



Province of Newfoundland and Labrador

FORTY-EIGHTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND AND LABRADOR

---

Volume XLVIII

SECOND SESSION

Number 35

---

HANSARD

*Speaker: Honourable Perry Trimper, MHA*

Thursday

November 16, 2017

The House met at 1:30 p.m.

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

Admit strangers.

I would like to welcome to the public gallery today Joshua Jamieson. The Jamieson family will be mentioned in a Ministerial Statement today.

Welcome.

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

**MR. SPEAKER:** I'd also like to welcome Joan Crosbie Parker who will be the subject of a Member's statement today, along with her children, Tim and Cynthia Crosbie.

Welcome to you.

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

#### Statements by Members

**MR. SPEAKER:** For Members' statements today, we will hear from the hon. Members for the Districts of Topsail – Paradise, Exploits, Burin – Grand Bank, and Virginia Waters – Pleasantville.

The hon. the Member for Topsail – Paradise.

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

Mr. Speaker, I rise today, and I wish to recognize Mr. Len Simms for his contributions to Newfoundland and Labrador. The most recent was the prestigious 2017 Seniors of Distinction award presented on October 3.

Over his career, Len has a list of accolades and accomplishments that include being president of the Kinsmen Club of Grand Falls-Windsor, deputy governor of Kinsmen Newfoundland and Labrador, governor of Kinsmen, Atlantic provinces and the first Newfoundland Kinsmen to be elected national president of the Kinsmen Club of Canada.

Len is also involved with a number of other charitable organizations, which include the Lions Max Simms Memorial Camp, chair of the

Children's Wish Foundation Advisory Board, and member of Stella's Circle Governance Board.

He is also a well-known political figure in our province, Mr. Speaker, having served as MHA for Grand Falls-Windsor, Speaker of this hon. House, Member of Cabinet, Leader of the Official Opposition and, most recently, Mr. Simms served as the CEO of Newfoundland and Labrador Housing Corporation and, as an affordable housing advocate, he received the National Canadian Mortgage and Housing Corporation award for outstanding contributions in advancing affordable housing solutions.

Mr. Speaker, I ask you and all Members of this hon. House to join me in congratulating Len Simms for all of his contributions to Newfoundland and Labrador.

Thank you.

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

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

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

I rise today in this hon. House to congratulate the Living Faith Pentecostal Church of Point of Bay on their significant milestone celebration of 90 years.

The church found its origin in special meetings called by Eli Burton and William Gillette on July 1, 1927. Herman Jones gave leadership to the fledgling assembly until the reigns were handed over to the first official pastor, Pastor Thomas Mitchell.

The congregation held its celebration of 90 years of bringing Christ's teachings, as well as earthly and spiritual support and hope, to all who would hear on November 5, 2017.

I ask all hon. Members to join with me in congratulating the Living Faith Pentecostal Church for their 90-year presence in the community.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Burin – Grand Bank.

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

Mr. Speaker, Lee Masters of Winterland drives to Christ the King School almost every day to carry out his duties as school principal. I said almost every day, because on October 10 he left his car home, Mr. Speaker, and walked the 50-plus kilometres to his school in Rushoon.

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

**MS. HALEY:** October 10 was World Mental Health Day, and Mr. Masters felt this would be his way of bringing awareness to the issue of mental health. In his view, physical health and mental health go hand in hand, Mr. Speaker. The students and staff from Christ the King School joined Mr. Masters for the last kilometre of a trek that started at 3:30 a.m.

Mr. Speaker, as my colleague, the Minister of Education and Early Childhood Development can attest after meeting with Mr. Masters, his enthusiasm is infectious and he is quite willing to think outside the box on ideas to better his school or help his students grow.

Mr. Speaker, I ask all Members to join me in saluting Lee Masters on this initiative. He is certainly an educator who doesn't mind stepping up to teach by example.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. Member for Virginia Waters – Pleasantville.

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

I rise in this hon. House to recognize Ms. Joan Crosbie Parker. Ms. Crosbie Parker was the first president of the St. Clare's Mercy Hospital Auxiliary in 1967 and remains an active member in the community.

The auxiliary's main source of fundraising is through the hospital's gift shop, which is

operated completely by volunteers from the auxiliary. Recently, the Honourable Frank Fagan, Lieutenant Governor of Newfoundland and Labrador, held a reception honouring the auxiliary on their 50th anniversary. An address was given by Ms. Parker Crosbie reminiscing about the group's humble beginnings.

The first gift shop was operated by hosting a shower where individuals donated goods to be sold. The women knit and sewed items to be sold along with making fudge, which was a big hit. Ms. Crosbie Parker is quick to note that she could not have been successful without the support of others volunteering and the nuns at St. Clare's.

Along with being the founding president of the auxiliary, Joan is a loving mother to her four children, Alex, Robert, Tim and Cynthia, and a doting grandmother to her eight grandchildren. Joan is an example of the type of woman you want to know, always willing to put others before herself and an ever-positive presence.

Please join me in thanking Joan Crosbie Parker and the St. Clare's Hospital Auxiliary for their dedication.

Thank you.

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

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

#### Statements by Ministers

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

**MR. KIRBY:** Mr. Speaker, today I rise in this hon. House to announce more than \$200,000 in scholarships for 201 recent high school graduates as part of the Provincial Scholarship program. The scholarship program recognizes high school graduates throughout Newfoundland and Labrador for their hard work, dedication and academic achievements.

The Junior Jubilee Scholarship, valued at \$2,500, is awarded to the student with the highest overall marks in the province. This year's recipient is Matthew Hiscock, a graduate of O'Donel High School in Mount Pearl.

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

**MR. KIRBY:** The Constable W. C. Moss Scholarship, valued at \$1,000, is awarded to the son or daughter of a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police for the highest public exam marks. This year's recipient is Lindsey Feltham, a graduate of Mount Pearl Senior High.

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

**MR. KIRBY:** Mr. Speaker, 120 high school graduates – three high school graduates in each electoral district – were awarded an Electoral District Scholarship and 79 students have been awarded the Centenary of Responsible Government Scholarship, each valued at \$1,000. A complete list of the provincial scholarship winners is available online.

I trust the Member for Mount Pearl – Southlands is happy about that as well, Mr. Speaker.

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

**MR. KIRBY:** Mr. Speaker, I would like to take this opportunity to also acknowledge the announcement of a scholarship fund for Newfoundland and Labrador students founded by the Jamieson family. The scholarship honours and commemorates the professional work and contributions of Don, Colin and Basil Jamieson. The Jamieson Family Memorial Scholarship will award \$1,500 to a high school student who has been accepted into an accredited Canadian university in an undergraduate program in communication, journalism or political science.

Mr. Speaker, I ask all hon. Members to join me in congratulating the 201 high school graduates receiving scholarships and to wish all of them the very best success in their post-secondary education and future endeavours.

Thank you.

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

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

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

I thank the hon. Member for a copy of his statement. This side of the House is extremely proud to stand today and acknowledge all the recent high school graduates on their accomplishments and achievements, specifically those who have been awarded these scholarships.

The Official Opposition congratulates Mr. Matthew Hiscock of O'Donel High on winning the Junior Jubilee Scholarship, and we congratulate Ms. Lindsey Feltham of Mount Pearl Senior High for being awarded the Constable W.C. Moss Scholarship. Matthew and Lindsey's academic achievements are just a preview of how far they will go in life.

This side of the House also wishes to recognize the Jamieson family for founding the new Jamieson Family Memorial Scholarship. The Jamieson's contribution to this province is substantial and their award will have a positive contribution on youth who will receive it in the many years to come.

In closing, we congratulate the 201 students who have received these awards and wish them every success in their future endeavours.

Thank you, Mr. Speaker.

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

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

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

I'm very pleased to be able to stand and join with the minister and my colleague in the Official Opposition in congratulating all of those who received scholarships this year. The Provincial Scholarship program is extremely important and so is the presence of private scholarships, such as the wonderful one that has been announced: the Jamieson Family Memorial Scholarship.

Such private scholarships, along with the \$200,000 that we put in provincially, are extremely important for our high school graduates as they continue forward in their life and in the professions they choose.

Thank you very much, Mr. Speaker.

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

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

The hon. the Minister of Fisheries and Land Resources,

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

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

I am very, very pleased to rise and to celebrate with this House the Municipal Habitat Stewardship Program, an extremely worthwhile initiative that is creating valuable partnerships between the provincial government and municipalities throughout Newfoundland and Labrador.

This program is administered by the Wildlife Division of the Department of Fisheries and Land Resources, and encourages municipalities and local residents throughout the entire province to recognize the value of wildlife habitat located within and near municipal planning boundaries. It also provides towns with access to the expertise and the tools needed to take an active stewardship role in maintaining their value and integrity.

Mr. Speaker, several municipalities have successfully used support provided through this program to protect habitat for a variety of waterfowl, shorebird, seabird and songbird populations.

Mr. Speaker, our government recognizes wildlife resources provide tremendous recreational, social, spiritual and economic benefit to the people of this province. Through this program, which is unique to Newfoundland and Labrador, government has established already 39 formal Municipal Habitat Stewardship Agreements with communities stretching from Forteau to Channel-Port aux Basques to St. John's in a process that recognizes and incorporates stewardship and conservation into the municipal planning process.

We also plan, Mr. Speaker, to build upon the success of this program by entering into two more Municipal Habitat Stewardship Program agreements in the coming days. Now that, Mr. Speaker, is deserving of a very hearty bravo.

Mr. Speaker, I extend congratulations to all participating communities for demonstrating the foresight and commitment to being involved in the Municipal Habitat Stewardship Program and I look forward to participation from many other communities in the future.

Thank you very much.

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

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

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

I want to thank the minister for the advance copy of his statement. Mr. Speaker, we are supportive of these initiatives. Municipal Habitat Stewardship Agreements encourage municipalities and individuals to be good stewards of our natural resources. Any opportunity to educate and encourage residents to use and protect our natural habitat is a good thing.

A number of municipalities in my area, Bauline, Torbay and Flatrock, already participate in these agreements and next week Pouch Cove will be signing on. I look forward to joining the minister at the event at Shoe Cove Pond Park on Monday.

Thank you very much, Mr. Speaker.

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

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

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

I, too, thank the minister for the advance copy of his statement. Newfoundland and Labrador is known for its natural beauty and it is essential

that work be done to preserve and protect wildlife in our province.

I recognize the many people involved on the provincial and municipal levels in the Municipal Habitat Stewardship Program. It is encouraging to hear the reported success of this collaborative approach.

I hope the minister will work to speed up – actually, I'm sure the minister will work to speed up the Stewardship Agreement process so more municipalities can be part of the program in the near future. I'm sure he won't let me down.

Thank you very much, Mr. Speaker.

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

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

The hon. the Minister of Natural Resources.

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

I rise in this hon. House today to congratulate Hibernia and its partners, including the Hibernia Management and Development Company Ltd. and its lead owner ExxonMobil Canada, on 20 years since first oil, which will be celebrated tomorrow, November 17.

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

**MS. COADY:** How quickly 20 years passes.

Employing over 1,500 highly skilled professionals in a variety of professions, Hibernia continues to have a significant and positive impact on the industry and on our economy. It was the reason that the Bull Arm site was built and remains a world-class fabrication facility. Every year since, Hibernia has contributed millions of dollars to the economy through service contracts and sub-contract employment.

From research and development at Memorial, investment in the arts at the Newfoundland Symphony Orchestra, to support for our natural history at the Hibernia Interpretation Centre in Conception Bay South, Hibernia is not just an

oil producer but an iconic Newfoundland and Labrador institution.

Mr. Speaker, it was almost a year ago that Hibernia marked the tremendous milestone of having produced 1 billion barrels of oil from the field, with almost 700 million in reserve and possibly more.

Newfoundland and Labrador is considered one of the best frontier regions in the world today with over 20 basins and over 350 leads and prospects defined. Hebron is coming on stream and other developments are underway.

Congratulations to Hibernia and its partners, including the Hibernia and Hibernia southern extension co-venturers, Chevron, Suncor, Statoil, Murphy, Canada Hibernia Holding Company and Nalcor. We look forward to your continued success.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Ferryland.

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

I want to thank the minister for an advance copy of her statement. We certainly join the government in congratulating the Hibernia Project and all of its partners on 20 years of production.

The Hibernia Project has helped transform this province and its economy, all while providing hard-working Newfoundlanders and Labradorians well-paying jobs.

The Hibernia Project was truly the entrance of our province into the oil industry. I would be remiss if I did not mention two of the greatest supporters of Hibernia, but also architects of the Atlantic Accord: former Premier Brian Peckford and former federal Minister John Crosbie. We thank them for their vision and their support in the industry.

The future of our oil and gas sector is bright, as long as we continue our research projects, seismic programs and continue to offer a

competitive business environment right here in Newfoundland and Labrador.

Thank you, Mr. Speaker.

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

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

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

I, too, thank the minister for the advance copy of her statement. Hibernia Project was the beginning of our offshore oil industry, which has brought much-needed direct and indirect employment and revenue to our province. We've seen much growth in the industry since then. Today, Hebron is poised to start production and there is, as the minister noted, great promise for the future.

Here's hoping, on behalf of all the people of the province, we have many decades of prosperity from our offshore oil industry as part of our growing economy.

Thank you very much, Mr. Speaker.

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

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

Oral Questions.

### Oral Questions

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

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

Mr. Speaker, yesterday here in Question Period we asked the Minister of Finance to table a list of positions eliminated by attrition. The minister said he was going to have a look for it and committed to provide the information.

I ask the minister if he can table those positions eliminated through attrition here today.

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

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

I will be quite delighted to table those. In speaking with the officials in my department today, Mr. Speaker, because of privacy concerns and some people that are affected, we are combing through that to ensure that any privacy issues are not a concern, and we will be tabling that as quickly as we can get it.

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

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

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

If the minister can't provide details of positions, is he able to give us a number? How many positions have been eliminated by attrition this year?

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

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

There are 286 positions that were identified for elimination. There were 207 that were in '16-'17 budget. There are 54 positions that are remaining. Some of those people are positions that are individuals that have been identified as retiring soon, and those positions will become redundant once that happens.

In 2017-18 it was 320 positions; 28 positions remain; and similarly, some of those individuals are still working and, as they retire, we'll make those positions redundant. Not all of those positions that I've just identified were attrition, Mr. Speaker. Some of those were the reduction in the number of managers and deputies, communications and so on.

Mr. Speaker –

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

**MR. OSBORNE:** Thank you.

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

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

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

The minister mentioned two numbers for '16-'17, 286 and 287. Is that a combination or is 286 the total number? Are you able to tell us how many positions were actually eliminated through attrition?

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

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

The numbers that were true attrition were 267 positions, directly related to attrition. There were a number of positions, Mr. Speaker, as well where we allowed people salary continuance. They continued to work.

Those are the numbers that there are some privacy concerns around. Those people obviously may not wish to be identified. Those people are still working; the position has been identified as becoming redundant. They're continuing to work and receive a salary until that time is up, Mr. Speaker.

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

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

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

I ask the minister to provide us with the information as to what are government's targets when it comes to attrition. How many positions will be refilled as people leave?

The government must have a target. What's your target, Minister?

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

**MR. OSBORNE:** Mr. Speaker, that number is a floating number because it's not the same. If somebody at Her Majesty's Penitentiary, for example, one of the correctional officers retires or quits, whatever the case might be, I'm not

exactly sure we can leave a position down there vacant.

We can't put a firm number on it across the board. Different departments, different agencies will have different numbers, Mr. Speaker. That question is a question that doesn't have a straightforward answer.

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

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

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

I understand departments and agencies may have different numbers within them but, overall, government should have a target; if it's to replace an overall number, if 10 leave, replace with eight or replace with seven or nine. There should be a number. There should be a target.

Minister, is there an overall target for government wide?

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

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

The target for 2017-18, Mr. Speaker, was 320 positions. There are 28 of those positions that we have not yet realized.

So that's the target for 2017-18. Many of those positions were true attrition. Some of those positions, Mr. Speaker, are under salary continuance and some of those positions were as a result of resizing government and departments, and eliminating manager or deputy minister positions, for example.

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

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

**MR. P. DAVIS:** Thank you, Minister.

I appreciate the fact that you may not have information in front of you as to what those varying attrition targets are for each department, but I'd ask you for your department. You must

know what the attrition target is for your own department. What would that be?

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

**MR. OSBORNE:** Mr. Speaker, I will get that number for the individual. I'll provide that for my department, that individual.

Again, Mr. Speaker, there are some privacy concerns here. I don't know if the Member opposite is trying to create fear in the public service or create anxiety within the public service, but the way we have dealt with this is very respectful to the employees of Newfoundland and Labrador.

We are not targeting mass layoffs and we do not wish to create any concern, anxiety or fear amongst the public service. We have dealt with attrition without mass layoffs. We will continue, Mr. Speaker, to find efficiencies without affecting people the way the Member opposite might like to do.

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

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

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

Actually, not at all; we actually campaigned in 2015 on an attrition plan, which we introduced some time before that to exactly do that, to avoid layoffs. The Members opposite said they didn't need to do any of that and here they are doing all kinds of that stuff that they promised not to do.

As far as numbers go, Mr. Speaker, there shouldn't be any privacy issues about providing just raw numbers on how many people are impacted. There shouldn't be any privacy issues around that.

So I appreciate the minister going to give me the number for his department. Can you tell me what the attrition targets are for Nalcor, Minister?

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

**MR. OSBORNE:** Mr. Speaker, I don't know where the Member's black hat is, but I think he's on a witch hunt. We are not going to allow fear and anxiety to be put into the public service.

What we are doing, Mr. Speaker, is finding efficiencies. We've done that through departments. We're asking agencies, boards and commissions to take on finding efficiencies; we're not asking them for mass layoffs. Where somebody retires or a position becomes redundant and if those positions don't need to be filled, they won't be filled.

What I will say to the Member opposite is that we're not targeting individuals and we're not going to set out targets that are not realistic.

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

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

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

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

Attrition is exactly about not targeting individuals; it's about targeting opportunities to reduce the cost to government. When it comes to agencies, boards and commissions, which the minister said yesterday they're now going to ask agencies, boards and commission to reduce through attrition, they've actually budgeted this year \$41.9 million in savings from government agencies when actually there's been a spending increase of \$18 million.

Can you explain to me, Minister: When you targeted a reduction of \$42 million, how is it you have an increase in costs of \$18 million?

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

**MR. OSBORNE:** Some of that number, Mr. Speaker, was pensions.

But it also outlines – I'll ask the Member: Are you supporting the legislation to ensure that we find efficiencies within agencies, boards and commissions? Because, Mr. Speaker, if he's not supporting it, I think the people of the province should know that.

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

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

**MR. P. DAVIS:** Mr. Speaker, it becomes more difficult at all times to receive information from this government.

This is not our first time asking for those details. As a matter of fact, back on April 28 we had a meeting with officials in his department. We were promised to be given a number of items and pieces of information which we've failed to receive. It's the first time we're actually being able to get some information from the department.

My question for you, Minister, was you've announced in your fiscal update an increase in spending by agencies, boards and commissions of \$18 million, when you've budgeted this year a reduction of \$42 million. How did that happen, Minister?

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

**MR. OSBORNE:** Mr. Speaker, I'll give him the answer again: Much of that number was due to pensions.

We do need, within our agencies, boards and commissions, to find efficiencies and that's what we're looking for, the same way we found efficiencies within government departments. We're looking for efficiencies. We're asking agencies, boards and commissions to put in place an attrition plan, the same as we have within government so that they don't have to lay off people in a way that's not fair to the people that are working for them.

We're asking for savings, we're asking for attrition, we are asking for efficiencies, Mr. Speaker, and that's what we expect.

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

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

**MR. P. DAVIS:** Mr. Speaker, I believe what we have here is a difference between \$42 million in

savings versus an \$18 million increase in spending by agencies, boards and commissions. That could be a \$60 million difference. Now, I'm not trying to assert that or suggest that, I'm simply asking the Minister of Finance to explain that.

He did a fiscal update this week and said there's an \$18 million increase in spending. They forecasted a decrease of \$42 million. I'm asking the minister to explain how that happened.

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

**MR. OSBORNE:** Mr. Speaker, if the Member opposite would like me to write pensions on a piece of paper and have the Page deliver it to him across the House, I'll do that.

I will say again: Much of that number was pensions. Do you want me to spell out pensions? Much of that number was pensions. I've identified it. It's the third time I'm answering this question. Much of that number was pensions.

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

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

**MR. P. DAVIS:** Mr. Speaker, I appreciate the effort on the minister. He's not able to answer the questions so he's trying to find something to use up his time, I assume.

We have \$42 million in savings. Is he saying \$42 million in savings was supposed to be pensions, but the increased \$18 million is actually pensions? I've asked for an explanation and he can't provide it. As a matter of fact, Mr. Speaker, after our meeting on April 28 the department had promised to provide us with a number of clarifications on items regarding the budget.

Minister, are you able to provide any update if we're going to receive that information? We've asked for it.

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

**MR. OSBORNE:** I'm sorry, there was somebody else speaking. I'll ask the Member to repeat his question so that I have it clear. I apologize.

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

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

We met with officials of his department on April 28 regarding *Budget 2017*. We actually followed up with a letter to the then minister on May 5 listing a number of items that we were promised to receive from officials. We've not received those clarifications, those items as requested.

The minister may not be able to answer it today; will he certainly try to ascertain if this letter will be responded to?

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

**MR. OSBORNE:** Mr. Speaker, I'll certainly seek out the letter. I'm not aware of the letter. I haven't read the letter. I'll certainly seek out the letter and to the best of our ability we will answer the questions or get the information that the Member has requested.

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

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

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

In the meeting we had with officials from the department, there were a number of pieces of information given to us regarding government agencies, boards and commissions, or government agencies as it was the extent of agencies. One of them was on the College of the North Atlantic, an estimated \$5 million in reductions in salary and benefits.

Are you able to provide us an update on that, Minister?

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

**MR. OSBORNE:** Mr. Speaker, the Member opposite was in that meeting, I wasn't. He should know I wasn't there.

If he wishes to present me with a list of the items that he had at that meeting, I will endeavour to get the information. I wasn't at the meeting. I can't answer the questions as to what you've asked or what the answers were coming out of that meeting.

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

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

**MR. P. DAVIS:** Actually, it was included on budget documents provided by the government, Mr. Speaker. It wasn't just a verbal; it was actually in documents provided by the government on zero-based budgeting, savings of \$5 million for the College of the North Atlantic. Actually, for the regional health authorities, accounting and standardizing assumptions was an \$11 million savings.

Maybe, Minister, you can check on those for us as well. You probably don't have access to them today, but would you look at those as well and provide us with an update on those?

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

**MR. OSBORNE:** Yes, absolutely. Any of those issues that haven't yet been answered, the Member can put them on a piece of paper, get them to me, I will certainly endeavour to get the information for him.

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

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

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

I ask the Minister of Health: In your proposed legislation to implement the *Prescription Monitoring Act*, why are the minister's powers to administer, monitor, educate and report to the regulatory authorities so great? Don't you think these responsibilities would be better served to

be handled not by politicians, but by an agency outside of government?

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

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

The act, which begun yesterday in terms of second reading, is entirely consistent with at least two, if not four, other jurisdictions in Canada, certainly in terms of the powers and range that the Member opposite refer to.

As far as the discussion of how the act will look after this House is finished debating it, I look forward to comments from the Member opposite in Committee, and we'll be happy to deal with questions like that at that time.

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

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

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

I might want to note to the minister also that there are a number of other jurisdictions that have a monitoring board that oversees that, particularly one of our sister provinces in Nova Scotia that seems to be working very efficiently.

The minister will have the ability to assign an inspector into medical clinics and inspect personal medical files; is this correct?

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

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

Our legislation lines up nicely with PEI and Ontario, so there are a whole variety of models – and we are actually the last, so we're learning from our sister jurisdictions about missed steps they may have made.

In terms of the enforcement powers under the act, those are under discussion. We have set this act as primarily an education approach for the vast majority of compliant physicians. There are,

unfortunately, a small number of non-compliant ones and it is for those that the Centre for Health Information will have some powers to enforce compliance, Mr. Speaker, and that's necessary.

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

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

**MR. BRAZIL:** So I ask the minister: Why does the minister need this totalitarian authority over this program?

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

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

I think it's rather an emotional adjective to apply to the powers of the minister. It fits entirely with PEI, which I've not noticed is a totalitarian jurisdiction, and also Ontario, which I hear is quite democratic also.

The minister's power and oversight will be as part of a mechanism with an advisory board, which will consist of physicians, pharmacists, social workers and a variety of other stakeholders who will feed into that system, entirely as it is done in other jurisdictions, Mr. Speaker.

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

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

**MR. BRAZIL:** From the act that I read yesterday and the responsibilities that are outlined by the minister, he has total control over this.

I ask: Why does the minister have full authority over who gets to see people's personal medical files? You have total authority in that act that's being presented.

**MR. SPEAKER:** The Minister of Health and Community Services.

**MR. HAGGIE:** Mr. Speaker, reading further down the act, the Member opposite will no

doubt realize that the powers of the minister will be delegated to the Newfoundland and Labrador Centre for Health Information. It is they who will administer the program. The facts of the case are this is entirely consistent with other jurisdictions and is meant initially as an educational exercise, but also there is, unfortunately, a need for enforcement.

We have a problem with opioid prescription diversion on the streets. People are dying, as a consequence of this, at an average in this province, unfortunately, of 16 a year. This will deal with that crisis.

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

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

**MR. BRAZIL:** So the things the minister talked about are things that he would like to do. It says he has authority, that he shall, but in no case or no evidence here does he outline any of those in the act.

The question here is: Why are these things not outlined in the act, that the centre will be the inspection agency and the agency that will assimilate all the information? Why does he not outline exactly how the process will work? Why won't you put that into your act right now?

**MR. SPEAKER:** The Minister of Health and Community Services.

**MR. HAGGIE:** Mr. Speaker, there is a pressure to act and there is always a balance to be achieved between what goes into an act and what goes under regulation.

This is not an act as yet; this is a bill. There is ample opportunity for this discussion in Committee rather than grandstanding in front of the House in Question Period when 45 seconds is nowhere near enough time to explain those nuances. I look forward to Committee, Mr. Speaker.

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

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

**MR. BRAZIL:** As we made perfectly clear yesterday, this side of the House is very supportive of addressing opioid misuse.

I ask the question: Why are opioids not identified in this piece of legislation? This is the intent of addressing that issue that we have in this province. Why is it not identified?

**MR. SPEAKER:** The Minister of Health and Community Services.

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

The intent of this bill is around opioids. The regulations that will come out under this act will stipulate that.

We are talking about monitored drugs. There are other lethal drugs out there apart from opioids. We have to do this in a bite-sized approach, but we need to deal with the issue at the moment which is killing Newfoundlanders and Labradorians. That is the diversion of prescription opioids and the uncertainty on the street as to what they're actually doing.

Sixteen people died in this province last year. No time for any more feet dragging, Mr. Speaker – we need to get on with it.

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

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

**MR. BRAZIL:** We totally agree that this needs to be addressed, but the manner in which this piece of legislation is outlined, where there are so many open-ended things, doesn't protect the people of Newfoundland and Labrador. Particularly, it doesn't go far enough to be able to protect the individuals who are having these challenges.

The other issue here is about why are other classes of drugs being open-ended so that the minister has an ability to add, at a whim, any other drugs that he wants to the Monitoring Program?

**MR. SPEAKER:** The Minister of Health and Community Services.

**MR. HAGGIE:** I'm reminded by a comment made by one of my learned colleagues yesterday. On the one hand, I'm totalitarian, and on the other, I'm not being stern enough and strict enough. I'm really not sure. Maybe that's an indication we're striking the right balance.

The facts of the case are that we have an issue with drugs at the moment. Next week, next year, it could be W-18, it could be carfentanil.

The minister, on the advice of his advisory committee – or her advisory committee, I apologize – could well then introduce monitoring for those drugs. It allows flexibility. Other jurisdictions have needed this and missed it when they didn't have it. We're not falling into that pitfall.

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

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

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

On this side of the House, we don't find this issue very funny.

What I do ask: Could you monitor antibiotics? Is that another drug that can be added to the Monitoring Program?

**MR. SPEAKER:** The Minister of Health and Community Services.

**MR. HAGGIE:** Mr. Speaker, the primary aim of this act is educational. Monitoring of drugs will be left to a recommendation between the advisory committee and the minister.

I see no reason why, ultimately, every and any prescription in this province could not be monitored. Why would you not? This is an educational tool, the like of which could transform clinical practice for all prescribers. Why would you shut that door?

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

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

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

I agree with the minister's statement. Why don't you entrench that into the act? Why is it so open-ended? What are you afraid of to have it in there so people would know exactly what that act entails?

**MR. SPEAKER:** The Minister of Health and Community Services.

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

It is an issue of flexibility. If you entrench things, by definition you lose that flexibility.

What we need is the ability to respond to new public health crises in terms of urgency, and what we need is the flexibility to approach our health care system and prescribing through a thoughtful lens. You can't do that by going back to the House every five minutes when you decide you want to put something else in.

This is a balance between the totalitarianism he doesn't want and the lack of enforcement that he complains of.

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

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

**MR. BRAZIL:** I just asked that the minister clarify exactly what this House would be voting on and what the people of Newfoundland and Labrador would expect would be covered in a piece of legislation to protect them.

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

**MR. BRAZIL:** When questioned about cancer patients who had been turned away from receiving treatment, the minister blamed everybody but his government – policy, human resources and communications.

I ask the minister: Was a new full-time position put in place as a result of this incident out in Central Newfoundland this past week?

**MR. SPEAKER:** The Minister of Health and Community Services.

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

I forgot, with the question at the end, the preamble with which I would take some issue. In terms of the specific question about the unfortunate communication error in Central the other day, this was – and I have said that – a communication error. These patients were wronged, in error, and that error was rectified, Mr. Speaker.

Eastern Health, that runs that clinic, has been tasked to find out how that occurred and to make sure it doesn't happen again, Mr. Speaker.

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

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

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

I ask the minister: At what point were you notified of this incident in Central Newfoundland?

**MR. SPEAKER:** The Minister of Health and Community Services.

**MR. HAGGIE:** Mr. Speaker, I found out about it the same time the media did. Apparently, somebody called from the clinic in Grand Falls direct to NTV.

No manager, no nurse, no civil servant, no member of the Department of Health was contacted directly about this. This all came about through a direct phone call from a relative from the clinic to NTV. That's when I found out, Mr. Speaker.

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

**MR. SPEAKER:** The Member for Conception Bay East – Bell Island for a very quick question, please.

**MR. BRAZIL:** I've been told that repeated calls have been made to your office and to Eastern Health with no response.

Will the minister respond to these patients who were wrongfully let out of cancer treatment that they needed for life-saving interventions?

**MR. SPEAKER:** The Minister of Health and Community Services for a quick response, please.

**MR. HAGGIE:** Mr. Speaker, both patients were contacted. The urgent patient had their cancer chemotherapy that day. The other was rescheduled at a mutually convenient point.

My department has had one phone call and is responding to it as I speak.

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

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

**MS. ROGERS:** Mr. Speaker, this is a really hard time for women. Three women in our province were murdered in six months and the #MeToo campaign shows sexual assault is still rampant.

For decades and decades, women's organizations have organized, written briefs, collaborated with government and police and given training and awareness sessions. They've given input into a violence prevention action plan, but the violence continues.

I ask the Premier: Will he do the right thing and strike an emergency task force of specialists from the community to make specific recommendations of what action must be done immediately and in the long term by government departments and community to eliminate this persistent violence against women and girls?

**MR. SPEAKER:** The Minister Responsible for the Status of Women.

**MS. COADY:** Mr. Speaker, I agree with the Member opposite, it's been a very difficult time. I think this week has been particularly challenging for women because of the deaths and violence that we're seeing and experiencing.

Mr. Speaker, our government, and I know all of us in this House, take this issue extremely seriously. We do have a violence prevention

plan. We went out to the community last year and re-engaged and validated that plan.

We increased funding for women's organizations for SHOP, for the transition houses last year. We'll continue to do that; domestic violence court, for example. We are working between departments to do the best we can with our community.

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

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

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

**MS. ROGERS:** Mr. Speaker, we have the highest domestic-violence rates in the country. Sexual assault is not going away. But this is not just a Justice issue; we need all relevant departments working together, including Status of Women, Education, AES, Health and CSSD.

Why will the Premier not take immediate action and strike a task force so it can begin this consultative work?

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

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

I appreciate the question from the Member opposite. To echo my colleague, the minister responsible for the Women's Policy Office, this is an issue which is serious and on which serious action will be taken. One of the things that we are doing is having a meeting in the very near future to discuss this very issue and solid, concrete actions we can take.

I have in front of me a list of the people and the groups that will be coming together to meet. It involves Aboriginal and indigenous groups, MHAs from this House and representation from all levels of government from multiple departments. It also involves people who haven't been involved in organizations.

Survivors have reached out, people from the community. We will have everybody in the same room to work together on this issue.

Thank you.

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

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

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

The Minister of Finance has stated in this House that he was not aware of his government cutting any jobs or services since coming to power. Seniors were negatively affected by cuts in 2016 and 2017. They lost the dental plan, they lost home care hours that helped them remain in their homes and the wait lists for affordable housing are still years long. Seniors are gravely concerned about the prospect of future cuts.

I ask the minister: What more is he planning to cut that will affect the lives of seniors?

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

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

Housing lists have been long for years. I do have to point out, Mr. Speaker, I find it a little bit disturbing that the Member would fear monger. We announced that we were bringing in legislation to ask agencies, boards and commissions to find efficiencies and she tried to link that to the elimination or the cutting of social assistance benefits.

Mr. Speaker, we found efficiencies in the department that delivers social assistance benefits, but we didn't reduce those benefits. In fact, I think they may have been increased.

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

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

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

In the fiscal update, the minister talked about – and did it again now – the cuts to agencies, boards and commissions as if they were disconnected from previous cuts made by government. But we know that future cuts to

services and future electricity rate hikes will be stacked on top of cuts already made to services, as well as increases in fees and long wait times. The cumulative effect of all of these cuts is more hardship for people.

I ask the minister: How much more of a burden is he going to put on the backs of seniors, working families and young people in this province with these cumulative cuts to services? I can't believe the denial that he's in.

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

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

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

I want to say to the hon. Member across the way that this government is committed to supporting initiatives. As a matter of fact, Mr. Speaker, the budget is now \$250 million for poverty reduction – more than 100 poverty reduction initiatives. Two hundred and fifty million dollars in budget '17, up from \$190 million in budget '16 – that's an increase from the budget in 2015.

I say to the hon. Member: We are doing a lot for low-income seniors – the Income Supplement, \$122 million. We're hearing from people every day, Mr. Speaker. They appreciate that.

Thank you.

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

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

Presenting Reports by Standing and Select Committees.

**Presenting Reports by Standing and Select Committees**

**MR. SPEAKER:** The hon. Member for St. George's – Humber.

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

I rise today to present the report of the Privileges and Elections Committee on a point of privilege

of the Government House Leader, respecting the publication via social media of excerpts from the House of Assembly webcast which was raised in this House back in May.

Having reviewed and discussed the point of privilege raised by the Government House Leader, the commentaries of other Members and the parliamentary authorities, the Committee concurs with the Speaker's prima facie opinion that the actions of the Member for Mount Pearl North amounted to contempt of the House. The penalties which can be imposed, if contempt is found, range from a reprimand to a suspension from services of the House for a period of time with a salary deduction for the duration of the suspension.

Given that before the Committee had finished their deliberations on this question of privilege, the Member for Mount Pearl North had resigned his seat to take up a position in the private sector, the Committee does not recommend that any action be taken by the House in this instance.

We however caution Members that if a similar fact situation were to reoccur with respect to a sitting Member, another committee might well exercise its options to impose penalties.

Mr. Speaker, I want to thank all Members who served on the Committee, the vice-chair, the Member for St. John's East – Quidi Vidi, the Member for Stephenville – Port au Port, the Member for Ferryland and the Member for Harbour Grace – Port de Grave.

I would also like to thank the Table Officers for their work, their knowledge and their wisdom as they provided advice to the Committee.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** Further reports by standing and select committees?

Tabling of Documents.

### Tabling of Documents

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

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

Pursuant to section 5(2)(a) of the *Supply Act*, 2017, I am tabling one Order in Council relating to the usage of the contingency reserve for the '17-18 fiscal year.

**MR. SPEAKER:** Further tabling of documents?

In accordance with section 19(5)(a) of the *House of Assembly Accountability, Integrity and Administration Act*, I hereby table the minutes of the House of Assembly Management Commission held on May 17, 2017.

Notices of Motion.

### Notices of Motion

**MR. SPEAKER:** The hon. the Minister of Service NL.

**MS. GAMBIN-WALSH:** Mr. Speaker.

I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Highway Traffic Act No. 2, Bill 27.

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

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

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

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

WHEREAS deaf and hard of hearing children in the public education system of Newfoundland and Labrador are not receiving full and equivalent access to a quality education because of the lack of appropriate full time resources; and

WHEREAS from 1964-2010, deaf and hard of hearing children were provided with a full time quality education in the Newfoundland School for the Deaf, but deaf and hard of hearing children currently placed in mainstream schools receive only a fraction of the school day with the teacher qualified to instruct deaf and hard of hearing children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to undertake an immediate, complete and thorough assessment of the supports in place for deaf and hard of hearing children by a committee of at least two independent and recognized experts in the field of deaf and hard of hearing education.

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

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

The Speaker cannot hear what the Member is saying. I'd ask for the co-operation, please, of the House.

Thank you.

The hon. the Leader of the Third Party.

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

I think it's fairly ironic this is happening while I'm reading this petition. I have already said in this House that I am hard of hearing and wear hearing aids –

**MR. SPEAKER:** Agreed.

**MS. MICHAEL:** – and the noise from outside affects my hearing.

In duty bound, your petitioners will ever pray.

I will not read the end of that. I have read it many times now. I'll read it when I stand again.

I want to take up on, though, the last part of the petition because it calls on the need for access to sign language. The proof is there that sign language, number one, is the language of people who are deaf, and many hard of hearing people also use sign language who aren't completely deaf.

The language is part of their life; it's a culture. One researcher has said the language areas of the brain have no preference for language input. In other words, language happens whether one speaks the language in an oral way or one uses one's hands, it's still a language. Oral or manual doesn't matter in acquiring a language base.

For people who are deaf, the way in which they acquire that is through sign language. It is their language. It is the way they speak, and our children right now are being denied that in the schools where they are in the inclusion model that we now have in this province. I beg the minister to listen to the people who are petitioning, that things are made better for the deaf and hard of hearing children in our schools.

Thank you very much.

**MR. SPEAKER:** Further petitions?

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

**MR. BRAZIL:** 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 nurses are indispensable for delivery of high-quality health care;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to protect nurses' jobs when responding to revenue shortfalls.

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

Mr. Speaker, there's nobody in this House who would argue about the quality and the importance of nurses in our health care situation. The delivery of the services, they're second to none. Their responsibility is at the highest level in the health care profession.

We do understand now when there's an aging population, a bigger demand on the health care system itself, nurses play a very vital role there, very important. We've heard stories about nurses having to work double shifts, nurses not getting a day off in two weeks, nurses being stressed out over work, physical injuries because of the workload and their inability to take time off to let those injuries heal. We do realize the impact it's having.

We've heard conversations here from the Minister of Finance about going out to agencies, boards and commissions, finding ways to cut and generate or do more with less. We realize nurses are so important to our health care profession here. There has to be some security for these nurses. These nurses are going above and beyond their call of duty to ensure that there's always somebody on duty.

Again, we hear about how many of them come back, double shifts, triple shifts sometimes. We hear about the fact that they might make, on paper, a substantial wage, a very lucrative wage, but if you add in how many extra hours they're working – you're adding that they're doubling back, you're adding that they're working every weekend through – the amount of income is only in line with any other professional qualified area in this field that people get paid for.

What we're talking about here is the people of Newfoundland and Labrador can't afford for there to be any cuts when it comes to the number of nurses that are providing health care. As a matter of fact, the discussion has been around how we increase the number of nurses so that we offer better quality of health care, that we also ensure less nurses are off with ailments because they're not overworked or they're stressed out, or their injuries haven't had the proper time to heal.

There's a continuum here that if we invest more money, we guarantee that the nurses that are there get to stay and they know that there's

security. If we also look at better ways of investing in nurses so that they can take on other areas of the health profession and support those avenues there, that also they can be a support mechanism for what goes on.

Mr. Speaker, I'll have an opportunity to speak to this again about the importance of nurses in providing health care.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

The hon. Member for Ferryland.

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

Mr. Speaker, I'm pleased to stand today and present a petition on behalf of some of the residents of my district.

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 a piece of transportation infrastructure, the Witless Bay Line off Route 10, is a significant piece of infrastructure; and

WHEREAS it is a main highway and it plays a major role in the commercial and residential growth of the region;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to perform brush cutting on the Witless Bay Line for traffic safety reasons due to the volume of vehicles travelling this highway daily.

Mr. Speaker, this is an issue that's certainly come to light in regard to the safety and driving experience for commercial reasons, residential and those that take this highway from the Trans-Canada Highway to Route 10 on the Southern Shore – a busy stretch of highway; over 20 kilometres, at this point in time, with vegetation growth over the past number of months and, over the last year, significant restricts in regard to sight lines, accessing that piece of infrastructure.

Just recently I went over that piece of highway, there is large vegetation close to the highway and then especially late at night with the darkness as well and with the tree line so close to the highway, sometimes even leaning right over the shoulder of the road and restricting visibility.

We have made the request to Transportation and Works to look at that this fall, or at the latest the spring, to get some work done and to get this piece of infrastructure in regard to maintenance related to cut back of vegetation along the highway for the safety of the residents of the region.

We know the Southern Avalon in regard to tourism, how important it is. As well, industrial activity in regard to the fishery, other fabrication facilities on the Southern Shore and the connection that has from the Trans-Canada Highway to Route 10 on the Southern Shore is extremely important.

So we certainly call on government to have this dealt with and dealt with immediately to assist the general public in travelling that piece of infrastructure.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

The hon. the Member for Cape St. Francis.

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

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

WHEREAS school-aged children are walking to school in areas with no sidewalks, no traffic lights and through areas without crosswalks; and

WHEREAS this puts the safety of children at risk;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the

House of Assembly to urge government to ensure the safety of all children by removing the 1.6-kilometre busing policy where safety is an ongoing concern.

Mr. Speaker, yesterday we had a private Member's motion by the Member for Baie Verte – Green Bay – I think that's right – and we all agreed in this House of Assembly about the safety of children. Yesterday, it was about school zones and the speed limit in school zones.

As things have changed in a lot of our districts, especially in my district, in Torbay, we have 17,000 cars a day travelling down Torbay Road. Traffic is bumper to bumper in the mornings and in the evenings. The safety – and that's what we talked about yesterday. The whole issue with the PMR yesterday was about the safety of children. I believe that the 1.6-kilometre busing issue should be addressed and it should be looked at in areas. I know it's a cost factor for government, but we should never put a cost on the safety of our children.

It's important that government realize that. I know parents are very, very concerned in my area, as in other areas, about the busing issue. So I ask and call upon the Minister of Education who has the authority to change this policy to do so.

Thank you very much.

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

**MR. SPEAKER:** Further petitions?

### Orders of the Day

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

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

I would call from the Order Paper again for debate, Order 7, second reading of Bill 25.

**MR. SPEAKER:** The hon. the Member for Placentia West – Bellevue.

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

Indeed it's a pleasure to stand on my feet in the Legislature to add my voice of support to Bill 25, the *Prescription Monitoring Act*. I thank my colleague the Minister of Health and the parliamentary secretary for Health and Community Services for speaking to this yesterday and ensuring that it made it to the floor of the House.

Prescription drug abuse is an issue that affects every corner of this province, Mr. Speaker, and every province in Canada. People are dying from drug overdose and it is a heartbreaking reality facing individuals, families and communities.

As my colleagues have pointed out, in this province there were 57 hospital admissions last year involving opioid poisoning, and 16 apparent opioid-related deaths. Prescription drug abuse is a real problem and, today, our government is taking measures to help combat this problem.

We believe that a Prescription Monitoring Program is a crucial tool in addressing prescription drug abuse and inappropriate prescribing. The approach being taken here today in Newfoundland and Labrador focuses on the inappropriate dispensing of at-risk drugs that has also been taken by other provinces. Every province, except Quebec, has some form of prescription monitoring.

Bill 25, the *Prescription Monitoring Act*, sets out the legal framework for a Prescription Monitoring Program and it will come into effect on January 1. It will help detect questionable prescribing or dispensing patterns and will include reporting mechanisms to address potential issues of abuse.

A Prescription Monitoring Program supports the work already underway as part of the provincial Opioid Action Plan and builds in other measures we have taken to address the opioid crisis.

Earlier this year, our government launched the safe prescribing course. I am proud to say that Newfoundland and Labrador is the first province to do so. Similar to that course, there is an important educational component for health care professionals with respect to the Prescription Monitoring Program.

The Prescription Monitoring Program will alert pharmacists to questionable activity when a prescription is filled. If an individual has visited multiple physicians or pharmacies to get more drugs they will be flagged. Sadly, Mr. Speaker, this is happening.

Pharmacists will have a stronger ability to identify the excessive and often inappropriate use of a number of serious drugs. Physicians will also be able to get a clearer picture of their prescribing practices and determine where there are opportunities to improve or make changes to their respective practices as needed. As part of this legislation, as of June 30, physicians and other prescribers will have to review a person's complete medication history using HEALTHe NL – the electronic database – before writing a prescription for an opioid.

Prescribers and dispensers will have access to up-to-date, accurate patient medical information. That will help inform their clinical decision-making practices and support a patient's health care needs. It will certainly help lower potential adverse drug interactions.

The Prescription Monitoring Program has been developed in extensive consultation, Mr. Speaker, and in close partnership with the advisory committee consisting of provincial health care, regulatory bodies, law enforcement agencies, community groups and government officials. Government has also consulted with the Newfoundland and Labrador Medical Association and the Pharmacists' Association of Newfoundland and Labrador. I join my colleagues in thanking these individuals and agencies for their participation and input into the program and its supporting legislation.

The Prescription Monitoring Program is another step in our government's Opioid Action Plan. A Prescription Monitoring Program complements work already underway as part of this action plan and builds on other measures taken by our government to address the opioid crisis including: a new mandatory safe prescribing course for health professionals, developed in partnership with the College of Physicians and Surgeons of Newfoundland and Labrador and Memorial University's faculty of medicine; the passage of Bill 55, which I was very proud to support as well, An Act Respecting Secure

Withdrawal Management for Young Persons; a public awareness and education program on opioids; and a naloxone take-home kit program to increase capacity for opioid overdose.

Naloxone pop-up tents were also available at various locations and festivals this past summer and fall. These kits and the education on how to use them provided drug users and their family with valuable information on overdose prevention.

The Prescription Monitoring Program also builds upon the success of the provincial Pharmacy Network, which gives health care professionals access to a person's medication file. When a prescription gets filled at a pharmacy, the Pharmacy Network stores information about a person's medication history, making it easier for prescribers and dispensers to make more informed decisions about care and helping prevent harmful drug interactions.

Data from the Newfoundland and Labrador Centre for Health Information shows that benefits from the Pharmacy Network are already being realized. There has been a decrease in adverse drug events, there has been a decrease in prescription errors and there are reduced duplicate prescriptions, Mr. Speaker.

There is also a public safety component of this legislation. The Prescription Monitoring Program will help to protect the public by reducing the amount of controlled drugs available illegally. It will allow the proactive sharing of information with law enforcement for investigative purposes where illegal activity related to controlled drugs is suspected. It will also allow the proactive sharing of information with regulatory bodies for investigative purposes by health-profession regulators where there may be professional misconduct on the part of prescribers or dispensers.

In the event of questionable activity, there are a number of options the Department of Justice and Public Safety and the Newfoundland and Labrador Centre for Health Information will pursue including: educational activities or information sharing with prescribers or dispensers; the prescriber or dispenser may be required to explain the prescriptions in question; information on the prescriber or dispenser may

be provided to the appropriate regulatory body; or information on the prescriber or dispenser may be provided to law enforcement.

The electronic database for the Prescription Monitoring Program will reside with the Newfoundland and Labrador Centre for Health Information. This is important because the Newfoundland and Labrador Centre for Health Information already manages the province's electronic health record, including the Pharmacy Network.

The object of this bill is to provide education, assistance and support. The expectation, Mr. Speaker, is that prescribers and dispensers will respond to requests for information. It will allow for the sharing of information with enforcement agencies for investigative purposes and assist health care professionals.

Mr. Speaker, the misuse and abuse of opioids is a real problem facing our province. That is why I am pleased to support a bill that will allow us to take action and protect our families, our neighbours, our community and our youth. I ask all hon. Members of this hon. House to do their part and support Bill 25.

Mr. Speaker, I also wish to make mention of a group in my district: Stand Against Drugs on the Burin Peninsula. It's been a group formed for a number of years. The Member for Burin – Grand Bank and I have met with them a number of times and attended a number of public sessions they have hosted.

There is no doubt there is real concern and angst in the community out there, Mr. Speaker, on the rampant nature of drugs in our community. That's why I was so pleased that two of the main tenets of what the group on the Burin Peninsula had been advocating for – one was secure withdrawal legislation for youth, Bill 55, last year which we accomplished. I'm very pleased to say that we've done that. Of course now, Bill 25, prescription drug monitoring, was the other major issue. They put a lot of advocacy into this.

Ruby Hoskins, who is their chairperson, has worked very hard on this. The whole community came together, Mr. Speaker. I believe as legislators, as Members of this House, that's what it's all about. It's when people can come

together, participate in the legislative process, not only as 40 of us, but as the community engaging with us on the legislation that we bring in.

We have to address the mental health and addictions issues that are out there, Mr. Speaker. I'm very pleased with the All-Party Committee report on mental health that I know the minister and the department now are implementing. There has been a lot of work done.

As the minister said just last week, the time for studies, analysis and review has passed, Mr. Speaker. We've long gone past that. People are dying. That is the reality. So to hear Members of the Opposition today in Question Period trying to delay and further delay this – people are dying. That's why we're taking action. We're taking decisive action to address the opioid crisis in this province and try and save some of our youth. That's very important to us.

An interesting statistic – as I was doing some reading on this, Mr. Speaker – for every dollar that is spent on opioids, \$1.32 is spent on opioid treatment. So we're putting out in one hand and we're giving out in the other hand as well.

It has major financial implications to the Treasury that need to be addressed, but that is secondary to the issue of addressing the life-and-death situation that many face, Mr. Speaker, some often through no fault of their own. They need our help and our health care professionals need our help to ensure that there is a framework in place to ensure that this exists so that prescriptions for prescribers, for dispensers and for patients can be tracked.

Everyone in that chain has a responsibility to be responsible stewards of what they're doing, and that includes the patient, Mr. Speaker. Sometimes people find themselves in a situation where they can't help themselves. They need assistance. I certainly hope and I sincerely hope that the actions we are taking as a government in bringing forth Bill 25 for prescription drug monitoring, Mr. Speaker – I sincerely hope that it leads to saving lives and I sincerely believe that it will.

When you look at the number of bills that come before us here in this Legislature – and each one

of us often gets up to speak on many of them – there are some that you can call game changers, Mr. Speaker. There are some that are just monumental. I would put this in that category. Just as I did for prescriptive cancer coverage for firefighters, both volunteer and career; as I did for Bill 55. There are a number of things just in my short time here that I can say were very important and votes that I remember taking.

I'm very proud to say that we're going to move on this. I hope that all Members of the Legislature, no matter of party, will concur. We need to address this crisis, Mr. Speaker, with every tool that we can offer because any opportunity that we can have to save even one life – just one life – that's worth the battle.

Thank you, Mr. Speaker.

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

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

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

I'm glad to have the opportunity now as well to speak to this bill, An Act Respecting the Monitoring of Prescriptions in the Province.

Mr. Speaker, as has been said – but I think it's important to say – there's nobody in this House of Assembly, I don't believe, that does not support the principle of what the government is trying to achieve with this legislation. Any suggestion, I would say, that anybody on this side is trying to somehow delay this or prevent this from happening – I'll speak for myself, but I'm sure I speak for all Members over here – that's absolutely not true.

Part of the legislative process, part of the democratic process and part of the role you have on this side of the House of Assembly is to question legislation, to ask questions, to provide suggestions, to seek out any weaknesses that might be there so that hopefully we could strengthen those weaknesses. So as we go through this process, Mr. Speaker, here in second reading, as we go to Committee, I'm hopeful that perhaps there may be some amendments that could possibly come forward.

Now, unfortunately, if we look at the record of how things work in the House of Assembly – and that's not tied to this government, it's just the system in general – quite often it's very difficult to see amendments go through because it's very hard, if not impossible, to change the intent. It's very hard, if you change the intent of a particular clause in any way, it's usually ruled unparliamentary.

So the only way really that we could get some meaningful amendments, would be for the government side to bring forward some amendments to its own legislation. We have time and the ability to do just that. If government were to decide to listen to some of the suggestions being made, not just by Members on this side of the House, but by professionals and so on, whether it be the NLMA or other groups that have concerns. I'll leave that up to them whether they will or not.

I will say that I will be supporting this bill, regardless as to whether they make amendments or they don't, because I believe we have a crisis situation in our province as it relates to drug use, both illegal drugs as well as prescription drugs. Now this bill is dealing with prescription drugs, but drugs in general are a major, major issue in this province. Not just in the inner city and not just in the urban centres, but throughout the province. We know a lot of that is related to illegal drugs.

If we think back years ago, we all know back 20 or 30 years ago you often heard of marijuana. I guess it has been around forever. That will be legalized soon. You would hear from time to time, perhaps very rarely, but sometimes you would hear about cocaine. My goodness, now – I went to a session, I don't know if it was last year or the year before, at O'Donel High School that the RNC had put off in the school with the students. We were told they are after shutting down meth labs, if you can believe it.

Here in Newfoundland and Labrador, they're shutting down meth labs. There's every kind of illicit drug you can think of, that you hear about in the media. It's no longer on the Mainland. It's no longer in the United States. It's no longer in South America. It's all here. It's here in our province. It's here in our community. Everything is here, there's no doubt about it.

It is a concern, but part of the problem, which I didn't realize to be quite honest, really came to light for me in the last couple of years in particular. I had heard there were issues with prescription drugs, of course. You hear it, but I didn't fully appreciate, I don't think, the seriousness of the prescription drug issue until the last few years. Primarily, through people who have come to me. Constituents and people in the region and so on, people in the province who have come to me looking for help.

One of the big issues around opioids is getting a doctor, and I was shocked. I'm sure other Members have experienced this, where they've had people come to them that were not what we would call drug users, but people who may have had a workplace injury, people that may have had a surgery perhaps of some kind and went to their physician and were prescribed an opioid, OxyContin or – what's the other one? OxyNEO, I think is the newest one, which is not supposed to be as addictive I don't think – and other prescription drugs and got addicted to them, and kept going back to the physician and kept getting refills and got more and more addicted.

I've had people who have come to my office seeking help. I've had people who have had physicians who have dropped them as patients. I have people who have come to me who have addictions. They cannot get a doctor. They said: I've called every doctor in town, I cannot – the question they'll ask: Do you have a prescription for opioids? If the answer is yes: I'm sorry, I won't take you as a patient.

That is a big problem. That is a big issue. I don't know if other Members have experienced it. I'm sure you have. I have. I couldn't believe it when I first heard it. I actually called a few doctor's offices, asked the question: Are you taking new patients?

Well, the first thing you do is find one that will take new patients because it's hard to get a doctor. I actually called a couple of offices where I said: Are you taking new patients? The answer is yes. I said, okay, by the way, this individual has a prescription for opioids. I'm sorry; we're not taking patients if they have a prescription for opioids. So we have a big problem as it relates to opioids and in getting the help that people need.

We know there are things that we need to do to address it. I have to say that I was very glad when government implemented the naloxone kits to save lives, because that's exactly what it's going to do and probably has done already – save lives. There are people dying from this, but there's much more we need to do.

We need to address this issue of getting physicians for people with opioid addictions. That needs to be addressed. We also need to create – legislatively, resource-wise and otherwise – methods to help people with their addictions and to prevent more people from getting addicted to prevent error, to prevent abuse and so on.

This piece of legislation is another tool in that tool box. It's not going to be the be-all and end-all. Without a doubt, it's not. It's not going to prevent people from taking opioids, it's not going to cure people who have an addiction, but it is another tool in the tool box in the fight against opioid addictions.

For that reason and the seriousness of it – and as has been said, people are dying here in this province each and every year; too many lives lost because of opioid addictions. It's because of that that I will certainly, as I said, be supporting this piece of legislation. I certainly commend the government on this one for taking action.

I've heard that said over there that we are taking action. Action has to be taken and it has to be taken now. I do agree. I agree with the government on that one. But just because we're taking action, which needs to be taken, that doesn't mean we just simply all stand up and say: Great job, guys. Let's have the vote now. We won't even bother to speak to it anymore. We'll just go on through the motions, have the vote, all those in favour, everyone is in support. Pretend that everything is perfect and that there are no concerns and no issues. We would not be doing justice to the process or to the piece of legislation if we didn't raise concerns that we had.

I'm sure a number of the comments that I will make have been raised, certainly, by the Member for Conception Bay East – Bell Island and other Members. There are things that, hopefully, we can get some answers from the

minister when we get to Committee of the Whole, and I'm sure we will. I would like to see a few amendments, but if that – as I said, I hope it would happen. I'll put it on the record. If it doesn't happen, well, it doesn't happen, but we still need to do it anyway. We still need to do it.

The concern I have with it, that has been raised, relates to the duties of the minister. That's part of it. If you go through the legislation here under section 4: the minister shall administer the program; the minister shall monitor the prescribing and dispensing of monitored drugs; the minister shall evaluate the effectiveness of the program; the minister shall provide information, professional consultation and assistance to the regulatory authorities relating to the prescribing and dispensing of monitored drugs; he shall monitor the use of monitored drugs; and he shall educate prescribers and dispensers.

There's a whole list of other things: to educate prescribers and dispensers regarding the appropriate prescribing and dispensing of monitored drugs; educating individuals on the appropriate use of monitored drugs; report to regulatory authorities on new and emerging prescribing patterns for monitored drugs. There are a whole bunch of things here that the minister is responsible for and there are a whole lot of powers that the minister has here, including being able to investigate and being able to go into a physician's office, investigate and look at personal health records and everything else.

Now, the minister said there were a couple of provinces – I think he said PEI and one of the other provinces where that's the way they do it. That's fine. There are a number of other provinces that have an actual board, if you will, of professionals, independent of the government, that do that work. So, I guess, one of the concerns or one of the suggestions that I think would be best: that would be the model that we would use, that we would have the independent board that would do that work.

Granted, the minister – and in particular, the minister we have now – is a surgeon. You can't question the man's credentials at all. He knows all about this stuff.

**AN HON. MEMBER:** Hear, hear!

**MR. LANE:** Absolutely, a very competent man. That's not the issue.

The point is that he may not be in that chair tomorrow. It could be somebody else. Two years from now, five years from now it could be somebody else; who knows who might be there.

It's not questioning this particular minister's understanding and ability to do all these things, but we have to remember that anybody could be sitting in that chair at any given time. I think to have that independent committee with professionals in place would be the way to go.

It does say here in the legislation that the minister could have advisory committees. It says the minister may – may – it doesn't say shall. That's an important distinction. It says: "The minister may, in accordance with the regulations, establish one or more committees to provide advice and recommendations on matters relating to the administration and enforcement of this Act that are referred to them by the minister." In other words, a lot of these duties, responsibilities and powers that the minister has in the legislation, he may delegate to a committee. He may, but it doesn't say he shall.

It's my understanding, in the briefing I had, that the intent is that there would be two committees, Mr. Speaker. One committee is going to be an operational or steering committee. This particular committee would look at specific concerns with specific cases, whether it be with a patient, whether it be with a prescriber or whether it be with the pharmacist. There's a term there. I forget the term they're using, but the pharmacist, anyways.

Basically, as I understand it, the intent here would be that there would be a person – there would be a body that would be kind of overseeing this, the Centre for Health Information. As they're monitoring the information, if they see a red flag, an obvious red flag, around a prescriber or a pharmacist, pharmacy, if they have concerning information and it's obvious to them, they could directly report that to the governing body, whether that be the College of Physicians, in the case of a physician, or to the panel for the pharmacists – I

think that's the body. The body that would oversee and govern pharmacists in the province as an example, or to the authorities if they had solid information there was something that would be criminal in nature would go to the authorities.

But if they were kind of unsure, then they would have this other committee, this steering committee, made up of a pharmacist and a prescriber – would have to be on this committee – that they could refer that specific case to and they could do further investigation and determine as to whether or not they had to make a report to a governing body over the physicians or the pharmacists, or whether it should be referred to the police and so on.

That's one committee. The other committee, as I understand it through the briefing, is an advisory committee. This advisory committee would be made up of professionals and stakeholders. Their role would not be to deal with a specific case or to be called together when there's a specific case or concern; theirs is more of an advisory role to look at the program overall, how it's working, is it effective, should there be things tweaked and so on, to make recommendations to the minister to make changes perhaps to the legislation or to the regulations and so on.

That is the intent, according to the briefing we received from the minister's staff and so on; that's what this minister wants to do. It is what this minister has the ability to do under the legislation, but it says he may do it. Another minister may come in and say I'm going to scrap all of that; he may not do it. We wouldn't know if he did it or he didn't do it, really, because once this is passed and the regulations are written – and yes, it provides flexibility, there's no doubt, but it also provides an opportunity or so on where things could be changed. Perhaps things changed that Members of the House of Assembly, if we were to discuss it, wouldn't agree with or the public wouldn't agree with it or the governing bodies wouldn't agree with, but they can do it anyway because it's all in the regulations.

That is a concern that I think a lot of people have now. Now I have heard some physicians – I listened to a media clip and I think it was the president of the NLMA. He was talking about

the fact that he didn't like the idea of this inspector. He said that before you just send an inspector in, going to a physician with the big stick, there should be other ways to deal with it.

I do understand that through the process – and, again, I think through the regulations the intent here would be that requests would be made to the physician, requests would be made to the pharmacist looking for information, and only when they don't get it they would take that approach. But again, it's in their regulations.

Mr. Speaker, I look forward to speaking to this again. I see I'm out of time. I will speak again in Committee.

Thank you.

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

**MR. A. PARSONS:** Thank you.

I'd like to adjourn debate on Bill 25.

At this time, Mr. Speaker, I would like to move, seconded by the Minister of Natural Resources, for leave to introduce a bill entitled, Status Of The Artist Act, Bill 22, and I further move that the said bill be now read a first time.

**MR. SPEAKER:** It is moved and seconded that the hon. the Minister of Natural Resources shall have leave to introduce a bill entitled, Status Of The Artist Act, Bill 22, and that the said bill be now read a first time.

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

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

This motion is carried.

Motion, the hon. the Minister of Tourism, Culture, Industry and Innovation to introduce a bill, "Status Of The Artist Act," carried. (Bill 22)

**CLERK (Barnes):** A bill, Status Of The Artist Act. (Bill 22)

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

When shall the said bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 22 read a first time, ordered read a second time on tomorrow.

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

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

I would call from the Order Paper, Order 6, second reading of Bill 24.

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

**MR. A. PARSONS:** Yes, Mr. Speaker, I move, seconded by the Minister of Natural Resources, that Bill 24, Serious Incident Response Team Act, be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 24 entitled, Serious Incident Response Team Act, be now read a second time.

Motion, second reading of a bill, "Serious Incident Response Team Act." (Bill 24)

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

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

I am extremely proud to stand here today in the House and begin second reading on Bill 24, the *Serious Incident Response Team Act*. It's something that's been talked about, both within government and within the public, for some years now. So to be able to stand here today, to be able to begin the substantive part of debate on this bill and to look forward to the Committee stage, third reading and then passage of this bill, which will ultimately lead to the establishment of a SIRT in Newfoundland and Labrador,

something that the public has asked for, the public has in fact demanded and we will be delivering on that now.

Mr. Speaker, there's so much I could talk about this and so much I could say. It's something that – there are so many reasons why we are here today to talk about it. One of the things I wanted to reference – and I usually don't speak without notes, but I have a few points here that I've made because I think they're important to this and I don't want to forget them as I get caught up in this time that I have for the debate.

We're very lucky, extremely lucky in this province, we don't just have one, but we have two police forces that protect the people and protect public safety in this province. We have the Royal Canadian Mounted Police and we have the Royal Newfoundland Constabulary. Both come from different backgrounds.

Obviously, the RCMP is a federal force which we contract with to deliver services in this province. The RNC is a force that has been in this province for centuries now – a very proud, historic tradition. Their jurisdictions are different. The RNC covers the Northeast Avalon, Corner Brook and Lab West. We have the RCMP that covers off all of the area that is not referenced, but mainly in this province they are a rural-based force. They have a great tradition in this province.

When you look at policing in general, police officers are one of the roles that carry with it a great responsibility to people, and with that comes an elevated stature in the community. I've always said that growing up in a small town, the RCMP were members that I looked up to. In fact, police officers were often some of the best volunteers in our communities. They made up some of the best volunteers.

For instance, we played a lot of hockey and the members who came to our area, mainly from away, from other provinces, and they came and served our community, not just in their job, but they worked with the members in the community. They are partners in the community. They become a part of that community.

That's a part of policing. Policing is being a part of the public. As I said in a press conference that

we did earlier today, the public forms an essential part in crime prevention, in public protection. The police forces rely on the public to do their job.

Mr. Speaker, I say this to you as someone who needs no explanation, someone who has served this province and served formerly as a member of the RNC. You're someone that doesn't need this explanation. You've done this service, so you certainly know of what I speak.

We look at our police and we look at the duty that they have. I mean it carries with it a serious responsibility. They come with an elevated position. They are held to a different standard, as are many.

We've had debates in this House in the last little while where we talk about the different standard to which public servants, specifically Members of the House of Assembly or city council or MPs, are held to a different standard. You know what, that's been common throughout this province and others when we look at certain positions where we have public trust, including the clergy, when we look at teachers. There's a trust there. There's a fiduciary duty that we hold to those people that we represent and policing carries with it one of the higher ones.

With policing, not only are they charged with protecting public safety, but they also have the extraordinary power of withholding peoples' rights in the course of their duty. It is only police that can deprive me of my liberty for being accused of a crime. That's part of it.

That's a serious, serious task. To know that they have this responsibility, that's something they carry with them. It's drilled into them from the first day they walk into their training, and it's carried with them right up to the day they walk away from the force. You know what, it doesn't even leave then. Once it's there, it's always there.

We're very lucky in this province that we have a great history of policing, of police involvement. Every day you can see what our police are doing out there in the community, whether it's their job. I've been extremely lucky, as well, that in the course of my duties in this department, I've gotten to ride along with officers, of both police

forces, to witness what they do on a day-to-day basis.

Again, it staggered me how important it was and that was just on, say, one shift. Imagine seeing what they do every single day. I didn't witness some of the traumatic things that they have to witness, to experience and to deal with, but I do have a certain appreciation. I've visited the training grounds for the RCMP, their academy, to watch what they do. I have a very, very close relationship with our policing forces, whether it's the RNC here.

We're very lucky in this province to have two great leaders of our policing forces, both of whom are fairly new to the position. Whether it's Peter Clark, who's the assistant commissioner of the RCMP B division – he is the commanding officer for the RCMP in this province – or whether it's Chief Joe Boland, newly minted chief of the RNC, they're doing a tremendous job. We have utmost faith in them and we're very lucky to have people of their calibre leading our forces here in this province.

As I've said, in order for the police to be effective in their jobs, for them to safeguard the public, you cannot do this unless you maintain public confidence. It is absolutely critical that the public be confident in the men and women that are charged with the job of protecting them and of policing. It's an important key source of information and we need that co-operation. You only have to speak to any officer and they'll tell you that if they have a public that doesn't trust, then it closes down the avenues of information. That's what they need to go out and do their job.

There's a gentleman named Sir Robert Peel who's known as the father of, basically, modern policing. He started up the metropolitan London police back in the late 1820s, I believe. He was one of the architects of the principles of policing. One of those was that the ability of the police to perform their duties is dependent upon public approval of police actions. I concur with that wholeheartedly, Mr. Speaker. I completely agree with that.

With this great responsibility, with this great power – and I would point out, as has every other province and territory, as every state, just about every country, any country in which there

are police forces – we’ve, unfortunately, had situations where there are accusations of police being involved in wrongdoing, whether intentional or unintentional.

The fact is, as I’ve said before and I’ll say it again, even though there are a lot of times where I think the police are superhuman and I compare them to superheroes – where we run from danger, they walk to it, they run to it – the fact is they are human. Just as there is not a profession out there that hasn’t had a member do something wrong or be accused of doing something wrong – lawyers, teachers, doctors, politicians, you name it – there have been people that have done wrong, that have contravened their code. Police officers are no different. They are human. I’m happy to say that the vast, vast, vast majority never come close to that, but sadly there are times, isolated in nature, where it does happen. When it happens in policing, it undermines the public’s confidence.

The issue that we’ve dealt with – and it’s evidenced by the fact that what we are doing today in the creation of a civilian oversight independent team is already in British Columbia, Alberta, Manitoba, Ontario, Nova Scotia. This is evidence of the fact that it’s happened elsewhere. We’re catching up. We are catching up and putting ourselves where we need to be.

This is not something new, but in the recent past we have had some very high-profile accusations and incidents of a negative nature involving police. The question becomes – the phrase that is used is blue-on-blue investigations, police investigating police. Unfortunately, I’ve always said that sometimes in this case, as it is in politics in general, perception is reality.

The police can investigate, in some cases, on their own and they do a fine job, but the perception is that there may be favouritism, that they might not investigate as onerously as they should. Whether that’s true or not, the perception is reality. We cannot allow that because allowing that does not put the public at ease, it does not strengthen public confidence. That we cannot allow because that, in turn, affects negatively the ability of police to do their primary job, which is to preserve public safety.

That’s why we here today are dealing with and debating the creation of a civilian oversight team, because when this happens – and we’ve seen it happen in the past in a very, very public manner. In fact, it’s consumed the public’s attention. Even in just the last number of years, we’ve had incidents where it is the top issue of the day for the public. It’s something that in my almost two years in this position I’ve dealt with very, very regularly.

That’s why we’re going to eliminate any negative perception. We’re going to eliminate any chance that people might look at the investigation as being biased. We’re going to take steps to preserve, enhance and strengthen public confidence in their police services.

I’m going to get into this. I’ve had some people say: Well, why do you need this? To that I say: I hope you will read what I just said. I hope you will go back and listen to what I just said, but do you know what? I’ve had members of the public come at me, whether it’s in an airport or at a hockey rink or at a grocery store, and talk about this.

This is important to me, too, because it’s one thing to bring this in – the general public is supportive of this, this I know. I got off an airplane here in St. John’s one day, and as I was waiting for my luggage I had an individual approach me. The individual knew who I was, perhaps from seeing the news. This is when civilian oversight was in the news regularly. This individual said – first they identified themselves and said, you know what, I’m police. I said: Well, thank you, firstly.

The second thing they said struck me. They said: I want civilian oversight. The reason I want it, this person said, is because I know I do a good job and I want the public to trust and know that I do a good job. That is the overwhelming feeling of police officers.

This bill we have here today, this concept of a SIRT, is supported by our police forces. It is supported by the women and men who do this job because, as I’ve said, we will not allow the actions of the very few to tarnish the positive actions of the many, and many, the most – the majority of officers are doing great work out there. We are so very fortunate to have them.

This allows us the opportunity to ensure that when one goes astray, there will be an investigation to preserve public confidence and at the same time these officers know that they will not be negatively affected. A person doing their job is not going to be in any trouble. It's supportive of this – we all are.

Again, if I haven't already said it, and I say it every chance I get, thank you. Thank you to the men and women who do this job. We can't say it enough. We should be saying it every day. One only has to witness – there was a recent story in the news about how that job – there are times when we think we have a tough job being in the public eye, and then you look at what these people deal with and the effect it has on them. It is absolutely amazing, the circumstances and situations that they are in and they continue to do the job.

We all know this is a valid concern. It's a real concern. We've seen it here. So we announced a couple of years ago that we would bring in civilian oversight. The bill we have here today will lay out what we want to do with civilian oversight.

What I'm going to do, it is Bill 24. I would say that Members of the Opposition have had an opportunity to be briefed on this and to ask questions. The media was briefed on this today. I think that's very important, the opportunity to go through that.

What I'm going to take an opportunity to do is to hit some of the highpoints and to talk about them and maybe why we chose to do what we did. I will also say, I've also had the benefit of speaking with every SIRT director in the country. In fact, I've had every one of them in my office. We've done this with the benefit of speaking to the men and women, the civilian directors of these forces. They told me the pros, the cons, the shortfalls, the lessons that we've been able to learn prior to doing our own because some jurisdictions have made mistakes that affect them to this day.

We've also employed the use of some of these forces right here. We've had Alberta SIRT here and we've had the SIRT from Nova Scotia led by Ron MacDonald here in this province doing work. We benefited from their expertise, from

their work just in doing the actual investigation, and we've benefited from their expertise in the work in drafting up this legislation, which I think is a very strong piece of legislation, but also flexible enough to cover off future circumstances which I will get into now as I continue through.

Some of the features that are found in this particular legislation is that we look at the mandate, and the mandate covers all matters including "... death, a serious injury, a sexual offence, domestic violence and" – this is the catch-all here, which is important – "other matters of significant public interest that" may have arisen from actions of any police officer in Newfoundland and Labrador.

That's pretty comprehensive. Any one of those is a serious issue, but if something is to arise that's not thought of, we have the last part which is a catch-all selection that will allow us to make sure public interest is protected. Not every province has that wide a mandate. Some have less than that. We feel that what we've dealt with here in this province and what we've seen when we looked elsewhere, this is an adequate means to catch this. Not everything is investigated by SIRT, but these are all matters of significant public interest that need to be looked at.

SIRT applies to RCMP and RNC on duty and off duty. It applies to them all the time. It also applies to anybody that's acting as a police officer while here in the province, which is something that happens regularly. People come from other provinces; while they're here they're subject to our law.

Three, SIRT will be responsible to the minister for certain aspects such as budget; however, the team will be operationally independent. In other words, I can't tell SIRT to do an investigation or how to conduct it and I'm certainly not going to be able to influence the outcome of an investigation.

Similar to the police – this is a misconception that's sometimes out there. I don't tell the police how to do their job. There's no political interference with the police. How can we allow any politician of any stripe, especially one who's never been a police officer, to tell the police how

to do their job? I don't tell them. They're operationally independent.

We deal with the budget side, as we should. That's a prerogative of governing. But when it comes to the work, we work with them and they tell us what they want to do. There are times when they'll say this is a new approach that we want to take. That's excellent.

The same thing when it comes to SIRT. I'm not going to tell them how to do their investigations and I'm certainly not going to influence, nor is any politician going to do that. They're going to do the job and do it right because that is what the public demands and that will ensure the public confidence.

This is an important part. The concept of this is that it's not police on police; it's civilian independent oversight. That's why the director, whoever is hired as the director, can never have been a police officer. That's important. It is not the case in any other province in the sense that nobody else has had a police officer do this job, nor should you. In many cases it's a former Crown prosecutor or somebody who has a legal background.

That's something that we'll be looking forward to because, after this, the next steps are the hiring phase, the finding of the director, finding the other investigators, finding the admin staff. That will form part of it. We want the best person for this position.

The term will be five years with the ability to be appointed for another term of five years. Appointments will generally be for five years with lesser terms being used to allow flexibility in the appointment, in the event that a director from another jurisdiction is hired.

We've actually seen that. The director in Nova Scotia, someone that is familiar to us in this province, is Ron MacDonald. Ron MacDonald has now taken on the job of leading BC's SIRT. Once you get into it, it's a very specific level of expertise and it's in demand, so we have that flexibility there.

This is the second part, of which there are some questions. Investigators can be ex-police officers, seconded police officers or civilian

investigators. Before anybody gets going and says: Well, my God, how can you do that? Remember, these are investigators. You can't put somebody in who does not have an investigation background. They have to have that ability and that's most often found with police.

Another thing to put out there to people, this is what is done in every other province. So it might be somebody that comes who is retired; it might be somebody with an investigation background, maybe in the military. It's amazing; I've had interests come to me in the last year, people hearing about it that are there, so I look forward to this process. The more people that apply, the better; the best force we can get is what we all want.

But we are prepared to have seconded police officers. In fact, there's the likelihood that there will be one seconded from the RNC and one seconded from the RCMP. Once they are seconded, they work for the civilian director. They don't answer to the police forces.

That question was brought up in the technical briefing of the media: How does that work when they end up going back to their police force? What we've been told by other forces is that is, in many cases, a badge of honour. To be seconded is sought after; it's something that's looked upon favourably. And if it's the case in other provinces, I'm very certain that it will be the case here. The most important thing is we want the expertise and we want that background to be able to investigate.

We will also be hiring – obviously, there will be administrative staff. In BC, they have one difference. In their case, they said you cannot be hired if you were a police officer in the previous five years. What's happened in BC is that they've had trouble hiring; they've had that issue.

I don't mind saying – and this comes to me directly from the individuals that led BC – BC had trouble from the get-go. They had trouble from the day they started, because (a) they didn't get it right when they started; they rushed it. That's not something we are going to do here. We have learned from the mistakes of others. This is not us picking on BC; this is self-

admitted by BC. We're lucky to have that. They were so gracious to tell us this. So we've learned from that and certainly that's not something that's going to be rushed.

When we talk about the creation of this team – this is just the legislation; the team comes next. I'm hoping to see it done within six to eight months, but as I said today, and I'll say it again in this House, we're not going to rush it. It's one thing to do it and it's another thing to do it right, and we are going to do it right. So if it takes more time, we'll deal with it; if it gets done quicker, even better. But again, the creation and the composition of this team are as I've described.

For the purposes of the act, they will be deemed peace officers to allow them to do the duties that they do as investigators. SIRT will have a broad, discretionary power to investigate with the ultimate decision to investigate or take over an investigation or refer to another agency. That's all left to the director of SIRT. So they can take it over, they can refer it out, they make the decision – that's what we need. So that's an important classification there.

I would suggest that as we did this, there was a jurisdictional scan done across the country of other SIRT legislation. So I think we've assembled the best piece here based on what we've seen elsewhere, based on our specific province and based on conversations and experience from the other jurisdictions. It's not just looking at their law; it's talking to them. How is it this way? Why is it this way? Would you do it the same or would you do it different? So I think we have a strong model here proposed by our legislation.

SIRT will have the ability to enter into agreements or arrangements necessary to allow it to discharge its duties. This is where they are allowed to create MOUs with police forces for the provision of specific services such as forensics, such as securing scenes. They have the ability to do what's necessary to make sure that the investigation is done properly.

With the agreement of the minister, SIRT will have the ability to conduct an investigation or do oversight in another jurisdiction. This comes back to one of the issues that is outstanding and

that remains: Will we have a Newfoundland and Labrador SIRT or will we have an Atlantic model? That decision has not been made, but this act is structured in such a way to allow us to go either route.

Now, we know that the recommendations from the Dunphy inquiry by Justice Leo Barry, Recommendation 5, were that we do an Atlantic model. I think the reason that we would do that, and why I certainly think it's favourable, is because it allows for economies of scale, it allows for us to be more efficient and it allows for the sharing of resources. Officers from here can go elsewhere and vice versa, and that's what this section allows as well.

I'd like to see that happen. I look forward to speaking with my counterparts again. We're not closed to any idea. It might be a Newfoundland and Labrador/Nova Scotia model. It might be an Atlantic model. It could be just a solely provincial model. We're going to make the best decision based on what we can control and what we can work out with other jurisdictions. These are all factors that play into this.

Both provincial police forces will be required to notify SIRT of incidents that may fall within its mandate. SIRT also has the power to start its own investigation. So we're saying to the police forces, specifically to the chiefs, as soon as you know, as soon as it's practical, you need to notify SIRT ASAP, but SIRT also has the ability to come in on its own and say we're going to do this. They can also take referrals from the public or from the minister. The final decision on whether to investigate or not is at SIRT director discretion.

If we see something that's an issue, we can report it. If you see something that's an issue, you can report it. If the public out there sees something that's an issue, they can report it. At the end of the day, the civilian director will make that decision.

Now, this is an intricacy that is not seen in every other jurisdiction. I think it is one that is extremely important, and it comes from that experience that we've gathered from working with the other provinces. The SIRT director here will consult with the Director of Public Prosecutions, will consult with the Crown, on

whether a charge should be laid in relation to the actions of a police officer who is the subject of an investigation. If the charge is laid, SIRT turns it over to the Crown.

What has happened in other provinces is that SIRT did not consult with the Crown. They lay a charge, and after the Crown looks at it the Crown says we have no reasonable likelihood of conviction. It's very clear that the Crown cannot proceed with any case against anybody if there's no responsible likelihood of conviction. So instead of doing that, which we've seen happen elsewhere, which can be quite embarrassing – again, this is the value of the advice being provided to us – SIRT director says I'm laying a charge; the Crown Prosecutor says, no, I can't do this.

Where do we go? In our province, SIRT will consult with the Crown. Now, the ultimate discretion is the SIRT director's, but it's much better to do this in consultation with the Crown, with the Director of Public Prosecutions – in this case right now, Ms. Jennifer Mercer, QC – to say, where do we need to go with this? Again, I think that's the right process. I think it's a common sense process and one that we're being told by others is a smart way to proceed.

The director will be required to issue a public summary of the investigation, which will outline the reasons for that decision. As well, the director will be required to provide a summary of the investigation to the minister and the affected police force. So this is what we've put out there again. This isn't just going to be a report or investigation that's done and given to the minister and it's kept top secret. Everything, when it's done, will go to the public.

We pride ourselves on transparency and we pride ourselves on accountability. This is another way that if an investigation – when it is done, it will be provided to the Department of Justice Minister's office, it will be provided to the force, it will be provided to the minister and, ultimately, the public in concluded investigations will get that report. That's another part to boost public confidence in what we're trying to do.

Now, that being said, one of the recommendations from the Dunphy inquiry was

that every investigation be done, a certain investigation be done, within 90 days. We are not following that recommendation, and there are reasons why we're not following it. What we've done is we consult with police forces, other SIRTs, other jurisdictions. The reason we are not is because of a couple of things; no police force is mandated to conclude any investigation within a specified time period. They need to take the time necessary to conclude it. That's in a normal police investigation.

Secondly, some of the factors that decide when you finish are out of your control. One of those, for instance, Mr. Speaker, is forensics, which we had to deal with an out-of-province lab in some cases to get the evidence that we need. We can't control when that happens. In fact, there have been delays across the country in getting these reports back. We've actually seen it here in this province when it came to one report where trying to get this data and analysis done took months – took six months or more. Why would you tie yourself to a timeline which may not be able to be met because of nothing that you can do or control?

We think a very reasonable accommodation to that is that at 45 days, and every 45 days thereafter, an interim report will be provided to the department, to the force and to the member in question. That's going to continue. That's a way of ensuring that there is progress, that there is an update provided to these forces. At the end of the day, the final report, when done, when concluded, will go to the public.

SIRT will be required to submit an annual report to the minister outlining number of investigations started, number concluded, the nature of the investigation, the result of each investigation, the number of charges against police officers laid in any year and other administrative and financial details. So every year there will be an annual report that is filed that lays out what did SIRT do that year.

The last change – and this talks about transitional amendments that are going to be made to another piece of legislation. This is to ensure some consistency with how the RNC is already treated. To avoid any concerns with being required to prematurely disclose

information, section 21 of the bill contains an amendment to the ATIPP Act to exclude (a) active SIRT investigations and (b) investigations in which there's a suspicion of guilt expressed but no charges ever laid by SIRT. I think that's pretty obvious here.

We talk about access to information and we often just use those words: access to information and the public's right to information. I agree with that. I subscribe to that, but the end of that office is the protection of privacy. We all have reasonable rights of privacy. Why would we possibly expose an investigation to having its integrity compromised because we're putting out that information prematurely? That's how the RNC is already treated. We need to make sure this force gets the same treatment.

At the end of the day, the public's right to information has to be balanced against a good investigation that's not compromised and against the privacy rights of individuals who may not have been found guilty. We had to deal with that. Again, this is pretty standard stuff.

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

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

**MR. A. PARSONS:** As I continue on, just a few pieces of information I also want to put out there at this time, some of the stats we've dealt with. In 2015, we actually had in this province 20 investigations that could have been dealt with by SIRT. In 2016, we had 13. This year, we have six to date. So that's a fair number.

Nova Scotia does about 25 investigations per year. We all know there can and will be fluctuations; we've seen it right here. Assuming the numbers for this year stay on that same trend, it's going to be much lower than 2015 and that's positive. That's exactly what we want, but the reality is it will go up and it will go down and no year can be the same.

We are expecting and we are basically budgeting and preparing for roughly 20 per year and the complexity amongst those will vary for each case. Each case is a separate being. Some will be extremely complicated; some will not be complicated at all. Some require a higher amount of resources, some require lower. What I

would point out is that at the end of it and throughout it, the civilian oversight, the civilian director is responsible for all of it and will be involved in all of it. They will have oversight of every force, every investigation.

There's some thought in the analysis we did and in the discussions – this is something that has been discussed pretty extensively within the department for some time – is that because there is an increased awareness now, we don't know if we should prepare for an increase in cases that basically are initiated by the public. As the public becomes aware of this and becomes aware of the fact that we have civilian oversight, will there be an increase here? That's something we are prepared for, but you cannot anticipate whether that will happen or not. This improves the capacity, builds the capacity that we need here in the province.

We get to the budget side. As it stands, there are going to be five people that we anticipate being employed here: a civilian director, three investigators, more than likely one seconded from each force, and administrative. We're budgeting \$794,000 is what our anticipated cost is, with roughly \$600,000 of that being anticipated to be salary driven. The rest of it will deal with travel, will deal with accommodations, will deal with all the other costs of running this. Who knows? We're talking about office furniture. We're talking about if they need a vehicle. These are all things. That's what the budgeted amount is.

I had a question asked to me today: In a time of financial difficulty in the province, how do you justify this? What I would say is this: We just had an inquiry that cost \$2.9 million. We've spent about \$50,000 on other investigations that forces are doing. The cost to maintain public confidence in policing is priceless. It is priceless.

If we allow for a breakdown of public confidence in our police forces, who knows what the cost will be. I'm not just talking in dollars. This is something that, again, we don't do anything within this government without keeping an eye on the bottom line. We have to be fiscally accountable and fiscally prudent, but at the same time there are needs that we must meet, and this is one of the needs that we must meet.

The other thing I would note, Mr. Speaker, we've been very lucky to have co-operation amongst provinces, basically lending us their forces to do work for us. That will not continue. They've been quite clear, and not in a negative manner, but they only have limited resources themselves. They have limited resources. So for them to send their teams here means work that's not getting done in their own jurisdiction. We've been very lucky thus far to be able to use that. We've paid a very minimal cost. If we were to continue to do that and pay it, we're only going to be paying somebody else. So this is a cost that comes up.

I had a couple people that have said: My God, why are you spending all this money? I could say that number is vastly outweighed by the numbers of people who have said we need this. The benefits we have here to our province, to our system, I think are immeasurable. So as I say, we always keep an eye. There are no blank cheques getting handed out here, but there is a cost that is necessary to maintain public order and to maintain public confidence.

What I would suggest is that we've actually done this very modestly. We're suggesting a staff of five. We're also talking about the possibility of regionalizing. Who knows what that will bring in terms of more efficiencies and savings – you name it.

Nova Scotia's team is one greater than us; they have six. BC has 56 people, Alberta has 18, Manitoba has 14 and Ontario has 85. We're proposing doing it with five. I think it shows that we're not just creating this whole new agency, which will just span a huge amount of people. We're keeping it lean. That's necessary, and I think they will still be able to do the job that the legislation and that the public demand of them.

I'll continue on, Mr. Speaker. I look forward, I will say, to the debate that will be forthcoming. What I would suggest to my colleagues is that I look forward to their thoughts and views on this. I look forward to their questions. I would suggest that they feel free, prior to Committee stage, to putting out questions because it will allow for me to do a better job, when it comes to Committee, of ensuring that we have the best information.

I was very lucky today in the public briefing to have two very, very experienced people, Steve Ring and Paula Walsh, who have done the lion's share of work on this. They've done tremendous work on this. So I want to thank them, along with all the other individuals, including people from outside this province and within and our police forces, who have contributed to the expertise and to the knowledge which has formed the drafting of this legislation. I want to thank those individuals.

I get to stand up here in the House and I get to talk about it. I'm sure that I'll get some share of credit for helping to be there, but the actual reality is there are a lot of people behind the scenes who are doing this work. I thank them for everything they've done. These public servants are the ones that we all thank and appreciate.

I look forward to the debate. I look forward to the questions. I look forward, ultimately – I'm sure I will be, I'm quite positive actually, that this bill will pass unanimously. I am positive that this bill will pass unanimously. That doesn't mean that there won't be counterpoints raised during debate. That's the nature of debate. But I'm confident that there will be unanimity, that we need this legislation in the province, that we need the creation of this team.

One only has to go back in the last couple of years and look at some of the incidents we've dealt with that have drawn high public profile and say: Where would they have been if we had allowed for an investigation to be done by police? Even the police don't want to do that. In many cases, it's doomed to failure from the start because the perception is there and the bias is already assumed to be there. That's why we have the police support.

Police support what we are doing. They do good work and they want it shown to be that they are doing good work.

On that note, Mr. Speaker, I will take my seat. I look forward to the debate that will follow. I look forward to the smooth passage of Bill 24, which will create a Serious Incident Response Team in Newfoundland and Labrador.

Thank you.

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

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

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

Once again, it's an honour and a privilege to rise in this House of Assembly on behalf of the residents of Fortune Bay – Cape La Hune and speak to this very important bill.

I guess I will start by echoing the sentiments expressed by my hon. colleague, the Minister of Justice, and thank the public servants who drafted this bill. Certainly, the dedication, knowledge and wisdom of the public servants to the people of Newfoundland and Labrador are highly valued by all of us.

This bill, Bill 24, An Act to Establish a Serious Incident Response Team for the Province, referred to in an acronym as SIRT – the purpose of this bill is to establish a civilian-led Serious Incident Response Team. SIRT would provide oversight of policing by providing independent investigation. I believe the key here is the independence.

“The team would be responsible for investigating all matters that involve a death, a serious injury, a sexual offence, domestic violence and other matters of significant public interest that arise from actions of a police officer” in the Province of Newfoundland and Labrador.

I guess for purposes of this legislation, a serious incident is defined as a “death, a serious injury, a sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer ....” The director ultimately determines if something is to be considered a serious incident.

SIRT will apply to both the RCMP and the Royal Newfoundland Constabulary here in the province, and it will have the ability to investigate on- or off-duty conduct. The director will be responsible to the Minister of Justice and Public Safety for certain aspects such as the budget; however, the team itself will be operationally independent of government which, again, we believe is key.

The director will be a civilian, someone who has never served as a police officer. Usually, this position is often held by a lawyer, but it would be someone with considerable knowledge to serve in that position as the director.

Cabinet will determine the salary of the director, who will be appointed by the Lieutenant Governor in Council, which is also referred to as Cabinet. The term of office for the director will be a five-year term with the ability to be reappointed for one additional five-year term. The cap under which any person would serve as director would be a maximum of 10 years.

It would not go through the Independent Appointments Commission because it's a public servant position. A concern was raised in the briefing that was held for us as Opposition Members. We expressed the concern that this has potentially negative optics for Cabinet appointing an independent body, but the officials argued with us that it was really no different than the appointment of a superintendent of prisons. It's certainly something we would still like to see filtered through the IAC.

Cabinet may appoint an interim director for a term not exceeding one year where the director ceases to hold office, or for some reason or other is unable to perform the duties. The director of SIRT may, after consultation with the director of Public Prosecutions, designate a Crown attorney to be acting director while the director is absent or unable to perform their duties. An acting director can be appointed for no longer than a three-month term.

In terms of how the SIRT is comprised, the investigators can be ex-police officers, but they can also be seconded police officers or civilian investigators. During our briefing, some concern was raised regarding the fact of having a police officer seconded to investigate other officers. I believe the Minister of Justice referred to this as well because after their time on the SIRT, they would be returning to their service. It could be perceived as blue watching over blue or police investigating themselves, which we believe a SIRT should be designed to avoid. Cabinet will determine the salary of the investigators as well. The directors and the investigators will be considered peace officers.

Mr. Speaker, this bill also deals with the secondment of the police officers. Once seconded, the police officer would report solely to and is under the direction and command of the SIRT director. Officers can be seconded for a specific incident or for a two-year term. In an attempt to eliminate any potential conflict of interest, the seconded officer cannot be team leader or lead investigator of a police officer from their home agency.

With respect to investigation, the bill states that both provincial police forces will be required to notify SIRT of incidents that may fall within its mandate. So that will be mandatory for both police forces to do. If there's an issue that arises that they feel may fall under the purview of SIRT, they have an obligation to bring it forward.

SIRT also has the ability to initiate its own investigation. Referrals for investigations may be accepted from the public or submitted to the Minister of Justice and Public Safety.

The process for notifying the director of a serious incident is outlined as well: "A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred"; or "(2) Where the minister believes that a serious incident may have occurred and the chief officer has not notified the director, the minister may notify the director." So there are several provisions for ensuring that any potential serious incident is brought to the awareness of the director to be acted upon as soon as possible.

Upon being notified, the director has several options. For purposes of the public and informing as to the content of this bill, I will list out the conditions under which the actions the director must follow upon receiving notification of a possible serious incident.

The director will be required to do the following – may do the following: arrange for an investigation to be undertaken, which shall include taking over an ongoing investigation at any stage. I want to clarify, Mr. Speaker, I meant to say "may do the following" as opposed to "shall."

Another thing that the director may do is "refer the matter to an agency to conduct an investigation ...." They may, "upon consultation with a chief officer, assign one or more police officers ... to assist or advise an agency that is investigating a serious incident or to assist or advise the Serious Incident Response Team investigating the serious incident."

The director may "enter into an agreement to have an independent team or agency from another province conduct an investigation." The director may "direct that the Serious Incident Response Team oversee, observe, monitor or review an investigation by an agency." The director may "appoint a community liaison or observer to work with the Serious Incident Response Team in the course of an investigation."

They may "refer the matter to the chief officer or Royal Newfoundland Constabulary Public Complaints Commission under section 19 of the *Royal Newfoundland Constabulary Act, 1992*." They may "refer the matter under the complaints process in Part VII of the *Royal Canadian Mounted Police Act (Canada)*; or (i) determine that the matter is not within the mandate of the Serious Incident Response Team." The options for the director of how to proceed, once presented with a complaint of a serious incident, are outlined well in the legislation.

The Serious Incident Response Team will have broad discretionary power to investigate with the ultimate decision to investigate, take over an investigation or refer it to another agency left to the director of SIRT. So, again, the director of the Serious Incident Response Team will have significant responsibility on their shoulders and it is crucial that the directors that be appointed are certainly ones with very strong credentials. They will have a huge responsibility on their plates.

Upon the conclusion of an investigation, the director of SIRT must consult with the director of Public Prosecution; however, the final decision on whether to lay charges will be with the director of the Serious Incident Response Team, not the director of Public Prosecution, but the director of SIRT who is again an independent position. That adds to the efforts

being made to ensure that there is transparency, openness and accountability.

Upon conclusion of an investigation and no later than three months, the director will be required to issue a public summary of the investigation to the Minister of Justice and Public Safety, the chief of the relevant police agency, the police officer under investigation and the person directly affected by the incident. So that is four entities that the director will be required to issue a public summary to, no later than three months after an investigation is concluded and that's clearly outlined here in the legislation.

There will also be a duty to provide an investigative update within 45 days and then every 45 days thereafter. This will not be done in the circumstance that such an update would negatively impact an activity investigation, however. So there is provision to ensure that active investigations would not be impeded by this reporting process.

Mr. Speaker, during our briefing session, it was suggested by Opposition that rather than a summary of the investigation, the director be required instead to issue a full report, similar to what was issued by Barry regarding the Dunphy inquiry. Perhaps that is something that the minister can contemplate as we move into Committee of the Whole and any areas where we can strengthen this bill.

An annual report will be tabled each year and this report must include the following information: the number of investigations that are started and concluded in the given year; the nature of each investigation; the result of each investigation; the number of charges against police officers laid in the year; other administrative and financial details as the minister may direct; and those other matters as prescribed by the regulations.

Mr. Speaker, the act speaks mostly to the items I have outlined, but regulations will be forthcoming later by the department. These regulations will set out even further details around the mandate and operations of the SIRT or Serious Incident Response Team.

The minister may make these regulations around the following: "(a) prescribing the duties of the

director; (b) respecting notifications of serious incidents; (c) respecting investigations; (d) respecting investigation updates; (e) respecting investigation summaries; (f) respecting annual reports; (g) defining a word or expression that is used but not defined in this Act; and (h) generally to give effect to the purpose of this Act."

The SIRT, or Serious Incident Response Team, will be subject to the ATIPPA, *Access to Information and Protection of Privacy Act*, but it will not apply to ongoing investigations, nor would it apply to a case where there is only suspicion of guilt but no charges laid. Mr. Speaker, it's a pretty comprehensive bill. It is in response to an expressed desire from the public at large for increased independence and oversight of our law enforcers.

The departmental staff during our briefings said repeatedly that it was mirrored after what was being done in other Atlantic provinces, Nova Scotia in particular, because they thought that perhaps eventually there may be a move to an Atlantic regional SIRT in the future. So the potential is open for that to happen in the future.

Section 10 of the bill enables the director of SIRT to enter into agreements with an agency, the Government of Canada, the government of another province or municipality. As we move forward, Mr. Speaker, we may see some change in it, but this is certainly a great place to start in terms of establishing a Serious Incident Response Team for the Province of Newfoundland and Labrador.

All of us hope to not have to encounter serious incidents in this province. I believe the stronger we make our legislation and the more informed our public is about the various laws, and the more people honour the law, hopefully we will see less and less issues that may fall within the realm of serious incidents coming forward.

Mr. Speaker, on a personal note there's something I'd like to add as well. I'm not going to speak to the bill a whole lot longer. There are a lot of technical aspects of the bill and I'm sure there are other Members who would like to get up and express some commentary on the bill as we go forward. On a personal note – and I may digress slightly, but I do believe it is related – I

think this is a great initiative. I do believe that independent oversight is critical to any fair justice system in any province, particularly in Commonwealth provinces like ourselves.

As we've seen recently in the House of Commons, this bill speaks to oversight of law enforcers, the people who enforce the law, but we have no such legislation to address serious incidents conducted by parliamentarians or people who make the law. That's people like ourselves sitting here in the House of Assembly. We, too, as the lawmakers, are tasked with protecting the people.

Something I would like to throw out for consideration by all Members, on all sides of this hon. House, is that maybe we can build on this legislation and put a system in place as well for addressing serious incidents for lawmakers. No one is above the law and the more support we can provide to those who have the courage to come forward, the better,

It is a great piece of legislation for oversight of those who enforce the law. Maybe we can look at something as well for lawmakers in the months and the years to come.

Thank you very much, Mr. Speaker. On that note, I will conclude my comments for second reading.

**MR. SPEAKER:** The hon. the Member for Bonavista.

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

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

It's nice to be able to speak here in the House of Assembly today. Any time you get up and are able to speak here in the House is a great opportunity. Sometimes I have that privilege taken away from me, but fortunately enough, today I'm on my best behaviour so I get to talk on this.

Bill 24, which is the *Serious Incident Response Team Act*, is a promise that we put forward in the 2015 election platform. You'll be familiar with this, Mr. Speaker. The Opposition had their say and they're going to have their say going forward. I think they'll fully support this bill;

it's a great piece of legislation. As I mentioned, it's something that we promised in the platform in 2015 and here we are, two years later, delivering it. A lot of work has gone in to this piece of legislation, Bill 24.

I have to thank the officials with the Department of Justice and Public Safety on all the work they did to get this bill and all the input that came from other government departments, the RNC, the RCMP and anyone else involved with the oversight of this. The biggest thing that stands out to me with this bill is that it's independent, so it's independent from any other police force. Coming from a military background, like myself, I certainly appreciate the good work that our police forces do for the public.

When they go out on the streets, they're taking their lives in their own hands. You, Mr. Speaker, are very familiar with that, back in your earlier, younger days when you had a little more hair and a little less gray. But back when you were walking the beat, you certainly appreciated the support you got from the community. I appreciate what we have here in our law enforcement, both the RNC and RCMP.

When you have police overseeing police, or military overseeing military, it makes the public a little weary. The public doesn't like when others oversee themselves. The first thing that comes to mind is, oh, they're looking out for themselves, much like politicians, I guess. So having a civilian oversight as a part of this – and it will be someone from a legal community, someone who has great knowledge on law enforcement and the law. We've seen this in other jurisdictions.

I remember living in Nova Scotia, where I lived for 10 years. You'd hear an incident that would involve a police officer –

**MS. DEMPSTER:** I'm glad you came back.

**MR. KING:** The Member for Cartwright – L'Anse au Clair says she's glad that I came back. I am, too.

When you hear of the incidents – they had to go outside the province for any serious incidents. At the time, they would call in the OPP. Within the last few years they've actually created a

serious incident response team as well. We're following other jurisdictions such as Nova Scotia, Alberta and Manitoba.

For those watching in the House today, we talked a little about that. What determines a serious incident? A serious incident is a death, a serious injury, a sexual offence, domestic violence or any other matter of public interest that arises from actions of a police officer in the province.

Currently, the act investigates involving police officers only; however, if you look at the bill itself, there's a caveat in there that states the level of severity of an incident will be determined on a case-by-case basis. So when we say a case-by-case basis, we have other people in our society who may be marginalized. Within that, violence is disproportionately felt by women and members of our indigenous communities.

If we feel that we need to bring in our SIRT on those, we will, but we'll do it with liaison with external offices such as the Women's Policy Office and Intergovernmental and Indigenous Affairs. It gives us a broad stroke to look at not just police forces, but any major incidents involving our community here in Newfoundland and Labrador.

SIRT is going to apply to both RCMP and RNC with the ability to investigate on- and off-duty misconduct. Now, this is important because when I was an engineering officer in the navy and I was in charge of the Combat Systems Engineering Division at the naval engineering school, we always used to say to our sailors that you're always on duty. No matter what you do, whether you're on or off duty, you're a member of the public eye and that's no different to our police forces. Having that in there, whether they're on or off duty, I think is very important.

The Minister of Justice and Public Safety will be responsible for aspects such as the budget. He's not going to interfere in how the SIRT does their investigation; he's going to worry about the overall budget to do these investigations. The team will be operationally independent.

The composition of the team – and I spoke a little bit to this – the director of SIRT will be a

civilian who has never served as a police officer. They will be appointed by the Lieutenant Governor in Council for a term up to five years with the ability to be reappointed further after one term. Investigators on the SIRT can be ex-police officers, seconded officers and civilian investigators. Once seconded, the police officers will report solely to and will be under direction of the command of the director of SIRT.

A seconded officer, as the Minister of Justice and Public Safety mentioned, that's a great honour. When you are chosen to be a part of a major investigation, it's a great honour. So those people are certainly going to take that role seriously. These officers will be chosen on the basis of their expertise. It will not be a random process.

If you keep looking at this, what we are looking at is maintaining and increasing public trust. Look no further than Easter Sunday in 2015, when Donny Dunphy unfortunately was killed. We had to bring in out-of-province investigators to investigate that incident. If we had them here locally, independent of our police forces, we'd certainly gain public trust. Now, our inquiry proved no wrongdoing for the officer who protected himself, but the public trust was questioned. Having an independent civilian oversight gains that trust.

If you look at our need here in Newfoundland and Labrador – we've seen Alberta, Manitoba, Nova Scotia have their own civilian oversight agencies which are called in for investigations on police forces. Like the Minister of Justice and Public Safety said, we're looking at what they've done. He's met with all of their directors. They've been in his office.

We want to learn from them, what they've done right, what they find are the challenges, so that when we put our team in place we have the best possible expertise on the ground to provide the best oversight and determinations possible. With that, we'll be on par with other jurisdictions. It's hard to believe that only three provinces currently have one of these teams.

Mr. Speaker, with that said, I've hit all my talking points. I'm going to take my seat.

Thank you for the opportunity to speak.

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

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

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

Thank you very much for a chance to rise and speak to Bill 24, *Serious Incident Response Team Act*. It's a new piece of legislation for Newfoundland and Labrador.

It's clearly laid out in the bill; the Explanatory Notes lays out the intention of the bill. Reading right from the Explanatory Notes: "... would establish the civilian-led Serious Incident Response Team." That's what this bill is about. There's been some discussion from time to time over the years.

"The team would be responsible for investigating all matters that involve a death, a serious injury, a sexual offence, domestic violence and other matters of significant public interest that arise from actions of a police officer in the province."

Mr. Speaker, so that's what this is about. This has come up from time to time, as I mentioned, in a number of years. It was probably, if I remember correctly, back in the '90s when the Public Complaints Commission was first established here in Newfoundland and Labrador – and I should specify, it's the Royal Newfoundland Constabulary Public Complaints Commission. The Public Complaints Commission was established giving rise from similar kinds of events and public discussion about having an alternative to making a complaint about a police officer and having an incident investigated.

It wasn't the intent of the Public Complaints Commission to investigate such serious matters as this particular piece of legislation will deal with. It was more focused on the conduct of police officers. I remember occasions, I remember some of the earlier investigations and hearings that the Public Complaints Commission held and it was giving rise to conduct of police officers, either how they investigated a matter, how they took a complaint from a citizen or how they handled that complaint. Quite often what

would happen, it would be about interactions with the general public by a police officer. In some cases, police officers, being plural, it could be two.

Back in those days, it was regular or normal for – in the case of the Royal Newfoundland Constabulary – two police officers to work after 4 o'clock. I remember back in the days when there were eight-hour shifts. You would do a week of 8 to 4 and a week of nightshift 12 to 8, and then a week of 4 to 12. After your 4 to 12, you get off Saturday night 12 o'clock and you had to be back in the office at 7:30 Sunday morning to start your dayshifts for that week.

In the nighttime, from 4 o'clock to 12 o'clock shift and also from the 12 o'clock to 8 a.m. shift, police officers would always work in pairs and always work in tandem. Mr. Speaker, you've probably experienced that yourself in your time as a police officer with the Royal Newfoundland Constabulary. I certainly experienced it myself as well.

From time to time, there would be matters arise about the conduct of police officers. As I said, either by themselves or sometimes in pairs, or times when even more than two could be involved in a complaint or matters that gave rise to a complaint. Sometimes it would be where more than two police officers responded to a call for service or engaged in a call for service, or a crisis event or a matter of police response that was needed. Sometimes it could be about the response of the police in an investigation, which could have included many police officers, but it wasn't geared towards the conduct of police in such a serious criminal matter. It was to deal with breaches in the Royal Newfoundland Constabulary Act, commonly known as the police act, was their focus.

So there were times when people would say: Well, I don't believe that the police officer properly or fairly investigated my complaint. I know if I go to the sergeant or the supervisor, or if I go to the branch or the individual within the RNC who's responsible for investigating internal investigations of police officers – because that existed back many years ago when I first joined the RNC, back in the '80s. To my knowledge, that branch still exists today, and I do know that it exists today, where they conduct

investigations and they refer to them quite often as standards: Do the police officer meet the standards that are expected of police officers?

This is about serious matters involving, as listed in the act – it's actually defined under the Definitions section, under section 2 – “serious incident” means a death, a serious injury, a sexual offence, domestic violence or any matter of significant public interest they may have arisen from the actions of a police officer in the province ....”

Mr. Speaker, the act – sorry about that, that's Siri kicking in on my phone. It heard me talking and thought I was talking to the phone, so my apologies. I'll move it away from the microphone, Mr. Speaker. Hopefully, Siri won't respond to me again and start doing a Google search or make a phone call for me or something as I'm speaking. Technology, Mr. Speaker – you've got to give it to technology. Anyway, I apologize.

So the Public Complaints Commission was not about these serious incidents; it was about what is still very serious matters when police officers don't conduct themselves appropriately, a police officer doesn't execute their responsibilities in a manner that's acceptable to the standards required by police officers today, or at the time that an investigation would take place.

People even back in those days would, from time to time, have a concern about the independence of reviews. I understand how people may feel like that. They may feel like maybe the police officer didn't deal with my matter sufficiently. They want to call the supervisor and say to the supervisor, look, I'd like to talk about the conduct of one of the constables you're responsible for; maybe the conduct was of a supervisor, but they don't feel that there was an independent process to investigate the actions of that police officer.

The government of the day who introduced the legislation back in the '80s saw fit to say let's put some kind of independence here; let's create an independent process where someone can make a public complaint.

My recollection – and I don't have it in front of me, Mr. Speaker – was generally there were two

ways to get there. One is if you make an internal complaint about a police officer, it's investigated internally and you're not satisfied with the results of that, you could take the matter to the Public Complaints Commission and ask them to review the matter, review the conduct of the police officer, review the investigation that was done internally. And then determine if everything has been completed appropriately, or has been dealt with appropriately, or should further action be taken to further investigate the matter by the RNC Public Complaints Commission.

The commission is set up and has investigators. They have investigators there who can investigate either as a result of a follow-up to what the police have internally completed. Or sometimes a person can go directly to the Public Complaints Commission and say: I don't want to talk to the police anymore; I want to come to you and I want for you to conduct an investigation. My recollection is that's generally how matters got there.

Then comes the circumstances of what happens if there's an allegation or a suggestion that a police officer has breached or failed to conduct themselves in a manner that's acceptable to such an extent that it's a very serious allegation or suggestion. Again, I go back to the definition of a serious incident under the Definitions section under section 2: “serious incident” means a death, a serious injury, a sexual offence, domestic violence” – and we know all those to be very serious, Mr. Speaker – “or any matter of significant public interest that may have arisen from the actions of a police officer in the province ....” That's something different from what's been there before. We know that people expect impartiality and, in some cases, it's an absolute must from the onset.

Fortunately, Mr. Speaker, in Newfoundland and Labrador we don't see such serious allegations or serious matters occur on the level of frequency that we've seen in other provinces. But there have been very serious incidents, very serious matters that give rise to such a level of scrutiny and the public demands that. Over the years, those processes have changed, evolved and developed.

So at one point in time, it wouldn't be unusual for those internal investigations to happen internally. Then there were times when, depending on the circumstances, one of the two police agencies, the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary, would investigate the other.

There are circumstances, we know, where outside policing agencies were asked to come in to investigate a matter within the province. In all those circumstances, it's left one to question what about the independence: oh, we have police investigating police or we have members of one police agency investigating members of another police agency.

While I'm sure, Mr. Speaker, that those investigations, for the most part at least – I would fully expect them to be conducted in a way that's professional and acceptable. I remember Major Case Management used to use the phrase: full, fair and frank. I remember when I was doing Major Case Management training, training officers would say to us that when you're doing major cases – and major cases would mean a sudden death, a homicide, a serious sexual offence and serious injuries, some of the ones that would definitely fit the definition that's here – the investigation needs to be full, fair and frank in the work that you do. I'm sure that happened, but it still left a circumstance where people could question the independence of such investigations if there was a connection.

I'm not sure how anywhere you could completely eliminate such a circumstance because it is, I believe, broadly acceptable that the people who are most qualified to conduct such serious investigations, such as a death, would be police officers or police officers who have experience.

I remember dealing with Ontario and their SIRT. I can't remember the actual name of it now; I have it here in front of me somewhere. I remember working with those people in the past. They would talk about having to be independent and how they would operate and so on. Mr. Speaker, they are the ones who do the most serious investigations, especially Ontario.

They have a unit in Ontario when there are very, very serious crimes. They used to have this group, and I assume they still have it, that was a combination of police officers from different police agencies who were like the best of the best. They would investigate those very serious and complex investigations because they are the ones with the experience; they are the ones with the training.

They are the ones with the knowledge of current laws and what was expected of people and police services and what would be acceptable to courts. They're the ones who keep up to date on case law throughout Canada, rulings in courts, on investigative procedures, from interviewing, to collecting evidence, to how you investigate and model your investigation, how you strategically decide what steps are going to be taken next, how you approach different types of interviews.

It could an interview of a witness who has come forward and has information. It could be an interview of a witness who you believe has information but is not coming forward. How do you handle that interview? Or it could be an interview of a witness that you don't know if they're a witness or not, but you're going to speak to them to see if they are. There are some differences in how all of that is done and who's best able to do that, our experienced police officers.

Under this legislation, under this bill before the House, it sets up who would be the director responsible for the SIRT. Under the legislation it says that the Lieutenant Governor in Council, which is Cabinet, "shall appoint a person to be the civilian director of the Serious Incident Response Team," or SIRT, and the "person who is a current or former police officer in any jurisdiction shall not be appointed as the director."

So the director or the overseer of SIRT, the legislation lays out, will not be a police officer or a former police officer, and not only here in Newfoundland and Labrador, but in any jurisdiction. We know from our own experience and knowledge – and I think the minister referred to it today – in many provinces the director of SIRT has a law background or a legal background. It makes a lot of sense to do that

because the person in charge doesn't have that policing background. That's another level of independence.

While I'm on director, I'll stick with section 4 of the legislation: "The director shall be appointed for a term not exceeding 5 years and may be reappointed for an additional term not exceeding 5 years." It talks about remuneration and how the "director ceases to hold office upon (a) the expiry of his or her term; (b) his or her resignation in writing to the minister; or (c) his or her termination by the Lieutenant-Governor in Council" which is Cabinet, and also, that the Lieutenant Governor in Council may assign a director for one year on an interim basis not to exceed one year.

Mr. Speaker, the legislation then also talks about investigators. It lays out what a director's responsibility will be: "The Lieutenant-Governor in Council may" – Cabinet – "on the recommendation of the director, appoint investigators necessary for the purpose of assisting the Serious Incident Response Team."

It lays out: "The investigators shall be paid ... and other remunerations that the Lieutenant-Governor in Council may determine.

"The employees required by the team to carry out its powers, duties and functions shall be appointed or employed in the manner authorized by law."

So they're going to be employees of government. They will be selected and their duties – they'll be appointed as required by legislation in our province today.

Mr. Speaker, the powers of a director are also laid out here. There's also a section that talks about assistance to the agency to Serious Incident Response Team.

It lays out that: "The minister may direct a chief officer to select qualified police officers and other resources from the agency to assist a Serious Incident Response Team ...." It says under section 8: direct a chief officer. I'm not sure if that is supposed to refer to – it does actually, because the definition of a chief officer means the chief of police of an agency.

He can direct a chief of police "to select qualified police officers and other resources from the agency to assist the Serious Incident Response Team and the chief officer shall select police officers for that purpose and advise the director accordingly."

I should point out, actually, in an interesting note I made under the definition of a chief officer: "'chief officer' means the chief of police of an agency." The minister – maybe when he closes debate or in Committee we can have a further discussion on it. The chief of police for the Royal Newfoundland Constabulary is the chief of the Royal Newfoundland Constabulary. The chief of the Royal Canadian Mounted Police is the commissioner.

In the RCMP, the Royal Canadian Mount Police, it's divided into divisions. In Newfoundland and Labrador, the RCMP here is known as B Division, and the person in charge of B Division is actually assistant commissioner. He's the assistant commissioner for B Division here in our province, who is not the chief of the RCMP. The commissioner is the chief of the RCMP.

So I'm not sure if the legislation is referring to the chief of the B Division, which is with the assistant commissioner, or actually the commissioner. I'm sure the minister will enlighten us on what the desire is on that one. I'm sure he can clear that up.

Mr. Speaker, in this act – I'm just trying to pick up where I was. "The director is responsible to the minister" – the Minister of Justice and Public Safety. The director of SIRT "and the police officers and other resources assigned to them from agencies for the purpose of assisting the team."

The director is responsible also for "the direction of investigations and reporting of serious incidents involving police officers."

The director, not being a police officer, holds the responsibility to direct investigations. Not the police officers who may be assigned as investigators, but the director himself. Not a police officer has the responsibility to direct the investigation.

The director, as well, administers the budget for the team and is also responsible to the minister for “the discharge of other duties and functions assigned under this Act or the regulations.”

Mr. Speaker, the director holds a lot of authority here. The director, not being a police officer – I know the intent of it is and the desire would be by this bill and what it would create is having someone who is not a police officer who is in charge of those investigations.

As I was saying a few minutes ago, the best ones to carry out the functions of an investigation – if we think in terms of a death, and that SIRT has been tasked with the responsibility of investigating a death, I’m sure we want the best, experienced, trained, qualified police officers to investigate a circumstance as serious as a death.

Sexual offences – for an example, which is listed in the definition, sexual offences, crimes that are sexual in nature is a very specialized area. They quite often have a number of specialized training in order for investigators to lead such investigations. It’s very technical.

There are nuances, requirements, skills and training for sexual offences, that if you don’t have experience – a police officer may have many years’ experience. A police officer may have 10, 15, 20 years as a police officer, but may not have had any experience with serious sexual offences, crimes of a sexual nature, then likely does not have the training, tools and experience to investigate such a matter.

In a case like that, it would be important to have a person with such background. Under this act, the chief of police, either for the RNC or for the RCMP, has the ability to appoint or assign police officers to assist as investigators.

Mr. Speaker, my point is it would be virtually impossible to have an independent SIRT, Serious Investigation Response Team, without having that experience and training that only police officers would have, and the only background anyone would have would be a police officer best able to do those investigations. I don’t know how they would be able to function without having some level of support from police officers, and this bill allows that to happen.

Under section 8, as I was referring to moments ago: “The minister may direct a chief officer to select qualified police officers and other resources from the agency to assist the Serious Incident Response Team and the chief officer shall select police officers for that purpose and advise the director accordingly.”

It allows that the director can go to the RNC, as an example, go to the chief of police and say, look, I’m investigating this particular matter – likely the chief already knows about it – and I’m investigating in this type of matter and here’s the expertise that I need. Do you have that expertise? Can you assign that expertise to assist me in this investigation?

The director may go to the RCMP likewise – may go the commissioner of the RCMP who would be the chief of police and say: I’m conducting an investigation involving this specific matter. I need resources and, as the act says, “qualified police officers” to assist me to conduct the investigation.

The director herself or himself may not have those backgrounds. Even though lawyers may have years and years of experience and they’ve probably been involved with many cases, criminal cases of varying kinds, they may not have the actual experience themselves of actually doing the work. They may not have the training or be up to date on processes and best practices in policing so they have to rely on police officers to do that. The director can go to either the head of the Royal Canadian Mounted Police or the head of the Royal Newfoundland Constabulary to provide those resources.

It goes on to say under 8(2): “Upon consultation with the chief officer, the director may assign police officers selected under subsection (1) from the agency to assist an investigation.” That gives authority to the chief to do that.

“Where a police officer is assigned by the director under this section, that police officer reports solely to, and is under the sole command and direction of, the director with respect to that investigation but remains the financial responsibility of the agency from which the officer was selected.”

It's an important section here, again, in the spirit of creating that independence and that separation from the agency. It could happen where a member of the RNC is being investigated, the RNC has the resources available and a police officer from the RNC – what it says is if that was the case, you do not answer to your chief or your superiors while you're working for SIRT. Your response and your obligations and your direction come directly from the director.

It says, "... reports solely to, and is under the sole command and direction of, the director with respect to that investigation ...."

Now, I think it's an important section. Once that police officer is passed over or assigned to SIRT, that police officer now answers directly to the director of SIRT, the Serious Incident Response Team, under the act and not to his or her supervisors, as would have been the case before assignment.

It goes on to say, "A person shall not perform the role of a team commander or a lead investigator in an investigation relating to a police officer where that person is a member of the same agency."

I just said to you there could be a circumstance where a police officer or a resource from the same agency may be used. Well, here it says: "A person shall not perform the role of a team commander or a lead investigator ...." So we have a director, and then we can have a commander or a lead investigator and those two senior police positions within SIRT, what I'm reading here, cannot be from the same agency of the officer who is the subject of an investigation. That creates another level of independence and separation.

Mr. Speaker, it goes on: "The director may enter into agreements with an agency, the Government of Canada, the government of another province or a municipality as required to undertake the work of or related to the Serious Incident Response Team."

Provinces have a variety of resources available throughout Canada, as does the federal government, and that allows for the director to enter into agreements with some of those.

My colleague from Bonavista a little while ago talked about police officers being brought in to conduct investigations. What I read here from this is that's an option, where the director may have to bring in some resources from outside the province and enter into agreements with other provinces. Agreements with other provinces happen today.

There are reciprocal agreements, I know, in this province and there has been in the past with other provinces and amongst police agencies where a police officer may come from Ontario, as an example, come to Newfoundland and Labrador, be sworn as a police officer here and he'd be able to conduct investigations relative to matters here in Newfoundland and Labrador. So those agreements happen already. What this legislation allows to happen is the director of SIRT can enter into agreements with the Government of Canada or governments of other provinces for a similar kind of undertaking.

"On the recommendation of the director, the minister may enter into agreements with an agency, the Government of Canada, the government of another province or a municipality to allow the Serious Incident Response Team to provide independent oversight assistance or conduct an investigation." That allows for the minister to do that as well. Sometimes those agreements between provinces are done on a ministerial level.

"A chief officer shall notify the director as soon as practicable where the chief officer believes that a serious incident may have occurred." Another important section here, because it lays out if there was an incident at 10 o'clock tonight, when the chief officer realizes this falls within the definition, once this becomes law, it falls in to the definition of a serious incident, then the chief has to notify the director as soon as practical, so that the director can take over that investigation as early as possible. Now it may not be right away, depending on the circumstances. I believe that's why it says as soon as practical, but within a very short period of time, as soon as practical, the chief will notify the director.

"Where the minister believes that a serious incident may have occurred and the chief officer

has not notified the director, the minister may notify the director.” So in a case, it sounds to me like this is a safety net. There may be a reason why the chief hasn’t done that. The chief may not be available, may be out of province or otherwise not be available, and the minister can step up and do that as well.

As far as investigations go – and under section 12 is where it starts talking about investigations. “Upon notification of a serious incident under section 11” – which is the one I just read about notification – “or where the director becomes aware of a serious incident, the director may do one of or more of the following ....”

He may “arrange for an investigation to be undertaken by the Serious Incident Response Team, which may include taking over an ongoing investigation at any stage ....”

I suggest, Mr. Speaker, police may be in an investigation before they understand or become aware that it’s a police officer that may be the subject of the investigation. There may be an investigation on the go for some time before it’s known that it’s a police officer, as defined under the act, which is the subject of investigation. At that point in time, SIRT would take over the investigation.

He may “refer the matter to an agency to conduct an investigation, which may include taking over an ongoing investigation ....” The director may do that.

The director may “upon consultation with a chief officer, assign one or more police officers selected under ...” the act “... to assist or advise an agency that is investigating a serious incident or to assist or advise the Serious Incident Response Team investigating a serious incident.”

He or she can “enter into an agreement” – the director may – “to have an independent team or agency from another province to conduct an investigation.” I already discussed that briefly.

He may “direct that the Serious Incident Response Team oversee, observe, monitor or review an investigation by an agency.”

So there are certain different levels of participation available to the director depending on the circumstances, and that responsibility lies with the director. So it’s not with the minister. It’s not with a police agency. It’s the independent non-police director who has the authority to make those discretionary decisions.

As well, the director may “appoint a community liaison or observer to work with the Serious Incident Response Team in the course of an investigation.” That’s something we know more and more about, which I’ll talk about a little bit later.

May “refer the matter to the chief officer or Royal Newfoundland Constabulary Public Complaints Commission under section 19 of the *Royal Newfoundland Constabulary Act, 1992.*” The Royal Newfoundland Constabulary Public Complaints Commission I referred to earlier in my comments and actually began my discussion this afternoon referring to the Public Complaints Commission. That’s an option that’s there for the director.

I’ve previously said that when the Public Complaints Commission investigates a matter, generally they’re less serious and quite often breeches of the police act, violation of police regulations of the police act or under the policies and rules of the police service, and they can conduct an investigation in that regard. It’s not intended to be an agency to investigate a death or serious injury or a sexual offence, but there to investigate the conduct under the rules of conduct for police officers.

What the act says here is the director may refer the matter to the Public Complaints Commission, which is an independent body as well, but looks at those other types of matters as I’ve mentioned.

Can also “refer the matter under the complaints process ...” to the Royal Canadian Mounted Police, under the *Royal Canadian Mounted Police Act* because they also have a process within their own federal legislation that allows for them to conduct investigations on the conduct of their own members.

Similar to what the RNC Public Complaints Commission does, the RCMP also have their

own separate processes under their federal legislation that allows for processes – and there are a number of options – for internal investigations of RCMP officers as well. So the director, once becoming aware of the matter, one of the options available to the director may say: This is not serious to the degree that a full SIRT investigation needs to happen, but I'm going to refer the matter to the internal investigation groups of the Royal Canadian Mount Police.

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

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

Thank you.

Sorry, I apologize.

**MR. P. DAVIS:** I thought I was going to be able to sit down longer than that, Mr. Speaker.

That's an option that the director has.

Mr. Speaker, under section 13, it lays out a timeline. It says: "Not later than 45 days after an investigation under paragraph 12(a) is started, and every 45 days thereafter while the investigation is ongoing, the director shall provide an update of the investigation to (a) the minister; (b) the chief officer of the agency in which the police officer under investigation is or was employed; (c) the police officer under investigation; and (d) a person directly affected by the serious incident or where he or she is deceased, his or her family."

I think the minister again referred to this during his commentary in introducing the legislation. This section actually refers to a recommendation by the most recent Commission of Inquiry under Recommendation 34. The recommendation was: "A period of 90 days should be set as the desired maximum length of an investigation with a requirement of an interim report if the investigation proceeds beyond 45 days."

That refers to section 31. This is a little bit different, and I think the minister's commentary was that, his explanation – I don't mean to put words in his mouth, but my interpretation of his commentary was that it doesn't meet the strictest wording of the inquiry, but it meets a strict requirement. What they've got, instead of saying

a period of 90 days should be set as the desired maximum length, it's not later than 45 days after the investigation, and every 45 days thereafter the update will be provided.

I understand that. I understand why that would be because I firmly believe myself, when reading the recommendations, the period of 90 days being a desired maximum length of an investigation, in many cases, simply will not be enough time. What the minister has proposed here is to have an update in 45 days and every 45 days after that. I think that's reasonable, Mr. Speaker.

The only commentary I'd make on it, other than the deadlines, is reference to the police officer under investigation. I go back: once again, the definition of police officer means a member of an agency. I'm sure if it was more than one police officer, the same would apply, so it should probably be police officer or police officers under investigation. There may be several who may be included as subjects of that investigation. I would hope – and the minister may clarify that when he speaks again – that the updates will be provided to any police officer, not just a single police officer who may be under investigation.

Under section 14 it talks about the report. It says: "Upon the conclusion of an investigation under paragraph 12(a) or as requested by the director, the Serious Incident Response Team shall submit a report to the director in the form prescribed by the director." So that gives the director a reporting mechanism whereby the team submits the report to the director. The team conducting the investigation submits a report to the director of SIRT and enshrines that in legislation.

Under section 15: Upon the conclusion of an investigation by SIRT and receipt of the report – as just mentioned in section 14, which I just read – the director shall consult with the director of Public Prosecutions and determine whether a charge shall be laid.

So, Mr. Speaker, there is some variance on this in Canada. There are some small differences. And most of the legislation – I meant to say earlier as well that the bill before this House is, in many ways, similar to what we see in other

provinces in many, many ways. But in this particular aspect there are some slight differences to how this reporting happens. What this bill says is that the director shall consult with the director of Public Prosecutions. It doesn't say "may" or "should"; it says "shall" consult with the director of Public Prosecutions. But the director maintains 100 per cent decision-making authority to determine whether or not charges should be laid.

Mr. Speaker, that's not a lot unlike what happens in our province in policing today. In some provinces, certain charges routinely are not laid by police, but are done by Crown prosecutors. Police do their investigations, they may make an arrest, but they go to prosecutors and the prosecutors lay the charges. In some provinces that is the way it was done for many years. So it's a little bit different from here because in Newfoundland and Labrador – and most provinces and jurisdictions in Canada – police officers form the reasonable, probable grounds to lay a charge. The police officers plead the investigation and make investigative decisions, the police officers make an arrest or make an arrest and lay a charge or sometimes they don't make the arrest, they just lay the charge and a person can be summoned to court or given some form of an appearance requiring them to attend to court at a later date.

But then it's the decision of the Crown, in Newfoundland and Labrador, if they want to prosecute. So a police officer in Newfoundland and Labrador conducts an investigation, decides to lay a charge, the charge is sworn before the court, and then it becomes the independent responsibility of prosecutors or the director of Public Prosecutions in Newfoundland and Labrador to decide if they're going to prosecute the charge.

The responsibility or burden on prosecutors is a little bit different than police officers. A police officer, to lay a charge, needs to have reasonable, probable grounds. Reasonable, probable grounds are generally defined as a belief in the guilt of the accused based on a set of circumstances that if presented before, essentially, a jury would lead that jury, or an ordinary, cautious, prudent person, to conclude that the person is guilty of the crime. That's generally what it means. It means I believe if I

take all of my circumstances and I present that to a judge, or to a judge and jury, I believe they will convict a person of the charges that I'm laying. That's what reasonable, probable grounds essentially have been.

It's switched and changed in court rulings, and the Supreme Court of Canada has chimed in over the years about defining what reasonable, probable grounds are. In Newfoundland and Labrador that's what happens. A police officer lays a charge but when the file is passed over to the director of Public Prosecutions or a prosecutor to prosecute the matter in court, it becomes the prosecutor's responsibility, as part of their decision-making process, to believe there is a likelihood of conviction.

The police officer may believe there are reasonable, probable grounds, but they take an extra level of scrutiny, a higher level, a higher burden to believe if I prosecute this, do I believe there's a likelihood of conviction? And from time to time a prosecutor may say – and has said here in Newfoundland and Labrador – I've looked at the file, I believe you have reasonable, probable grounds to lay the charge, but upon their review, I do not believe there's a likelihood of conviction, or the likelihood of conviction is low.

Therefore, the prosecutor can decide I'm going to stay the charge; I'm not going to pursue it at this point in time. And staying a charge, quite often, will mean a stay for 12 months and if more or new evidence comes forward, it can be brought back or the police can bring it to the prosecutor, the prosecutor can decide, if they apply, to lift this stay. But generally, there's a 12-month period where the charge could proceed and if the prosecutor doesn't proceed within 12 months, the charge is essentially erased.

Of course, a person is always presumed innocent until convicted. So a person is presumed to have been innocent until found guilty. In a case when the charge has been stayed, they're still presumed to have been innocent as well as when a charge is laid.

But under this particular legislation, there's an extra level here where the director shall consult with the director of Public Prosecutions. So the

director of the Serious Incident Response Team, having completed an investigation and having received a report, has to consult with the director of Public Prosecutions.

It doesn't lay out here – and I'm not sure if regulation allows for it; I'd have to recheck that. But it doesn't say here what that consultation must consist of, but it says "must consult." And it's probably – not probably – it is a good opportunity for the director of Serious Incident Response Team to get a second set of eyes because having the responsibility to consult really implies that the director of Public Prosecutions also has a responsibility to consult with the director of SIRT. After that consultation happens, under this legislation the determining of a charge shall be laid rests with the director of SIRT.

The explanation I just gave you on policing in Newfoundland and Labrador is the same way. A police officer lays a charge. The director of Public Prosecutions may decide – it very rarely happens, but sometimes does – not to prosecute.

Also, sometimes the police will consult with the director of Public Prosecutions, but the police cannot ask the director of Public Prosecutions: Should I lay a charge? They can ask: If I was to lay a charge, would you prosecute? The police officer may say: I believe I have reasonable and probable grounds to lay this charge, but because of the circumstances, I'm not sure how reasonable or likely a conviction would be.

A police officer from time to time – and again, Mr. Speaker, based on my experience, which is somewhat dated now after leaving policing almost eight years ago, but what would happen and what used to happen back in my time when I was involved with investigating serious matters, that sometimes we would write the Crown and say: I'm investigating this matter; if I do lay a charge, I'm considering laying a charge, would you prosecute?

Sometimes the Crown may come back and give their thoughts. Sometimes they'll say: I won't; based on what I have here before me, I won't. Sometimes they'll say I will, and sometimes they'll come back and ask a number of questions or make some observations, but the

responsibility to lay the charge rests with the police.

The same thing happens here. The responsibility of the charge rests with the director of SIRT. The police can't have influence or the chief of police or police officer doesn't have any authority here or the director of Public Prosecutions has no authority here to tell the director of SIRT to lay or not to lay a charge. That responsibility clearly rests with the director of the Serious Incident Response Team. I believe that's adding to that layer of independence and strengthening the independence of the position of director, as other sections I've referred to here have done similar types of layering and ensuring the independence.

The police officers on the investigative team do not have any authority to make that decision to lay a charge or not. Police officers who are involved with the investigation do not. If they're commanders or team leaders, I think is the wording used here in the act, they don't have that responsibility to decide if they're going to lay a charge or not. The responsibility to lay that charge or not lay that charge lies solely and directly with the director of SIRT.

I'd even go further, Mr. Speaker, because in our country and here in Newfoundland and Labrador, the Minister of Justice can't determine who the police will investigate. The Minister of Justice can't direct policing agencies in Newfoundland and Labrador to say I want you to go investigate this. They can't send out orders to say: I want so-and-so arrested. The minister has no authority to do that in our society, and so they shouldn't.

Even though the director is appointed by Cabinet and reports administratively to the minister, the minister has no authority to direct the director of SIRT in their investigations. On the decisions – I've read some options that the director has a number of options when they become aware on how they're going to complete the investigation, what oversight they'll have and so on. The director has the authority to make that decision. At the end of it all, when it's all said and done and the investigation is completed, that director of SIRT continues to hold 100 per cent, full determination, whether charges will be laid or not. That's consistent with our justice system.

The Minister of Justice can't call the director, even though the director reports administratively, cannot call the director and say: look, I want you to lay a charge on this. It can't happen. Legislation doesn't allow it, society doesn't allow it. It's completely out of the hands of the minister or for Cabinet to have any such direction on matters of policing.

Remember, Mr. Speaker, there are three branches of government in our province, three separate and independent branches from each one. We have the legislative branch, which we are here in the House. The legislative branch of government cannot direct the Executive Branch. As the legislative branch of government, we come in here, we debate bills, we pass bills in the House, bills become law and then the Executive Branch's job is to carry out and execute that law.

The Executive Branch makes decisions about governance and leadership in the province. The Executive Branch does that. Executive Branch is the Premier and the Cabinet, and then the people who work under their control are the Executive Branch.

The third branch of government, as you know, Mr. Speaker, is the judiciary, which is our courts. Under the judiciary, no one can direct a judge on how to rule on a case or a justice on how to rule on a case and doesn't interfere with the operations of the court. Administratively they do, and sometimes in budget processes like we've seen in recent years, government may see fit to say we want to change, close down courts. Some discussion about whose responsibility is that. The chief judge has responsibility to administer the courts, not the government. There's some discussion about that.

Still, if they're an independent branch, courts or judiciary, and how they may hear evidence, what rules of acceptable evidence they make, how trials are conducted in our province and how decisions that courts and judges reach are strictly their choice. Nobody, not the legislative branch or anyone in the legislation branch, can tell a judge how to rule on a case and no one in the Executive Branch, being Cabinet or executive of government, can tell a judge. That's our three separate branches.

When it comes to investigations, we now have a layer where, through SIRT, a director has the sole responsibility to lay a charge after the requirement of consulting with the director of Public Prosecutions is fulfilled because the director of Public Prosecutions will still be responsible for prosecuting that case, as they are for any case. The judiciary, a separate branch again, would be responsible for hearing that case and control over how that case is heard.

Mr. Speaker, under this legislation as well, it also requires, on the investigative file, to be available for disciplinary authority. "Upon conclusion of an investigation" – I'm reading from section 16 – "by the Serious Incident Response Team ... the director shall provide the investigative file of the team to the chief officer of the agency in which the police officer under investigation is or was employed." A commentary note on the side of that refers to investigative file available to disciplinary authority.

At the conclusion of the SIRT's investigation, while they may not have a finding of a requirement to lay a criminal charge or serious charges, the director retains the right to take the file and pass it to the chief of police and the chief of police or the assistant commissioner for the RCMP, they hold a responsibility under legislation for disciplining the members of the police.

The chief of the RNC holds sole right of disciplinary action against the members of the RNC, the police officers of the RNC. Similarly, the assistant commissioner for B Division, the commissioner for Canada for all the RCMP, holds the authority to discipline police officers for conduct issues, when they don't abide by the standards and conduct expected of police officers.

The SIRT has this option at the conclusion of an investigation. The SIRT shall provide the investigative file – it's not an option; correction on that, Mr. Speaker, it's not an option – shall provide the investigative file of the investigating team to the chief officer and the chief officer, as noted on the note here, one of the uses of that may be for disciplinary authority.

So at the end of the SIRT investigation, they may decide they don't need to take any further action, but there may be a discipline matter that needs to be addressed, or maybe there needs to be a policy change or a change in how police officers conduct certain parts of business that may result out of that investigation.

So instead of just allowing the SIRT investigation to say, no, we're done, there are no charges being laid and it just dies on the vine, as it were, and that's the end of it, it actually goes back to the police agency and the chief and then, for the benefit of the chief, either through disciplinary or to change how police officers do their job.

Mr. Speaker, that will never change, by the way. One thing that will never change is change. That continues to happen. That will always happen. There will be progress – that's why we have legislatures because we continue to make amendments to bills, change the laws, and laws change and progress as time changes, we learn more and we have more experiences or technology and, as expectations of the public change over decades, then our job here as legislators is to change the laws, change the rules for Newfoundlanders and Labradorians. The chief has the authority to do that as well. It's policy within the chief's authority.

The legislation also refers to investigative summary: "As soon as reasonably practicable but no later than 3 months after receiving a report under section 14, the director shall provide a summary of an investigation conducted in accordance with paragraph 12(a) to (a) the minister; (b) the chief officer of the agency in which the police officer under investigation is or was employed ...." So if this is an investigation about the RNC, the director doesn't have to provide it to the RCMP. Or if it's about the RCMP, he doesn't have to provide it to the RNC; it's only to the applicable agency.

Also, a summary of the investigation will be provided to the police officer under investigation; a person directly affected by a serious incident; or where he or she is deceased, to his or her family. The summary shall be in a form prescribed by the regulations. Once the bill is passed, the regulations are made, in this case,

by the minister, which I'll get to shortly in some more detail.

The director shall submit an annual report to the minister respecting the operations of the Serious Incident Response Team and which shall include a number of things. That's not unusual either, Mr. Speaker, for those people watching, why would you have to do an annual report. Well, you do that and sometimes annual reports will comment on, well, we've been in operation for a year now and I have a recommendation on how we should change how we do business.

They should also report on the number of investigations, how many investigations were started, how many are included; the nature of each of those investigations; the result of each investigation; the number of charges against police officers laid in the year; other administrative and financial details as the minister may direct; and those other matters as prescribed by the regulations.

So, Mr. Speaker, that's a list of what would reasonably be expected to be contained in an annual report. Agencies, boards and commissions of government are required to provide such reporting mechanisms on a regular basis. Mr. Speaker, you and I and Members of this House here are quite well aware that those types of reports are tabled here in the House on a regular basis for Members of the House and for the public.

The only thing I don't see here is where the report goes. It says the director shall submit an annual report – oh, I'm sorry, it goes to the minister respecting the operations of SIRT. And I don't know if that annual report would be made public; I would expect it would. It may be a question that the minister can answer or comment on when he is closing. If he mentioned it earlier and I missed it, I apologize, but maybe he can comment on the reporting mechanism. Would the report of SIRT be made public on an annual basis?

There's a confidentially clause that applies to the director, investigators, employees of SIRT and all persons acting under the act shall preserve secrecy in respect to all the information obtained in the course of his or her duties and shall not disclose the information to another person,

except as required in connection with the administration of the act or as required by law.

So that's the confidentially clause and when I read this earlier, I was wondering to myself when these investigations get finished – and, Mr. Speaker, I fully expect that when SIRT conducts an investigation, it would be a matter under significant public scrutiny. If not in all cases, certainly in most all cases. I would be interested to know what the intention is, while there is a secrecy – and I fully get the confidentially requirement under law. But when the outcome of the investigations take place, we know that the investigation has to be reported to the minister, to the chief, to the police officer under investigation and to the person directly affected by it, but it doesn't include any type of a public reporting. I'm sure we can have discussion when we get to Committee on that as well.

I mentioned a few minutes ago about the ability of the minister to make regulations. Regulations are quite often the nuts and bolts of how things operate. The legislation that we're here in the House is a higher level and states what must be and so on. But when it comes to the nuts and bolts of how things operate, quite often we'll see that in regulations, more details or level of details. Sometimes you see regulations that LGIC, Lieutenant Governor in Council, is mandated to make. And sometimes, under this legislation, it's the minister who can make regulations prescribing the duties of the director.

Just a few minutes ago, I made a comment how things sometimes will change and vary. In regulations, quite often, we know it's a much more efficient process to change regulations than it is legislation. Legislation change has to come here to the House, where regulation change can be done by a minister. The minister, over time, may want to make amendments or changes to prescribing the duties of the director. There may be some advancements or required change as time goes on. That's the nuts and bolts of it. So the minister can do that.

Respecting notifications of serious incidents, as I just talked about, wondering if there will be public notice – well, the minister can make regulations on that – respecting investigations; respecting investigation updates, investigation summaries, annual reports; defining a word or

expression that is used, but not defined, in the act.

Under section 2 – section 2 of acts are always the definitions, and there are only a handful here: agency, chief officer, director, minister, police officer, serious incident and Serious Incident Response Team are the only definitions. So they can do that as well, and generally they give effect and purpose to the act. That's what I say, that's what regulations are about. Regulation allows the nuts and bolts of the investigation to take place.

Mr. Speaker, there is a section here on records and how records are maintained and also that the act will come into force on the day proclaimed by the Lieutenant Governor in Council. I think the minister referenced it earlier, but we can probably have some more information on that.

Mr. Speaker, I have just gone through the entire bill. It wasn't my intention when I got up today because there were some other aspects of it I was going to refer to. There are certainly consistencies with other provinces in Canada. There are some differences, small differences, but there are other provinces that have some differences as well. Nova Scotia has civilian led. It's been used here in this province in the past and this can be very similar to that.

The idea and intent of this legislation is to provide for an independent body to investigate serious incidents of police. I think government has achieved that. I have some questions arising from it that we can deal with in Committee, nothing too, too serious, but I certainly agree with the intent of the bill. We're going to look further into it between now and Committee. I'll also spend some time listening to what other Members have to say.

Mr. Speaker, I want to thank you for allowing me to speak to this this afternoon.

Thank you.

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

**MR. SPEAKER:** The Deputy Government House Leader.

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

Noting the hour of the day, I would like to move, seconded by the Member for Fogo Island – Cape Freels, that we do adjourn for the day.

Thank you.

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

It is the pleasure of the House to adopt the motion?

All those in favour, ‘aye.’

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, ‘nay.’

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

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