Council written on it, or whatever and put it out of the reach of everybody; individuals, organizations, groups, and businesses. Put all of it out of reach so they could do whatever they wanted to do. That was their plan.

Then to use language which was unbelievable; language by the Premier of the day when she said the act was a fine balance – Bill 29 I am talking about – between the right people have to information and the obligation government has to protect privacy, both of government and of public bodies. Both elements are necessary for a healthy functioning democracy. Let us do whatever we want to do behind closed doors and you cannot find out what we are doing, and that is a healthy functioning democracy. It is amazing language when you think about it, Mr. Speaker. That is what they did. They thought they were going to get away with it. That is the part that is very interesting.

What started to happen? I would say a lot of things started to happen to turn them around. We will not know exactly why they saw the light and saw that we had to do something about this, but we can make some guesses and some of those guesses can be educated guesses. When they realized they were going to have to do something, what they did was smart. Under legislation, a statutory review of the act could be called for. They did it sooner rather than later, and so we had the statutory review committee; but when we look at some of the stories that the statutory committee tells us about, maybe it will give us an insight into why they reversed where they were headed with their Plan A.

I am going to tell some of the things that are in the review – the report rather of the statutory review committee. They share, in the introduction to the report, some of the stories that were presented to them in the public meetings that they held. “A businessman told the Committee that after a tender was awarded for office supplies, he was forced to go to court to obtain tendering information in order to understand why his competitor made what he felt was an impossibly low bid.” He had to go to court because that is what Bill 29 put in place.

A tendering process is supposed to be an open process; it is supposed to be transparent. It is something that we take for granted in a democracy. They closed the door on open and transparent tendering processes. That is one of the things that they did.

Let's look at another one, another story that was told to them: "One journalist informed the Committee that a town council in her area was blacking out all the names of people making applications for development, the names of groups and organizations on documents, even the names of citizens on petitions to the town." A petition is public. "It was being done on the apparent advice of the provincial Department of Municipal Affairs, in order to protect local councils from being sued for breaching the privacy provisions of the ATIPPA." Provisions that were brought in because of Bill 29.

I will just do one more: "Another journalist told of the frustration associated with delays, and how even when she involved the Commissioner's Office, she felt she was being asked to negotiate for information from the public body, when what she actually needed was for the Commissioner to champion her cause." That power had been taken away as well.

So I think it is a fair guess, Mr. Speaker, to say that they started to feel the heat. I would say they started to feel the heat from members of their own party. I would say they started to feel the heat from business people. I would say they started to feel the heat from people whom they saw as being important to them, the people they saw who were voting for them.

I am not going to stand here today and congratulate them on doing the mess that they created. One of my colleagues in the Official Opposition used the term as well. I think it is a mild term really. It was a disaster what they created. We went from having a pretty good piece of legislation – our ATIPPA, our act was very good. When the statutory review studied the act that had been desecrated by Bill 29, they put back in place a lot of what was in the former act. They added some new stuff, but they restored what was in place with some good additions to it.

What we have is this government having the gall to sit over there and say look at how wonderful we are, after causing us to be in this House for over seventy hours in a filibuster trying to get them to listen to reason. We talked logic. We talked about what was wrong. You know, I am willing to bet – I have not had the time to do it but I am willing to bet if we sit and look at every point that was made, both here in this House, by people who were professionals in the area, by individuals who sent emails, who were on Open Line, et cetera, every single idea that is now back in our ATIPPA was all said in June of 2012. It was all said, but they had a plan and their plan did not work.

What is their plan now? What is Plan B? Bill 1 is Plan B. Plan B is let's try to fool the people a second time. We tried to get away with what we wanted to do in 2012. So now let's use the language and behave in a way that says look at how wonderful we are creating this wonderful act, an act that is now probably one of the best acts in Canada.

Aren't they wonderful when all they had to do was be honest back in 2012 and admit that what they were doing was wrong, and admit that Bill 29 was going to create one of the most regressive and repressive pieces of legislation with regard to privacy and access to information. They will not admit that. They are not going to say that. It was a piece of legislation – I was not a professional in this area, but I certainly have enough experience to know that when I took that bill in my hand, when I took Bill 29 in my hand the very first reading of it, I looked at my colleagues and I said we have an absolutely regressive and repressive piece of legislation. We are going to have to deal with this. I think we are talking filibuster, folks, because I do not know how else we are going to be able to make the points that we have to make.

I knew, because anybody who had any common sense knew, when they read it, what they were trying to do. I have news for them now with Plan B. If they think their Plan B, Bill 1, is going to make people forget what happened, I think they probably have another thing coming, that their Plan B is to try to undo the past.

The minister said it when he presented his opening address today: We do not need to look

backwards. Yes, we do need to look backwards. Just because they say it does not mean that people are not going to look backwards. So here in this House today I think it important for us to point out and to make sure that people remember what it was they did.

A \$1 million piece of legislation. Well, you know it may have cost thousands for us to be here in a filibuster, but we could have gotten the improved piece of legislation. We could have had good legislation for a lot less than \$1 million if they had listened. They even had organizations, both here in our Province as well as in Canada, giving them the free information, telling them what was wrong, really begging them to listen because of what they were putting in place was so terrible.

So let's be honest. The government today is wanting to claim credit for this piece of legislation as if they were the ones who dreamed it up. They were smart to put the statutory review committee in place.

SOME HON. MEMBERS: Hear, hear!

MS MICHAEL: I am glad that they did, but only because it gave them an out. We have to remember, \$1 million to write that piece of legislation that was totally unnecessary.

I give credit to the statutory committee because the statutory committee of three people who really listened to the people who sat in front of them, who knew what they were talking about and did their job, I give absolute credit to them for the excellent report they have done and for the legislation they have written.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: Necessary only because of what they did in 2012.

This new bill was made possible because of the people in the Province. People let them know how unhappy they were. While they did not listen when we were in the House in 2012 trying to get them to see it, enough pressure was put onto them that they finally realized they had to call for a review ahead of the statutory five-year

review. Even when they did that they were not honest about it.

They said, well we do a statutory review, it is called for; but they did it ahead of the five-year limit because they needed to do it. They had to do it to cover themselves. That is why we cannot give them credit. It was the public outcry, and I would suspect a lot of outcry behind the scenes that forced them finally to put a committee in place, a committee with members of the highest calibre. Now they are claiming the work of the statutory committee as their wonderful work and wanting all of us to say, aren't you wonderful. I do not think so.

National experts told you that the provisions of Bill 29 were dangerously undemocratic. That was one of the expressions used. We have that in Hansard, dangerously undemocratic – but you did not listen. Experts on international access to information laws called key changes in Bill 29 breathtaking. They did not mean breathtakingly wonderful, they meant breathtakingly unbelievable. They could not believe it. They told you in 2012 that Newfoundland and Labrador would rank below some developing countries if the amendments went ahead. You did not listen because you had your plan.

ATIPP, though, is not the only instance of this government's refusal to pay any attention to experts, be it their own experts or others. This government has continually and consistently chosen to ignore their own independent experts. For example, the joint panel review, or their own PUB review on Muskrat Falls. Both reviews, experts giving them advice but they do not listen.

They have their own agenda all the time. This is probably one of the worst things in a democracy, for this government to use their own majority to bring into place a piece of legislation that everybody was telling them was wrong – everybody, not just people in this House. If they wanted to ignore the fact that we represented constituencies that is fine they can do that. Then they also chose to ignore the voice of experts. They chose to ignore their own constituents. They chose to do what they wanted to do in order to protect themselves.

There were so many things that were in place that were working well. There was one thing that has happened because of the statutory review and because of the new legislation that I am really pleased about, and that is the recognition of the rights of the Commissioner and the role of the Commissioner.

What this government tried to do through Bill 29 was an insult to the Commissioner. I could not believe it at the time, the insult that they were making to an officer of a statutory office, giving him a job to do and then taking it away by forcing him to have to be going to court to get what he knew he should be able to access.

He had rulings that were on his side. That was the other thing. They could not even keep the Commissioner from getting information. Rulings when he had to go to court that said he had the right to get what he was looking for. They had everybody against them – everybody.

We suggested during the debate to the ATIPP – no, we suggested, I am sorry, to the ATIPP Committee that when a disagreement arises between an applicant and government regarding access to information, the decision of what information can be made public and should be made by the Information and Privacy Commissioner.

Bill 29 changed that stating, “the Commissioner can work to resolve a contested information request informally. If that fails, the Commissioner may issue a report with recommendations. If that fails, the Commissioner may try going to court.” That was the insult. You put a Commissioner in place, somebody who has the expertise to do the job and then you completely tie the person’s hands totally.

We told the ATIPP Committee the Commissioner should have a larger and more powerful role in handling requests for information, and the courts agreed. We told you in the House at the time and later, suggested to the ATIPP Review Committee that, “the Information and Privacy Commissioner is the best person to arbitrate contested access to information issues. We recommend strengthening the Commissioner’s powers, including his ability to issue directives rather

than to only recommend the release of information.” We recommended that, “The Information and Privacy Commissioner should be given the power to order the release of information.”

Finally, this act, the legislation that cost us a million dollars is saying that. That could have been solved in June of 2012 if you had listened, but you had your own agenda, you ignored us, you ignored the Opposition, you ignored the voice of the people in the Province, you ignored the voice of experts in the Province, you ignored the voice of experts outside of this Province. You had your plan, you stuck to it, but now you have another one.

We are going to make sure that people remember where this came from, that people remember what happened in 2012, and you are going to find out that this plan is not going to work either.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Baie Verte – Springdale.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: Thank you, Mr. Speaker.

I am certainly pleased to speak to Bill 1, An Act to Provide the Public with Access to Information and Protection of Privacy.

First of all, Mr. Speaker, I would like to thank the Department of Public Engagement for their very thorough and comprehensive briefing. They did a tremendous job. I appreciate their work. I also appreciate and commend the Minister of Health and Community Services and Office of Public Engagement for his outstanding leadership and proactive leadership on many files. On all accounts, the department and minister are doing a fantastic job, a super job indeed, Mr. Speaker.

In addition, I would like to thank the review commission for their work, very stellar work indeed. The commission was comprised of very capable individuals with lots of expertise on this

subject matter. Furthermore, I would like to thank former Premier Marshall for having the courage to order out a review one year earlier. As you know, the ATIPP Act is required to be reviewed every five years. In 2014, we commenced a review a full year earlier than was required by legislation. Mr. Speaker, I give the former Premier credit for his proactive step in doing just that.

As we all know, Mr. Speaker, all legislation is never static. It is forever evolving and ongoing over time as circumstances change and as new information comes to light and as new information is presented. We always have to be open for change and be proactive when the time comes.

Now, as a government we have to have the courage to adjust our sails and acknowledge that no government will get everything right every single time. It is not going to happen, Mr. Speaker. What is the most important thing is this that we listened and we learned. It is a new day. This is a new time. This proactive step is a sign of strength. It is not a sign of weakness. I do not look upon this as a sign of weakness. This is a sign of strength. What is wrong with correcting your course?

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: Opposition spent more time this afternoon – I listened intently – on what happened the past two or three years. They are still stuck in 2012, as opposed to talking about this very important proactive bill that is on the floor this evening. They wanted it; now they are complaining that they got the new legislation. I do not understand, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. POLLARD: All they are complaining about is what happened in the past. Well, how fruitful is this debate going to be if they are stuck in the past all the time? It is not going to be very fruitful. I am wondering if they support the bill. Judging from what I heard this afternoon, I do not know if they are going to support this bill, Bill 1.

They are reticent – they are sort of reluctant on giving any credit. I do not care who gets the credit, Mr. Speaker. Let them take all the credit they want. The most important thing I am concerned about is that the people of the Province are the winners.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: That is what I am most concerned about, Mr. Speaker. They are still stuck on past events. Get over it. They are reluctant to say anything positive, but let me use an analogy. I am a parent of three daughters. Let's say my daughter got 40 per cent in science. Now, Mr. Speaker, I have three smart daughters, good-looking daughters; they turn after their mom, Mr. Speaker. Let's say they fail a science test. Now, as a parent I would not be very pleased. I would scold them. I would probably ground them. I would probably tell them off. I would discipline them. I would be very upset and discouraged that they failed their science test.

Now, let's say she got another opportunity to pass the science test, to redo it, do the exam. This time, guess what? She got 95 per cent on the science test – wow. What should I do then as a parent, of my daughter, who cares? Should I still berate and scold her and say you failed the first time, what in the world are you doing now after studying and passed with a 95 per cent, you should have still stuck with 40 per cent? That is what they are saying today.

Mr. Speaker, I cannot concentrate on her failure all the time. Mr. Speaker, I have to settle down because I get so excited.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: That is just me. Mr. Speaker, that is part of my DNA, I suppose.

What is the best approach to this here now? Give the people the credit, give the Commissioner the credit, give the NDP credit, and give the Liberals credit. I do not care who gets the credit, Mr. Speaker. The main thing is the people get the credit.

I would congratulate my daughter for passing a test because she is now a success, like any other

parent would do. So why not accept, okay, we have accepted our misstep or whatever you want to call it for instance, and with a new effort, she passed her test. We accepted she got 95 per cent.

The same thing with this, this afternoon, we are going to celebrate because this time hopefully, Mr. Speaker, new legislation, a new day, new time, we are going to move forward. We corrected our sails and we adjusted our sails.

Hearing the debate on Bill 1 by the opposite members I am not confident if they are glad that we are still bringing in this legislation. I hope they are, Mr. Speaker. We want to move forward. I do not understand it, why they are complaining all the time.

To move forward, we cannot look backward all the time, looking back in the rear-view mirror while we are going forward. There are obstacles there, Mr. Speaker. We cannot do that. We cannot look in the rear-view mirror all the time. More importantly is where we are today. Not 2012, not 2013, not 2014; we are here in 2015 trying to give the people of this Province the best of our ability, the best governance we can give them. We have the Opposition over there still complaining because we are bringing in good legislation today, probably the best in the world or in Canada.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: What have we learned? We learned we are going to move forward with new information. Mr. Speaker, we took our criticism; we took our bumps and bruises along the way in 2012, 2014. If they want to rub our noses in it, well go ahead, do it again. We are humble enough to take it. We are humble enough because the people are the winners of this.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: Mr. Speaker, some people feel that government would have been better off if we said yes, wipe out and repeal Bill 29, than having a comprehensive review of the entire legislation completed. However, what does this bill do? It was drafted by the ATIPPA Review Committee. It clearly shows that in order to

move access and privacy forward in this Province, we needed a complete overhaul of the legislation.

By focusing on more than just Bill 29 that they are still stuck on, the review committee was not only able to satisfy the statutory obligation government has to review the legislation every five years, it provided this Province with a strong piece of legislation that puts Newfoundland and Labrador at the forefront of access and privacy legislation in Canada and a world leader.

One of the members, in Doug Letto's words, said the legislation eclipses that in other parts of Canada and takes into account best practices around the world. That is what we are discussing this afternoon.

What is the purpose of this legislation? It has three main purposes. Number one, the purpose is to facilitate democracy by ensuring that citizens have the information required to participate meaningfully in the democratic process. The second purpose is to increase transparency in government and public bodies. The third purpose, Mr. Speaker, is to protect the privacy of individuals with respect to personal information about themselves held and used by public bodies. That could be a school board or RHAs, or municipalities or what have you.

Mr. Speaker, I submit that this proposed bill does just that. By expanding the purpose of the act, it includes a stronger public interest override and expands the powers of the Office of the Information and Privacy Commissioner. The bill will ensure that the people of this Province who make access to information requests will receive as much information as possible in a timely manner which, in turn, will lead to greater participation in the democratic process.

Now, Mr. Speaker, I might want to go back because perhaps we may not understand the phrase public interest override. What that means is if in the best interest of the public, the information will be released, if it is in the best interest. It will not be withheld; it will be released for perusal.

It also does this by improving some of the exceptions to disclosure found in the act; for

example, if you look at the provision relating to Cabinet confidences, this new bill strikes the appropriate balance between protections that existed in the original legislation and the protections that currently exist. Under the original legislation, the substance of Cabinet deliberations was protected. The 2012 amendments expanded this protection to exclude from disclosure all Cabinet records. It also provided a definition of what constitutes a Cabinet record based on the definition found in the Management of Information Act.

Now, Mr. Speaker, based on the Committee's report it seems that the changes made in 2012 were both positive and negative. On the one hand, it provided ATIPP co-ordinators with clearly defined parameters of what constitutes a Cabinet record, which did not exist under the original legislation. It also ensured the protection of Cabinet confidences, which is paramount to ensuring that open, frank discussions occur at the Cabinet level. On the other hand, it went too far in protecting factual information and supporting Cabinet records in their entirety.

This new bill strikes the right balance between the original legislation and the 2012 amendments. In terms of the 2012 legislation, the definition of a Cabinet record remains, as does the protection of official Cabinet records. However, the inclusion of supporting Cabinet records and factual material contained in a Cabinet record has been removed from the definition. These records are no longer protected in their entirety. Now, as was the case before the 2012 amendment, a line-by-line review of these records will be required and only the substance of deliberations will be withheld from the applicant.

Now, Mr. Speaker, I am about to conclude. I do not have much time left. In addition, the bill introduces an entirely new element to this exception to disclosure. Both in the original and current legislation, Cabinet confidences were a mandatory exception to disclosure, meaning that they cannot be released to the applicant under any circumstance. Under the proposed bill, Cabinet confidences will remain a mandatory exception to disclosure. However, the Clerk of the Executive Council can disclose these records where he or she is satisfied that the public

interests of the disclosure outweighs as more important than the reason for withholding that information.

The review committee did an extensive review of Cabinet confidences right across Canada and other jurisdictions around the world. The ability for the Clerk of the Executive Council to disclose Cabinet records, which is based on a similar provision in New Zealand's legislation, will make Newfoundland and Labrador Cabinet confidences provision the most progressive in Canada and one of the least restrictive among jurisdictions with similar Westminster-style parliamentary systems.

Mr. Speaker, I have a lot more material here, but looking at the time I will conclude my remarks.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Verge): The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

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

MR. SPEAKER: Order, please!

The motion is that this House do now adjourn.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

This House now stands adjourned until Monday at 1:30 o'clock.

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