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Speaker: Honourable Scott Reid, MHA

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The House resumed at 6:30 p.m.

CHAIR (P. Parsons): Are the House Leaders ready?

Okay. Just a reminder now, we are in Committee of Ways and Means discussing Bill 48, An Act To Amend The Revenue Administration Act No. 4.

Order, please!

The Chair recognizes the Government House Leader.

MR. CROCKER: Thank you, Madam Chair.

We call from the Order Paper, Motion –

CHAIR: We are in the Committee of Ways and Means still. That's where we left off. We're still here.

MR. CROCKER: Right, so next speaker.

CHAIR: We left off at you.

MR. CROCKER: We left off with me, so ...

CHAIR: Okay, you're finished.

The Chair recognizes the hon. Member for Torngat Mountains.

MS. EVANS: Thank you, Madam Chair.

I'm sorry. Language is very, very important.

I already spoke on this bill previously, but I have a few more comments. Just looking at this bill now, one of my biggest concerns with the tobacco industry is we have to learn from the past.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Just a little order, please.

I'm having trouble hearing the speaker.

MS. EVANS: It's like a zoo in here, Madam Chair – see.

Sorry about that, Madam Chair, it's like a zoo in here. Thank you for restoring order.

Just speaking on this bill, I'm in total support of this bill. There's a lot of value in this bill and I think what it is, is we're learning lessons from the past. We just have to look at the history that we've had with cigarette smoking and basically all the harm that it's caused in the past. Not only was harm created to our citizens from the impacts of smoking, but a tremendous cost on the health care system as well for people who'd gotten sick because of cigarette smoking.

One of the things that I am concerned about is all the lessons that were learned from the tobacco industry in terms of advertising and in terms of actually getting people to purchase their products is now being used with vaping. We look at methanol cigarettes. I never really smoked so – methanol cigarettes, a lot of times people were smoking methanol and they didn't really realize the harm that was being caused. Now we have people who are vaping and they don't really know the harms and effects that it's causing to their health.

When I was looking at the research before I noticed that in Canada and the United States, there's much more nicotine in the vape than in actual fact that's over in the United Kingdom. I think that's something that we should be looking at as well is limiting the amount of nicotine because nicotine is really what's addictive about vaping and about cigarette smoking. That's something that we need to look at as well.

One of the things, on a personal note – and I think everyone here probably has similar experiences – is in this day and age, in 2020, we expect people to have learned that cigarette smoking is bad for you. It's bad for your health; it's bad for your overall wellness, and there's really no reason now for people to smoke. But I think most people here have had some disappointment when they come across a young person and see that young person smoking.

Actually, it happened to me on my last – I was going to say my last turnaround – on my last trip to my district. I was waiting and it was a young person that I'm friends with and he was out on the steps – that's how we talk home; he was out on the steps. I was thinking: What's he doing out

there? It's pretty windy; it's a little bit of rain, and I looked out and this is a young man, probably about 21 years old, prime of his life, super athlete, hockey, badminton. Any kind of sport he's really good at. He was actually standing out on the steps, on the deck, having a smoke. I thought: Do you know something? We haven't learned.

I was going to go out and talk to him and I didn't. I said: Okay, I'm going to see him later – we were travelling together. I really should've made the time, and I have to make the time to talk to him about smoking and how harmful it is. Just I think it was about two days ago, I saw him post on Facebook – now, he's only 21 – about he's trying to quit smoking and it's really, really hard, but he's going to do it. I thought: Have we learned anything? This is the cycle again of somebody picking it up, getting addicted and then now they're struggling to quit. Haven't we learned anything?

That's cigarette smoke. We're not sure exactly what's going to happen with the vaping, but the vaping with all the really nice smells and the taste that comes with all these additives now, it's going to be really, really difficult. And now they're targeting even younger. That's something that I really think needs to be addressed.

I only have half my time left, but one of the issues that I wanted to talk to a little bit was health care in my district. I've never really gotten a chance to emphasize here the importance of the availability of medical care in my district. I've already talked about the Nain airstrip not having night lights so that we can't actually medevac somebody after dark. The Minister of Transportation and Infrastructure did mention about having to get search and rescue in, if needed, but in actual fact a lot of work goes in to trying to stabilize a person. Then, if they need to be medevaced, then making arrangements for search and rescue at the last minute can mean the difference between somebody living or dying in my district.

That being said, I want you to make a correction. I'm going to take a couple of minutes here to actually correct it. When I was speaking on the Nain airstrip, I talked about Nain, Labrador – Nain, Nunatsiavut – being the only community,

the only clinic on the North Coast of my district that had ventilators. I said that they had two ventilators. I want to correct that. That's actually incorrect.

The information I was given in the spring when I was concerned about COVID, I was told that there were two ventilators on the North Coast in Nain; no other communities had ventilators. That's necessary for advanced cases of COVID. So, in actual fact, no community in my district has a ventilator. If somebody is struggling to breathe, they can't ventilate them. Then what can happen is the weather is bad, it's dark in Nain and people will not be able to actually get access to this medical service that we so importantly need.

The other thing I was going to mention, too, is in the community of Postville there's only one nurse. I've gone back and the AngajukKâk from Postville has gone back, we've checked. We've been trying to see if it's possible to have a second nurse because it's creating a lot of issues. I was told it's based on population. I can accept that but I find there are other clinics in Newfoundland and Labrador that have a similar population that actually has two nurses.

If you look at Postville, there's no road access. So if the weather is down, there's no way you can get help in to assist that one nurse; there's no way you can get a person out through medevac, which is weather dependent on the flights. When you look at Postville, it's very, very vulnerable.

Another issue impacting nursing in Postville is retention. It's really difficult to retain a nurse and the reason why: There's one single nurse in Postville. There's not a backup nurse waiting to change shift, there's just one nurse. To add on top of that, there's no RCMP presence. There's been very little RCMP presence since I got elected. In the middle of the night if there's some trauma or there's a fire or a big accident or whatever, that nurse has to go out and look after the patients, try to restore order, try to actually stabilize and try to do triage.

In actual fact, the RCMP officer in that type of situation is not about enforcement, it's about professional services, professional support to a nurse that's struggling to save a life, that can

actually take care of a medical crisis. No professional support – none, none, none, none – because the RCMP officer that we were promised for 20 days out of the month is not there and has never been there since I got elected. Comes in for a couple of days, comes in on a boat ride, comes in on the flight and leaves again. That is a lack of not only enforcement but professional assistance to a nurse.

I'm not talking about COVID. You add COVID on top of that, you add a crisis in the Postville situation where a nurse gets called out; you get a nurse that has to deal with a situation at night, then in the morning she has to go work; fatigue: All these things impact a nurse and it's impacting my community because we don't have road access. We can't actually have an ambulance go to Postville when the weather is bad. We can't have a police car go to Postville when the weather is bad.

I'm directing my points to you. I'm sorry; I'm looking at you kind of hard. I apologize but it's very, very emotional. The thing about it with my district is medical care is essential, but what's important is medical care that the rest of Newfoundland and Labrador is getting is essential for my district.

Thank you, Madam Chair.

SOME HON. MEMBERS: Hear, hear!

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

MS. COFFIN: Thank you, Madam Chair.

This is a wonderful opportunity. I'm going to talk a little bit about the smoking tax as well as the vaping tax.

Just to give you some indication, I used to play football and there was a gentleman that played football with me. His job was to snap the ball back to the quarterback. He'd walk out and line up with a smoke in his mouth. He'd get to the starting line; he'd have a couple of draws; he'd put the cigarette down and he'd hike the ball, pick up the cigarette, walk two steps and catch it perfectly. It was really something to watch.

You think that athletes don't always smoke so much; in fact, they do. I have to admit that this person was older than I am and I'm sure that he has tried to quit numerous, numerous times and had just failed repeatedly. I bring that story up because I want to make reference to the commitment that someone has to smoking.

Another quitting story: I had a boyfriend one time who was an enthusiastic smoker. He went through the process of, I'm going to try to quit. One morning he had been quit for long enough. I got up and I started making toast and somewhere along the way I made the toast wrong. At that point, I went: Just go smoke again, will you, because I know I'm not making toast wrong; it's pretty basic.

Madam Chair, the reason I wanted to talk to this today was more about why we have taxes. There is a variety of reasons why one might put a tax on a particular good or institute tax for a particular reason, one of which is to raise funds. That's essentially what we're doing; we're raising money to put it into general revenue.

Another way we can have a tax is to discourage consumption of things. We see that with smoking taxes and we see that with the tax on vaping goods. Another thing we do is we impose taxes for a redistribution of income. Often we see that in terms of things like a wealth tax or an income tax. It's designed to redistribute income from people who tend to have a little bit more money and can afford to buy extra stuff for themselves into individuals who are less able to do that. It evens out the income in our economy.

When we're talking about vaping taxes and smoking taxes, that's essentially what we call a luxury tax. It's a tax on something that is a luxury. It's also a tax on something that is an addiction, so we're in this weird space where it is a bit luxurious to smoke because it is very expensive to smoke. Sometimes people will smoke just to – this is my peace of mind, this is my one little treat for the day. There are others who are horribly, horribly addicted to smoking. When we put taxes on cigarettes and vaping products, we are essentially putting on a luxury tax. It is designed partially as a smoking deterrent and partially to add to general revenues or to raise funds.

If we think of putting taxes on smoking and vaping, it's not really a deterrent if it is something that we are incredibly addicted to. What it is in fact is a self-perpetuating cycle of I'm addicted to it but it's very expensive. It takes up the most of my income, but I still can't get rid of it, so I must continue to smoke. It becomes just a vicious, vicious cycle. In fact, what I have heard is if you have higher levels of education, if you have a higher income, quite often you have access to other smoking cessation products. Several studies I read – and I can quote from one in particular: Smoking is now a tragic habit of the poor. That is rather disconcerting because these are the people who are least able to afford to smoke.

The other study I read talked a little bit about the lower the income and the employment status of an individual, generally the higher the rate of smoking. This goes for societies as well as individuals in general. The general overall assumption is that you will have higher rates of smoking when you have lower income and lower employment status. That is very, very disconcerting. We are essentially taxing individuals for having an addiction.

The other thing that causes me some concern is when we are raising these taxes, we know that we want smoking-cessation programs. I haven't looked up exactly how much money we are spending on our smoking-cessation programs, but I did a little bit of math on how much money our cigarette tax will generate. Turns out, some of the numbers that I found are men: there are 48,000 men in Newfoundland who smoke and they smoke an average of 24.2 cigarettes per day; women: there are 42,000 women in Newfoundland and Labrador that smoke and they smoke on average 12 cigarettes per day.

You do the math of this and it turns out that we smoke about 609 million cigarettes in Newfoundland and Labrador. You multiply that by the tax that we're getting, which is 29.5 cents per cigarette, and we're looking at revenues of about \$180 million. I can pretty much guarantee that we are not spending \$180 million on smoking cessation or smoking deterrence. The addition of this tax on smoking, on cigarettes, turns out that we're actually getting \$55 million more in revenue by taxing smoking. Again, here's where the incongruence comes in: We're

not spending as much money on smoking cessation or helping people quit smoking than we are in the money that we're raising.

At the same time, remember I had said smoking is now a tragic habit of the poor. We are actually taxing individuals that are least capable of managing this tax. These people are individuals who have often lower levels of income, who are least able or have a smaller capacity for any other discretionary income and they are being caught in this horrible cycle of having to pay more for something that they are unfortunately addicted to, and not being able to break from that because they don't have access to those same programs. Just think: There are a whole pile of help-you-stop-smoking medications out there and programs out there, many of which are not accessible to individuals without health care plans.

This is where, I think, if we are turning to smoking as a way of raising revenues in our province but we're not doing the things to help people stop smoking, then we're also contributing to a whole pile of other negatives. Those things include: cancer, heart disease, stroke, lung disease and COPD. All of which, I will point out, are comorbidity factors for COVID-19 severity. When you start thinking about all of these things coming together, we are creating a mix of unfortunate effects that is going to be very difficult to parse them out into separate piles and be able to solve these problems. We need revenue – absolutely. We need people to stop smoking – absolutely. But this revenue is being generated from an addiction and that is not the right way of going about this.

If I go over to vaping, I didn't speak on the vaping tax or the vaping deterrent, but I did note – had I been given the opportunity – if we want to deter young individuals from vaping, I suggested perhaps we only allow vaping on metro buses because I will guarantee you that teenagers and high school students will not get on a metro bus. If they're only allowed to vape on metro buses, we'll either increase ridership or we'll stop vaping altogether. However, that is likely not going to be the case and that's just a silly example of what we might do.

The other thing, for anyone who has tried to quit smoking, if you thought about it a little bit, I can offer one suggestion here that may or may not help. You smoke for two reasons: (1) you have a habit and (2) you are addicted. That addiction paces the nicotine and the toluene and the benzene and all of the 'enes' that they put in cigarettes, as well as the formaldehyde. Then that habit part is: I'm in a daily pattern, I'm having my first coffee of the day, I'm having a cigarette, I'm going out with my buddies, I'm having a beer, I'm having a smoke. You have these patterns, you fidget. Break those two. How do you break those two? Start smoking clove cigarettes or rum cigarettes or things that don't have nicotine in it and so you will break your nicotine habit while you maintain your fidgeting habit. Eventually, the nicotine habit will be gone and then you can break your fidgeting habit. Hopefully, that is a reasonable way to stop smoking.

Thank you very much, Madam Chair.

CHAIR: Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Any further speakers?

Seeing no further speakers, shall the resolution carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, resolution carried.

A bill, "An Act To Amend The Revenue Administration Act No. 4." (Bill 48)

CLERK (Barnes): Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 8 inclusive.

CHAIR: Shall clauses 2 through 8 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 8 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Revenue Administration Act No. 4.

CHAIR: Shall the long title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the resolution and a bill consequent thereto, carried.

CHAIR: The Chair recognizes the Government House Leader.

MR. CROCKER: Thank you, Madam Chair.

I move that the Committee rise and report resolution and Bill 48.

CHAIR: The motion is that the Committee rise and report the resolution and Bill 48.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

MR. SPEAKER (Reid): The hon. the Member for Harbour Grace - Port de Grave.

MS. P. PARSONS: Thank you, Mr. Speaker.

The Committee of Ways and Means have considered the matters to them referred and have directed me to report that they have adopted a certain resolution and recommend that a bill be introduced to give effect to the same.

MR. SPEAKER: The Chair of the Committee of Ways and Means reports that the Committee has considered the matters to them referred, have adopted a certain resolution and recommended that a bill be introduced to give effect to the same.

When shall the report be received?

MR. CROCKER: Now.

MR. SPEAKER: Now.

On motion, report received and adopted.

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

MR. CROCKER: Mr. Speaker, I move, seconded by the Deputy Government House Leader, that the resolution be now read a first time.

MR. SPEAKER: It is moved and seconded that the resolution now be read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: *"Be it resolved by the House of Assembly in Legislative Session convened as follows:*

"That it is expedient to bring in a measure respecting the imposition of taxes on vapour products."

On motion, resolution read a first time.

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

MR. CROCKER: Thank you, Mr. Speaker.

I move, seconded by the Deputy Government House Leader, that the resolution be now read a second time.

MR. SPEAKER: It is moved and seconded that the resolution now be read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: *"Be it resolved by the House of Assembly in Legislative Session convened as follows:*

"That it is expedient to bring in a measure respecting the imposition of taxes on vapour products."

On motion, resolution read a second time.

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

MR. CROCKER: Mr. Speaker, I move, seconded by the Deputy Government House Leader, for leave to introduce a bill entitled, An Act To Amend The Revenue Administration Act No. 4, Bill 48, 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 Government House Leader shall have leave to introduce a bill entitled, An Act To Amend The Revenue Administration Act No. 4, Bill 48, and that the said bill now be read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Revenue Administration Act No. 4," carried. (Bill 48)

CLERK: A bill, An Act To Amend The Revenue Administration Act No. 4. (Bill 48)

On motion, Bill 48 read a first time.

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

MR. CROCKER: Thank you, Mr. Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 48 be now read a second time.

MR. SPEAKER: It is moved and seconded that the said bill be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Revenue Administration Act No. 4. (Bill 48)

On motion, Bill 48 read a second time.

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

MR. CROCKER: Thank you, Mr. Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 48 be now read a third time.

MR. SPEAKER: It is moved and seconded that Bill 48 now be read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Revenue Administration Act No. 4. (Bill 48)

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

On motion, a bill, "An Act To Amend The Revenue Administration Act No. 4," read a third time, ordered passed and its title be as on the Order Paper. (Bill 48)

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

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

I call from the Order Paper, Motion 10.

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

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

I'll just take a few minutes to start the conversation on tonight's –

MR. SPEAKER: The motion has to be moved and seconded.

MR. CROCKER: I'm sorry, Mr. Speaker.

I move Motion 10, seconded by the Deputy Government House Leader.

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

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

I'll just take a few minutes to introduce this motion a little further as we move into some debate on it this evening. This is the concurrence

of the House with the *Lester Report*, dated September 24, 2020, and it's done under section 39 of the *House of Assembly Accountability, Integrity and Administration Act*.

Mr. Speaker, this issue arose in April, I do believe, and there are subsequent dates through July, August and even into September. The findings of the legislative Commissioner, in this case, were a violation of two parts of our principles in the House of Assembly – principle 5 and principle 6. You can see, Mr. Speaker, from reading the report and some of the actions that were taken here, there are consequences. We as a government have put forward a resolution, actually, that has a number of those consequences.

I'll just outline those: The Member is to stand in his place and unequivocally apologize to this Assembly; submit an unequivocal apology in this Assembly in writing; submit an unequivocal apology to assistant deputy minister Keith Deering, director of Agriculture Production and Research, Dave Jennings, and conservation officer, Scott Martin, in writing; again, meet with the Commissioner for Legislative Standards and, before January 1, 2021, establish a blind trust; and provide written confirmation from the Commission for Legislative Standards that the Member has established said trust within the time frame that's outlined in the resolution.

Mr. Speaker, I guess in my time here in the House, this is probably the second or third time we've dealt with such issues. I don't think there's anybody who takes joy in these issues. These are issues that are important for us to deal with and important that we always learn from them as we move forward.

When you look at this case, it's been laid out quite well for anybody who's had the opportunity to actually read the report. There are some things that happened post- or pre-laying out the report that are a little concerning, but, again, if we follow the resolution tonight as it is proposed, I think we will achieve what the Commissioner for Legislative Standards set out.

Mr. Speaker, when you think about the consequences here this evening – and I believe it's important, as we lay this out – one of the consequences is the blind trust. Just for those

who aren't familiar with a blind trust, a blind trust is designed so that a person in a circumstance that might sometimes be vulnerable because of their interactions – it sets out some guidelines, most of all for protection of that individual as much as protection of a government. I would encourage anybody that doesn't understand what a blind trust is certainly to go and look at the definition of said trust.

I guess in previous debates here in this House we've heard a lot of comments and *Hansard* actually has a great memory. I won't belabour that point right now, Mr. Speaker, I'm not sure that I need to at this point of the evening.

At this point in time I'm going to turn the conversation over to the House, and, Mr. Speaker, we will hopefully bring this to some resolution.

Thank you.

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

MR. BRAZIL: Thank you, Mr. Speaker.

It's an honour, again, to speak in this House as we reflect on the roles and responsibilities we have as elected officials in the House of Assembly. We are, at times, held to a higher standard in society probably than some other entities or individuals, and we agree to that. When we sign on as politicians we realize the scrutiny we fall under and the microscope we're under is somewhat broader than the normal general public. Sometimes inadvertently, things that you would think would be the day-to-day activities or the day-to-day interactions are found to be somewhat less acceptable as you have the title of an MHA, based on the principles of the responsibilities that also goes along with that title itself.

There are different degrees of your ability to influence things in the House of Assembly, but that's why the rules are written for all of us across the board equally and we all must adhere to them. I know we aspire to do that. There are times we're probably being overzealous for our constituents, being very passionate about a particular piece of legislation or a program or a policy that may inadvertently cause us to not

think in the same mind frame that we would normally when realizing we're dealing with people outside the House of Assembly, we're dealing with bureaucrats, we're dealing with the general public and our mannerisms and our actions may be interpreted differently and may say something different than what the intent was.

I know looking at the report of my colleague here and reading it, no doubt we have responsibilities for our actions and our words and our discussions with individuals. No doubt, there are times we may not realize that we're being a little bit more assertive than we should have been, or we're outlining our responsibilities and our interpretation of what we feel should be the right move forward that may be interpreted differently.

Having the title sometimes by bureaucrats and the general public does add a certain sense of intimidation, which is never meant to be that. At the end of the day, some may feel intimidated more so than others and that would never be the intent of what's here. So we have to be so cognizant of that. We have to be cognizant of the fact that people's interpretation of ours may be totally different than our own interpretations of our own selves and our own actions. As a result, we are accountable for everything that we say and every action that we take.

Looking at my colleague and knowing my colleague and reading the allegations, but particularly reading the information that was supplied and seeing that a number of the individuals involved didn't feel that there was anything untoward in any way, shape or form; that the individual himself didn't gain financially in any way, shape or form, and the Commissioner has identified that. The Commissioner may have identified that there was perhaps the situation may have lent itself that one of the individuals involved felt somewhat uncomfortable in the situation.

We have a responsibility to do that. We have a responsibility to be very cognizant of not putting anybody in that predicament. Again, we're only human, we try to do to the best of our ability what's right and just and try to ensure that we're fulfilling our responsibilities and our duties. There may be times when the interpretation or

the misinterpretation or the inadvertent loss of judgment at one given point might make somebody feel a little bit more uncomfortable. There may be that fine line between where it is that you're outlining a concern to somebody taking that as if you're being a little bit more too assertive than you should've been. So we have to have that balance and we have to find where it works best for people.

Knowing my colleague, knowing his reputation for working and volunteering in the communities, knowing his background, particularly in the department that he was dealing with – he has a vast background so he would be quite aware of various programs and policies coming before politics that he may not have always agreed with and that probably his colleagues in that industry would have themselves thought would not be the most frugal or beneficial to the industry itself. Sometimes you have a responsibility to outline those concerns from people that you know could benefit or, particularly, could be hurt by a particular policy or program.

So when you weigh all these things together, there becomes a fine line between going out and expressing your views, expressing your concern to how they may be interpreted. Again, I'm not in any way, shape or form trying to say that there's a leeway for it; it isn't. We have to be so cognizant of how we make people feel in our interactions, particularly when we're dealing with civil servants. They're too valuable to the people of Newfoundland and Labrador. They're too valuable to us in our support mechanism and they're hired to do a job.

We know they give the best foot forward to ensure that programs and policies that are put forward and 99 per cent of the programs and policies that people are implementing, they probably had very little to do with the design of those or the implementation of those, but they are following their responsibilities to ensure, here are certain criteria, whether or not they believe that they're the best criteria possible or do they believe there is need for changes. That's not at their leverage to be able to say it should change one way or the other.

Sometimes I've personally done it, particularly as a former civil servant. When I became a

politician, I thought I would change the world. I thought there were a number of policies that I didn't like and I would have those discussions with former colleagues of mine or other civil servants about where I thought they should change. I would have hoped that in no way, shape or form did I think I overstepped my boundaries in being assertive or saying that there was a fallout in any way, shape or form. I'm convinced that my colleague did the same, that he was outlining his concern around certain issues.

But again, certain mannerisms or certain words can be taken by other people as different interpretations. What I see as one colour can be somebody else seeing it as a different colour, so we have to be extremely cognizant of what we're doing here. We have a responsibility. A number of times in this House, Mr. Speaker, we've had debate around what's acceptable behaviour, where the line is if somebody is overstepping their boundaries when it comes to their authority, if there are things that we think might paint all politicians in a negative light and get the general public to question our own credibility.

We have responsibilities here. It depends on how we use those responsibilities. There are different degrees of what you're responsible for in this House of Assembly. There are different degrees of what types of restitution would have to be paid, depending on your actions. They have to be weighed based on the merits of exactly those actions taken, the responsibilities you had at the time, and the impact it had on individuals that were engaged.

We have to be cognizant in what we do. One, we have to be cognizant as the politicians and our responsibilities, but the rest of us have to be cognizant at the same time on what we feel when we make determinations. In this case, if there's some type of punishment, for want of a better phrase, that has to be put in place, that is reflective of what the situation was, but in particular, what impact it had on people. That's what we have to be cognizant of. We can't compare apples and oranges, because, Mr. Speaker, that's not fair in any way, shape or form in society.

You have to compare things based on the merits of what they are; the impact they've had; the intent, particularly, of what the whole situation was about. As I read the report, the Commissioner talks about – there were a number of allegations made there, but he talks about in most cases, with the exception of one, that there would be no intent for anything to happen and that there would really be no impact on any of the individuals involved. In only one case was it seen that there may have been a feeling that they were uncomfortable with the way the discussion had gone around a particular policy.

While, again, I'm not trying to minimize it, because we are responsible and we do have to take responsibility for our actions and we do have to accept that we have a different process here. When we have the Commissioner for Legislative Standards and there's a process of being able to make a complaint from a colleague here to the Commissioner or for somebody outside, based on the principle of violating one of the codes of conduct. If we do that the process is supposed to be fluent, that it's investigated, that all are interviewed, and that all the evidence is presented. That may not always be the case in how things are done, but that's the process that's supposed to be followed here.

In this case, I feel the evidence was put forward; all sides were given an opportunity to outline their issues, what went on and transpired during the process. Then, the Commissioner took an assessment of that and then determined at the end of the day that there would be, from his perspective, a minimal restitution by the Member for violating one part of the Code of Conduct as such. And that those involved didn't seem to be, in any way, shape or form, adversely affected by the discussion that went on and the situation that was looked into.

Again, while I reiterate that we all have responsibilities, we have a bigger responsibility in this House to do the right thing. Sometimes the right thing is looking at the evidence as it is, not as you would want it to be, and comparing it based on what would be right and just in the situation and what would be acceptable. What the Government House Leader has presented for the hon. Member to do in restitution for this violation of the Code of Conduct, I feel, is in order. I can say he's already, in my opinion,

dealt with most if not all of them, with the exception of an apology to the House. In my understanding, he's reached out and spoken to some of the individuals involved, even prior to the report coming to the House. I know he's already had a conversation with the Commissioner about the blind trust to ensure that everything is equitably put forward.

It was mentioned here by the Government House Leader that it protects the general public, but it also protects the individual. It protects the elected official from ensuring that their business entities cannot be, in some way, shape or form misconstrued, that there's something that they may be taking advantage of. In no case here was that seen in any way, shape or form.

I do ask that we have an open discussion here. I do hope that we keep it very civil. I hope we stick to the issues of this particular case. I hope, at the end of the day, we realize we all have a responsibility here to ensure that honourable things are done in the House of Assembly. Regardless if people agree or disagree on the past in the House of Assembly, Mr. Speaker, we have to agree that we need to set the bar that's acceptable, the bar that's realistic and the bar that's based on the facts of the evidence that's presented to us.

On that note, I do ask that the House have a good, very civil, very professional debate on this. Mr. Speaker, hopefully then we can move forward and ensure that we all learned a little bit more about our own responsibilities in the House of Assembly.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Immigration, Skills and Labour.

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

May I begin by thanking the Commissioner for Legislative Standards, Mr. Bruce Chaulk, for his work on this particular issue. This is important. It's important work and it's been done well.

I also want to say a thank you to the Member for Mount Pearl North. He obviously has received the report and has handled himself very

honourably and very appropriately. I say that very deliberately, Mr. Speaker, because we are all hon. Members. The moment that we forget, when we try to partition each other or to discriminate against each other as being somehow dishonourable or assumed to be dishonourable, we lower the integrity and the honour of the entire House. I do want to say how much I've appreciated sometimes testy exchanges but friendly exchanges with the Member for Mount Pearl North.

We're at a point today where an action simply had to be taken for two reasons; one is that as the evidence will indicate, there was a sense of uncertainty, apprehension and potentially perceived intimidation by senior government officials. They were unaware or just uncertain and concerned about their interactions with a Member of the House of Assembly.

I have to say, Mr. Speaker, my duties as a minister – my duties as the minister at that particular time, as they would be of any minister at any particular time – would be to protect the interests of your staff. They need a voice. Staff, a senior executive to any member of the civil service of the Government of Newfoundland and Labrador, need a voice and need protections.

You can appreciate, Mr. Speaker, that it is difficult for the head of the civil service, whether it be the Clerk of the Executive Council or a deputy minister of a department, to make some sort of assertion or confrontation with a Member of the House of Assembly on a concern or allegation. There is no conduit or avenue for that, for a member of the civil service, whether they be the top civil servant in government, the Clerk of the Executive Council or anyone else – a deputy minister or an assistant deputy minister – to have a format, a forum, for communicating with a Member of the House of Assembly about a concern about interactions with the department.

That's one of the reasons why Mr. Chaulk – well, more specifically, why the Commissioner for Legislative Standards – is with us as an Officer of Parliament, an Officer of the House to be able to provide some resolution, some adjudication and some recommendations to matters such as this, and he has done so.

The House will also note that at no point in time was anyone ever made aware that a review was underway, except for the complainant, the MHA and whatever testimony or witnesses the Commissioner sought to seek out. I say that very deliberately, Mr. Speaker, because as we know if you were to act on the principles that we are all hon. Members – we know in this world that accusations appear on page 1, rebuttals appear on page 5 and corrections or retractions or whatever appear on page 30.

Sometimes the complaint is the thing that is weaponized. That should never happen. That's one of the reasons why no one knew of this complaint until the recommendations or the review was tabled. I say that very deliberately, Mr. Speaker.

We are all hon. Members, and while at times swirling around us is a tempest of cynicism, contempt and just outright disregard for our own humanity, there are people who try to dehumanize us. Not the majority, but there are a cadre of people that would be very content with taking away each and every one of our humanity and reducing us to something smaller than what we are. We are all human and we all make mistakes, each and every one of us.

With that said, the tone of this discussion is far more improved than the tone that I've heard on other occasions. This issue tonight is not just about determining what is the right course of action on this particular complaint or issue; it's about how we, as a House, deal with these matters. Do we torque them? Do we let the tyranny of the majority be imposed upon the minority?

When you're a government and you have a majority as a government, you can do some awful things to the minority. It doesn't make it right. In fact, we're judged by that and we should be judged by that. We should have a process in place which judges issues on their merits, doesn't politicize them, doesn't weaponize them and deals with them honestly and sincerely on the weight of what they're worth. We have an expectation of a higher standard. We know that, we need to act on that. But we can take a lot of time and a lot of energy to reducing the integrity of this House by our own actions.

This debate is now taking a much more measured tone than what I have heard in the past. My hope, Mr. Speaker – and this is an old fool who's been around for 25 years. I've seen how this place can work, I can see its highs and I can also forecast its lows. What we need to do is, if we truly believe this is an hon. House, which I think we do – every one of us does – I think we need to display that in our own actions. While I could use this, some other Member could use as a pylon and say: Ha, ha, ha, got you now. Let's not do that. Let's measure the issue on its merit.

Mr. Speaker, this report is instructive. It does give us some insight as to how Mr. Chaulk views certain issues. It does give us insight as to what we, as parliamentarians, as legislators, can – how we should interpret the act. It is fair to say that – I think, based on my reading of the report – Mr. Chaulk takes a particular interest in financial interests as opposed to other interests. It is really important to recognize the balance of the intent. I think Mr. Chaulk reviews that very thoroughly and I think that we can take that away.

What I will say is that I raised these issues because I thought they were legitimate and genuine, but sought a review by a competent Officer of the Legislature. I think it is remarkable that the Commissioner said – and I'll just read from the executive summary: "It is not my duty as Commissioner to review any penalty or recommendation that departmental officials have decided upon in relation to an individual or entity's participation in a government program." And an MHA's participation in a government program. I think that's instructive. It's interesting and it's instructive that all MHAs can take way.

He also indicates that it's no consequence that an MHA engaged a peace officer in a particular infraction of non-criminal matters, regulation or statutory performance of certain things. I think that's instructive. I may have a different view of that, but it's instructive that the Commissioner for Legislative Standards feels this way. So we can all take this as precedent. It is important because, do you know what? That's the thing that matters. My opinion doesn't matter. It's the Commissioner's opinion and his findings. That's what matters.

The Commissioner's preoccupation was largely on matters of financial interest. I think that's fair to point out in the course of the report. That would be my summary, not his.

If I were to offer suggestions, I am concerned about certain elements in this, which are that through no fault of their own, through no intention of their own, through no desire of their own, senior government officials were drawn into this. The assistant deputy minister of Agriculture and Lands as well as the senior director of agricultural development were drawn into this. During the course of the report – because, of course, they were communicated to by the hon. Member. That's some of the points the Commissioner found to be in contravention was not only the act of communication, but the style of communication, what the overall perception of reality may have been.

I am concerned that the reader of this report may have been left with an assumption that there were some faults or frailties on the part of senior executive of government officials. Mr. Speaker, let me say: There were none. There could be no findings that either the assistant deputy minister, Keith Deering, or the director of agricultural development, Mr. Dave Jennings, should in any way be faulted. If I did have one concern that there could be – and this is where I think it would be helpful if we were to review the process of how these reports are done. It would not be unhelpful for Mr. Chaulk to appear before us in Committee of the Whole, or some forum, to be able to answer to his report because there is some indication that there was some hearsay that was adopted within the report.

Mr. Speaker, before anyone notches this up, the intent of this is to get a better report. If there are going to be findings – like, for example, there were things that were referred to in the report that could not be tested. They were provided by third parties that were never actually tested for fact that I'm aware of. That being the case, we should all be very careful about third party hearsay being adopted within a report.

I would really appreciate some consideration of that and make no allegations against Mr. Chaulk – none whatsoever. His report is his report and it stands on its own. It is important, I think, in due process that if things are adopted within a report,

that explanation can be provided, questions can be offered.

I can tell you, Mr. Speaker, that is not unusual. I am a decade-long veteran of a different standing committee of Parliament in Ottawa in federal governance: the public accounts committee, where the Auditor General of Canada is regularly called before the committee to defend and answer to his reports or to explain his or her reports. The commissioner of languages – all officers of Parliament are always called before a parliamentary committee to answer to their reports.

If I were make one suggestion – because this is what this is all about. This is not just about the MHA for Mount Pearl North; it should not just about that. It's about how do we make a better system and how do we apply our own rulings as a House, as a body, whether you or I are a Member of that House in the future or not. How does the House establish a jurisprudence, sort of an established way which is consistent and fair minded, that does not let the majority be the tyranny to the minority, that is reasonable and can stand the test of time.

One of the suggestions I would make is that it would be perfectly reasonable and acceptable for Officers of Parliament to come before the House in some form, at a Committee level or Committee of the Whole or whatever, to just simply answer questions to their report. I think that would be helpful. One point that I have to make clear – and I say this within the tone and the context that I've already provided – is that no one should be victimized or perceived to be victimized as not having done their job when those individuals did their job.

I am left with some question as to whether or not ADM Deering or Jennings may have been – the perception may have been did they do something wrong here? Mr. Speaker, the answer is categorically, no, they did everything right. I am sure the hon. Member for Mount Pearl North will attest to that and include that in his own statements. They did nothing wrong. They did not provide any information which was not to the very best of their ability and knowledge to be accurate, which they would stand to. I would like to make that point very, very clear.

With that said, Mr. Speaker, I can't say any more than I have. This is not inconsistent, the recommendations from me. There was a report that was tabled not long ago where I did implore the House to be very much aware of the road you take. The law of unintended consequences can take hold. The majority should not be to the tyranny of the minority ever.

The day that we have a majority government, which will come – there will be a majority government sometime, somewhere. I would never ever, ever want the Opposition in minority, by definition at that point in time, to be subject to arbitrary decisions and rulings of the majority government. It would be patently inappropriate, it would be contrary to the natural rules of justice and it would lower the integrity of the House. We should do no less today in a minority situation where actually the balance of power is somewhat different.

Mr. Speaker, allow me to say that it's very simple: Do today what we will do tomorrow, not necessarily what we did yesterday. Apply a reasonable course of action where those who are found to be in offence to the Code of Conduct are held to that standard, but in a reasonable way. We are not letting ourselves off with an easy one. This is a tough job and sometimes, yes, people do make errors. I make them, you make them and we all make them. Let's not torque them, but let's not just simply stand by and let them go by. Let's deal with them fairly and deal with them in a way today that we would deal with them tomorrow.

With that said, Mr. Speaker, that is my perspective. This is before the House tonight because I felt I had no choice. I had to deal with this for the safety and protection of my staff. It was the right course of action. It was dealt with in an appropriate way. It was not weaponized, it was not torqued and it was not made to lower the integrity of a Member.

I can tell you, despite what some may suggest outside and inside this House – mostly outside – I have a deep admiration for the MHA for Mount Pearl North. I'm sure the MHA will be the first to say that in my very early days, as minister responsible for agriculture, it was I who suggested to him go get yourself a blind trust. Very early, years ago, I gave him counsel and

said probably the best way to protect yourself from this kind of a situation was to establish a blind trust. I respect the fact that at the time he didn't. Now today, of course, we're in a different situation and, obviously, that would probably be a prudent course of action under the circumstances we're in.

With that said, I think all we would need to know is does he support the Commissioner's findings and apologize for the breaches in the code that the Commissioner identified. Will he apologize to the government officials? I think that while it's been said that we believe he's apologized, I think it's important for their sake that be made explicitly clear what was that apology, how was it given; or if more prudent, to say it and say it now, what is that apology. I think this is the House; this is where these sessions are recorded. That would be helpful. Also, will the hon. Member confirm that no such exchanges have occurred since this matter was first initiated in the spring? Will he confirm that he's agreed to a blind trust? Will he confirm that he will abide by the actions?

That's the thing that should come out. If there can be plucked something good from all of this – I say and believe it can – we can become better as a House. We can prove our integrity more as a House and as individual MHAs by actually pronouncing that this is a reasonable way to proceed – that which we do today is that which we will do tomorrow – and allow every one of us but, most importantly, the people outside of this House to see the integrity of this House in action.

That, Mr. Speaker, is all I have to say about this matter.

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

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

It's interesting. In my career as a teacher – and I'm certain the Member for Bonavista will attest to this – in many ways you're very much called upon at times to have an awful lot of judgment and trying to come up with something, parse the facts, often knowing that you don't have the complete facts and you're having to think on your feet.

I'll tell you that in many cases, as a teacher it's not always about precedent. That's part of it, but you have to weigh each – and that's the approach I took – individual case separately. Not only look at what was done before but, since I was dealing with children, young people, about their level of contrition – it's the first time they've done it, what are the mitigating circumstances – any one of a number of things and then move on. It's not very much like a court of law. Often you get the accusation that that's not fair. Well, it depends on the situation. In many cases, I never looked upon precedent strictly in terms of precedent. I'd always weighed the facts, the situation and so on and so forth.

I read through this report and I was looking at this from the point of view as to what level, compared to other issues that we've raised here, where this stands. I'm looking at certain facts here on page 7 of the report, it's interesting, it says: "Conservation officer Martin concluded his interview by advising that because he was dealing with a 'political person' he did start to second guess his actions, but confirmed that he did not feel that MHA Lester tried to influence him in any way because of his stature.

"When interviewed, MHA Lester confirmed that his issue with a ticket was that it indicated that he 'permitted' the cow to roam and according to MHA Lester he did not 'permit' this to occur." I would assume this is a disagreement.

Here is the interesting thing in this section: "MHA Lester indicated in his written submission that he was not upset personally with conservation officer Martin, and when" he found out, basically, about the "above-noted accusation ... he apologized for unknowingly causing the conservation officer any discomfort." I think in many ways that speaks to an hon. individual, too, things that I'd be looking for if I were dealing with a student.

With regard to, it looks like here, the Vegetable Transplant Program on section 3, again it's interesting here that we're talking about respect. As an MHA in the Third Party, too, it's sometimes very difficult to get answers. Even here, it was noted that it was inappropriate for the person to refuse to answer Mr. Lester's emails and phone calls.

I can see a certain level of frustration and I can see a certain amount of, here, that it's not as clear as it might be. Nevertheless, there's the issue with deputy minister Keith Deering. I look at that one as probably certainly the one that the Commissioner for Legislative Standards said was probably the most egregious, I guess, if we want to look at that. Even there, what was the threat, as such: We'll have to wait what happens that next election.

Here is what I'm looking at: We're in the Opposition on this side, so really what influence do we have. I'm always conscious about this, because really influence comes from a power imbalance. I was conscious of it when I was president of a union in dealing with my employees – they were the employee; I was the employer; I was the boss. I was always very careful of that power imbalance. However, with my peers in the executive and that we could go at it hammer and tongs because it was very much of a battle amongst equals. For the most part you focused on the issue and never on the personalities. Always that. If you did veer into personalities, if you did veer into personal attacks, you were quickly reined in for it. It's as simple as that.

So I look here in some ways, yes, that might be perceived certainly as a veiled threat. I don't know what if it means that you'll be out of a job, or when if we're elected you'll be forced – you'll have to answer to me. I don't know what it is. That's predicated on the assumption that person's party will be in power and that person will be elected. I guess it's like promising when I win the lottery I'll pay you back what I owe you.

Then it comes to the recommendation. I'm going to go with the conflict of interest piece, too, and the setting up of a blind trust. There's nothing there that says or that really clearly defines that an Opposition Member would have – a Member of the Third Party, independent, whatever you want to call it – because really there is no agency to influence. I can make no decision on this side that would in any way benefit or influence. From my brief stint here, it very much involves me going to speak to a minister and saying: Here's what we need in this situation and make my case. Then it's really still up to the minister, Mr. Speaker, to say yea or nay.

I notice also, too, that the Commissioner recommends but doesn't direct, and still I think the Member for Mount Pearl North has done that. It's an interesting thing, because I resigned from an awful lot of volunteer boards when I became an MHA for the Third Party. I remember a few of my friends, former colleagues in NLTA, said: Not bad, you're doing what any other president of the association would do, you're using it as a stepping stone into politics. I said, really? I run for the Third Party and this is my stepping stone. Really? Maybe someday.

Right now, I look at in terms of what I stepped down from, because I was only too well aware and experienced the accusations that if I'm involved with a not-for-profit, such as the Salmonid Association of Eastern Newfoundland, the accusations that could be levelled against me. I stayed away from it. I was on the board of directors of The Gathering Place, on a number of places, things that brought me a lot of personal fulfillment.

I wrote the Commissioner and I asked, and nothing, in fact, stops me from sitting on these boards of directors, except that should I be in a position where I wanted to address something in the House of Assembly, I would really have to recuse myself from that. I was prepared to do that, but on the other hand I wanted to be able to advocate for groups if I thought they were deserving of this. So I've stepped down from a lot of those things, not because I had to; I chose to, and not because it's in my best interest but in this case in the best interest of the organizations that are near and dear to me.

I was looking at this here and I've gotten to know the Member for Mount Pearl North. I know we're in different political parties, probably different political spectrums in many ways, but certainly an hon. individual who didn't wait for this to get to the House of Assembly, but actually took the corrective action necessary to begin with.

I want to talk a little bit about, too, the fact that we should not be made to lower the integrity of a Member of this House. That I do agree with, wholeheartedly. As I said, I come from a tradition where we could really go at an issue hammer and tongs. You could be passionate and

you could argue your point as strongly as you wanted. You could attack with fact, reason, whatever you want; you could defend your position. The line that was never crossed was into the realm of the personal. That was a clear line.

I look at it in this time when I hear these words that we should not be made to lower the integrity of a Member. Yet, early on in my career here there was an accusation that somehow I'm racist; another Member, the implication of poaching. I, too, want to see – I do believe in this, that we should not be made to lower the integrity of a Member, but that's all Members here, that we go forward and we look at each case individually on its merits there.

I do believe here in this House that, yes, when we deal with an issue, we deal with the issue. We deal with the facts. We don't need to go into personal attacks as well. We look at an individual case, and I have to look at this case here compared to others.

I think I'm looking at it as a teacher here. I'm trying to use my judgment because we have to move forward. I'm thinking if this were a student in front of me, I'd say, yeah, there's some questionable stuff here, there's some questionable details but it's very clear the Member, before being asked, made the necessary apologies and took the necessary steps to make sure it didn't happen again.

I think in many ways, while I'm not too worried about the – I don't always look at the tyranny of the majority or the tyranny of the minority, I always look at what are the facts of the case itself. If the Member were in a position of power, I'd be reading this a little bit differently. If the Member were in a position where he or she could influence the employment of an individual, I would be looking at this differently.

Is it wrong what the Member did? From reading this report, the Member has certainly indicated a very clear willingness that he was contrite, making the apologies even when there's been no – as in one case, there was no example that the Member was abusing his authority nor did the person feel he was influencing his nature, but still the Member took the steps to apologize.

You know what? That's what I look for in an individual.

We've had people in this House who have done that, who have taken those steps from the get-go. When accused of something, they take the necessary steps. They did the honourable thing, and in some cases stepping down from a position. To me, Mr. Speaker, that's what I look for. I don't need to see it dragged out in the House before coming to an apology.

I look at this report and I see here something that on the level of scale of things as a teacher, it has elements of concerns. Whether it rises to a level of seriousness, I don't know, but I will tell you that if I had students like this all the time, my life as a teacher would have been a lot easier. That much I can tell you.

With this, I think the report does mete out what I consider to be fair and justified action. The Member has certainly done his best to meet those demands and to show the appropriate level of contrition and a willingness to do better.

Thank you.

MR. SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture.

MR. LOVELESS: Thank you, Mr. Speaker.

I just want to reference the previous speaker when he said: If the Member was in power, he would look at the report differently. Well, I have to disagree with that. Because in power, no matter where we sit or stand in this House of Assembly we all have to hold ourselves in high standard and high regard, whether we are governing or not. We are all leaders here and people in this province expect us to all be leaders no matter where we sit in this House of Assembly.

Mr. Speaker, it's always a pleasure to speak and represent the people of Fortune Bay - Cape La Hune, where there's a lot of wind tonight and rain. I just hope everyone is certainly safe out there. Speaking to this is not something that I desire or anybody desires to be doing but I believe is necessary, especially in my role as minister and the department that's in question in the report, and necessary because the MHA in

question needs to do better and a reminder for all of us, moving forward.

This is about leadership and adopting change. Change that is necessary and I believe there is a responsibility for the MHA in question, his leader, to reflect upon the actions as well. It would be interesting to hear the response to that.

On August 19, I was appointed Minister of Fisheries, Forestry and Agriculture and certainly honoured to have this opportunity. I also have to speak to it, as my colleague for Corner Brook said, because he was minister at the time, but I'm minister now and responsible for that department.

Any minister in government has employees that work tirelessly day after day on his or her behalf and deal with a lot of stressful circumstances. No one deserves any type of such aggressive behaviour from anyone elected or not. My department is no different and I value each and every one of them that work in that department.

I want to put on record in this House, Mr. Speaker, the employees in my department that are referenced in the report are very hard-working individuals, and I know the hon. Member opposite will agree. I value them very, very much. They are like other employees that work within their means and they make decisions based on what they have to work with. Their answer sometimes is not what the proponent, whether it's a MHA or someone from the outside, is looking for and, in this case, the discussion is just that. I certainly support my colleague, the Minister of ISL; they didn't do any wrong. They absolutely didn't.

Mr. Speaker, I guess, personally, as well as a father, I try to instill within my children to have respect for others. Life will throw you many challenges and when you're faced with those challenges, always respond, do not react. When you react, there is trouble. As my former days as a constituency assistant and executive assistant, I tolerated no aggressive behaviour from anyone and certainly encourage my current CA and EA to follow the same.

Mr. Speaker, I will go to the report and reference it because I believe the report talks about – and it's a reflection upon reaction versus responding.

I am a newly elected MHA and in the ministerial portfolio and believe referencing some of the stuff that's in the report goes to the principle of accountability. I will read some stuff directly from the report, Mr. Speaker.

The MHA for Mount Pearl North was interacting with government officials and it was often difficult for them to distinguish between his role as MHA or his former life. That is problematic. This is about conduct; this is about control and this is about respecting our public servants who do their job and do it well.

The MHA in question had "direct dealings with ADM Deering wherein he made the comment '*he would have to wait and see what happens after the next election*'" I know different people look at it different ways, but, again, that statement, to me, Mr. Speaker, is troublesome and behaviour that is not and should not be a part of our democratic system.

Continuing on in the report, I reference the MHA's interaction with conservations officers. Again, here, if you have read the report – and I'm sure all people in this House of Assembly have read the report – we see, again, behaviour that is out of line, as far as I'm concerned, Mr. Speaker, with an MHA, and that is also in a debate with a public servant about his business – again, wrong and not appropriate.

I move onto the interaction with ADM Keith Deering, who I work very closely with, and if you read down through the report, Mr. Speaker, again I reference the interaction between these two individuals and I know there are differences of opinion in terms of this report, but in referencing the cancelling of an application that the MHA for Mount Pearl North was in contact with the ADM regarding the matter. According to the ADM, the MHA was rattled by the decision.

I guess at that point if you're rattled by a decision you should remove yourself from the situation. In that reference, MHA Lester was disappointed in his decision and he talked about taking the department to court. Again, it goes back to whether you react or you respond to it.

Also in the report it references a policy. I know the MHA in question, in his job, we know what

he does and he does it well and passionate about it in terms of his business, he made reference: “I had been advocating for change on this policy long before I became an MHA and personally believe that changes will strengthen the agriculture industry.” That’s okay if he wasn’t an MHA. I know he’s passionate about the agriculture industry and respect his comments, but I believe, at that point, he was crossing the line. Mr. Lester did go on to say that “was not meant as a threat in any way,” but when you reference: see what happens in the next election, I think it was beyond the line in the context of the whole conversation.

I know in another reference, Mr. Speaker, with the MHA in question and another employee, Mr. Jennings, it was back and forth. I know, in fairness to the MHA in question, the department was told not to talk to him. I don’t agree with that, but, again, I guess it should never have gotten to that situation where they not wanting to talk to him, and he was having grave difficulty with it. It should never have reached that point.

Mr. Speaker, referencing from the report, too – and this is a very important point that I’m going to make. This came from the principles 5-6 of Code of Conduct. “Prior to engaging in an analysis of MHA Lester’s conduct in relation to these Principles, the comments of MHA Lester’s legal counsel at the conclusion of his August 27, 2020 submission are worth repeating:

“If the Commissioner finds that there are breaches of the Act or Code of Conduct (which is denied by Mr. Lester) then the problem stems from Mr. Lester having direct conduct with civil servants in the Department of Fisheries and Land Resources. While it is Mr. Lester’s position that a blind trust is neither practical or necessary”

I know he referenced that there’s more that talks about his recommendations and recommendations to in further interactions it would be handed over to some family members, but a very important point is that after that fact, he still engaged with staff in the department. That interaction is problematic.

Mr. Speaker, I’m going to clue up and I think it’s important that it’s referenced and it’s

repeated and read into the record here. The commitments, Members’ Code of Conduct – and this is for all of us: “Members of this House of Assembly recognize that we are responsible to the people of Newfoundland and Labrador and will responsibly execute our official duties in order to promote the human, environmental and economic welfare of Newfoundland and Labrador.

“Members of this House of Assembly respect the law and the institution of the Legislature and acknowledge our need to maintain the public trust placed in us by performing our duties with accessibility, accountability, courtesy, honesty and integrity.” Mr. Speaker, in this whole report I want to add as well – and this speaks to all of us – the word “respect.”

It goes on to talk about the principles and I just want to reference a few to clue up: “It is a fundamental objective of their holding public office that Members serve their fellow citizens with integrity in order to improve the economic and social conditions of the people of the province

“Members will not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.”

Members “are individually responsible for preventing conflicts of interest and will endeavour to prevent them from arising.” This didn’t happen in these cases.

Mr. Speaker, it goes on to say: “Members should have regard to the duty of public service employees to remain politically impartial when carrying out their duties....

“Members should promote and support these principles by leadership and example.”

Mr. Speaker, we’re all elected here. No matter what side of the House we sit on, where we sit, where we stand, you don’t need to be in government to lead by example. I say to all of us at this point moving forward: Let’s all be leaders for the great people of Newfoundland and Labrador.

Thank you, Mr. Speaker.

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

MR. JOYCE: Thank you, Mr. Speaker.

I'm going to stand and I'm going to speak on a few different things here tonight that are related to the process, the Commissioner for Legislative Standards and why we're here. People might know I'm a bit of an expert on that lately. I've been going through this for so long and the foolishness I had to go through. I just wanted to go through some of this with Bruce Chaulk.

As you know, Mr. Speaker, there are a few things you wouldn't allow me to say in this House. I just wanted to inform the House that we're supposed to give the Commissioner for Legislative Standards our finances if your RSPs are self-directed. I refused to do it because I want it brought back to the House so I could speak about the issues concerning. So there will be a report coming soon, but it will be over me giving out the RSPs. I had the information but I want to make sure that I get my point across here in this House, which I couldn't do on several occasions. I just want everybody to know so it's not a big thing. I have the information. If the House says give it, I have no problem. But I will be speaking of why I would not give the information, Mr. Speaker, and there are legitimate reasons for why I won't.

The question I have to ask, too, before I even start was: Did the Commissioner for Legislative Standards speak to anybody else outside? That's the question I have to ask, because I have a confirmation that during the report for myself and Dale Kirby that he did speak to the premier of the province. This is why – and I know the Member for Corner Brook mentioned it earlier – that it would be nice to have him here to answer questions – not dodge them, answer them. Can anybody in this House confirm to me if he spoke to anybody? Because I know in our case he did.

That's one question that I need answered before you want to do anything about – was there any undue pressure. I'm not saying there was. I'm not saying there wasn't. But I'm just saying in our case, we had it confirmed that he was speaking to the premier and the premier's staff. He directed staff members to speak to him during the investigation. So was this done here?

That's something I don't know. I'm not saying it was, but I don't know.

The other thing, and the seriousness of the report, like we all say we have to treat public sector employees with respect, and we all agree with that. When you say one thing, how does someone feel? But the seriousness of what the Member – and I'll just read it. I don't mean to be reading this, but there's a reason why I'm doing this. Principle 5 – and this is in the Code of Conduct – states: “*Members will not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices.*” As a result of MHA Lester having direct dealings with ADM Deering wherein he made the comment ‘*he would have to wait and see what happens*’” and continuing to engage with ADM Deering to discuss and attend the application process. A reasonable person is left with the appearance that the MHA was using his position to further his private interest of his business.

The reason why I say that, when that was brought in here it's what Dale Kirby was found – Principle 5: “*Members will not engage in personal conduct that exploits for private reasons ...*” Here's a Member that the Commissioner for Legislative Standards said is doing it for personal reasons, but he found Dale Kirby the same thing, for personal reasons. He was talking to someone outside a hotel in Gander.

Do you see the double standard that I'm using here, how serious this one is? Either what MHA Lester is saying is so serious, what – Dale Kirby there was nothing to it because there was no private interest, absolutely none. If he's using MHA Lester, there is absolutely no private interest. Do you see the discrepancy and the reason how different reports are done and how serious this actual report is that was done?

I just wanted to put this on the record too: A lot of times when these reports come up, then we get MHAs dragged out in the media and it brings down the House of Assembly. I just want to point something out; I was here for every one. From 2008 to 2017 there were two. I went out and defended both of them because it was so foolish to even talk about. We took care of it.

From 2017 to 2020 there are nine extra. From 2017 to 2020 there are now nine Code of Conduct violations. From 2008 to 2017 there were two. That was it. When everybody wants to look around and say that we're bringing it down, we have to look at ourselves. Is there another way that we can deal with this?

I heard the Member for Corner Brook say that it shouldn't be in the media. I agree with you. Great job it was never in the media. Just imagine, the day that you're told there was an allegation was here on the floor of the House of Assembly. What process does anybody have? Just think about it. What opportunity does anybody have?

This is where we have to find a mechanism to ensure that it's not in the media. If there are issues, we have to deal with them, there's absolutely no doubt. But there has to be a better way than dragging people through the mud. If there's something very, very serious, I have no problem with it, but we have to find a way to work on this because we all come down.

Before I go any further, I just want to thank the people of Humber - Bay of Islands for their support over the last 2½, three years through some of the situations that I went through. It's on both sides. I know a lot of my former colleagues there, except for two who really stood up for me – and they know who they are – the rest came to me privately: Oh, b'y, we wish we had our time back. We were told to do this and all that. You'll have your opportunity very soon to straighten this out, except for two – they know who they are – who went to bat and stood up. I'm appreciative of that, Mr. Speaker.

I just wanted to go on to the report itself. I just explained about how one could be in violation of Principle 5 and another one because they're talking to someone with no private interest, absolutely none – not even finances discussed. So which one is right? This is what you have to weigh when you see the report. Someone like myself, who's been through it, these are the kinds of things you have to weigh.

Also, Mr. Speaker, the other thing I noticed with this – and I know the Member for, I think, Conception Bay East - Bell Island made – that everybody was interviewed. Do you know who

wasn't interviewed in the report? This I ask again: Do you know the only person who wasn't interviewed? Myself. Yet we can take everything and throw it out here and talk about this report as if this is gospel because the Commissioner did it.

I also read in the report how you don't actually do an investigation until you get the response from the respondent. Do you know in the report that was myself and Dale Kirby, the investigation was already started before they even got the response? This is why I have to question, before we want to nail someone to wall, how this was done. I know discrepancies in the reports that were done for myself and Dale Kirby and the discrepancy done here for the Member. Those are the kind of things you have to weigh also.

I say to the Opposition also, and this goes for everybody, it's a chance for all of us to learn on this, Mr. Speaker. I remember when – and I can take out the quote – I was going through it, the Leader of the Opposition said because it looked like I should have violated Principle 6, I should get 21 days out of the House of Assembly. That's what drags everything down.

What we should do is try to say, how can we make this system better? How can we ensure if there are issues that MHAs have, that we find a way to do it and do it properly. I'm explaining some issues I have with the report itself and why I feel I have questions about the report from the Commissioner for Legislative Standards.

Another one here that he has in to the Member is when you get information and if anything new comes up we'll send it to you. Do you know there were 21 people interviewed and I never saw what they said? The question with me is just because you say it, how true is it.

I know I'm speaking to the Member for Mount Pearl North. Did he have a chance to give you all the information? I don't know. I honestly don't know if he did or didn't. Because you put that statement in there, the Commissioner for Legislative Standards, I know personally that just because it's there it's not true. I know the information he put in my report it was the same thing; it just wasn't true what he said.

Was it true in this case? I don't know, but every time I see something like this I have to ask a question on it. Why is there such a discrepancy in reports on how you conduct the report? Just six, eight – two years away the same person, why did you do that?

The other question I have to ask also, who did the report? Did he go outside and get an outside expertise investigation? If not, what are his investigative skills? That's very important here. What are the investigative skills here? That's a big question you have to ask. Did the Commissioner do this on his own or did he go out and get an outside agency? It's not said in this report if he did or didn't. That's a big discrepancy that I would have also in the report that you have to look at.

When I read the report, and I read it all, there are some concerns there. I say to the Members, it takes a man to call back and say, look, I'm sorry, and he said it. There are some other things here, Mr. Speaker, that you wonder how someone said it and how it was taken. Only personal feelings would know that. Only your personal feelings would know how you felt. If Mr. Deering said that, all fine, but that's the only way you would know that, is if a Member said that himself.

Mr. Speaker, the other thing I find strange about all this here is that the Commissioner himself, and then of course the report went through it all. When the allegations were denied in some case, what weight do you put on the probability of truth or false? I'm not saying how it went down, I wasn't there. I wasn't on the phone call. These are questions I would have to ask because of the personal experiences I went through. I have to question a lot of it.

It's like I said before, Mr. Speaker, I know there's something coming to the House that I – and it's sad. It's actually sad for me, for a person who has been around politics so long, that I would have to engineer, actually engineer a report that comes to the House so I could have information brought forth that I can't in this House. It's sad. It's actually sad. And I'm fine with it. I'm more than fine with it, because it's just personal stuff about the RRSPs, which is, you can have it. I just need to get information in this House, which I couldn't do in several ways

from the former Speaker and then from your ruling recently.

Those are the kinds of things, Mr. Speaker, I'd like to be looked at in this House and in the whole report itself. "In accordance with the legislation, the subject MHA can make submissions to the Commissioner in writing, or in person, or by counsel or other representative. The Commissioner does not have to interview any witness including the subject MHA if he does not have any follow-up questions based on the evidence."

That is contrary to the act. The act says you have to make every reasonable opportunity to be present. That is contrary to the act, that statement in this report. I think it's 38(4), if you go back and look at it. It says you have to make every reasonable opportunity to be present.

When you make statements like this and you look at the report and say, okay, we know someone else was found in violation of five which had no financial bearing whatsoever, which obviously Principle 5 is. Now, all of a sudden we're going to go off and try to crucify someone over Principle 5. It raises a red flag for me, as I seen it happen before and it wasn't used properly. Is it being used properly now?

I agree with the Member for Corner Brook, if we had the Commissioner for Legislative Standards here we could ask questions and be open. I know the Auditor General does appear before the Public Accounts and others. So it is something that I think we should look at from here on in, Mr. Speaker, and see if we can put in legislation somewhere that the Commissioner would stand in here.

I have a few minutes left. I won't belabour it too much more, but there are concerns I have with it. I will go along with the recommendations that are made here, but I just hope we can find a better way. When a report comes in against all of us, it brings us all down. We all know that; it brings us all down. If there's some way we can do it, some way we can possibly – Mr. Speaker, this is a prime time to bring it up now, the interpretation of different principles in the House.

I have here now Principle 5, all financial. We have Principle 5 for former MHA Dale Kirby for talking to someone outside a hotel. He was in violation because he was talking to someone; no financials, none whatsoever. Principle 10 for me, for example, a certain MHA is a government employee. There are sworn affidavits that MHAs aren't, and here you are questioning all the different principles because it's all according to what you're going to put in it.

There are affidavits in the Supreme Court of Newfoundland and Labrador that Members aren't government employees. This is the flaws I have in the whole process with Bruce Chaulk, with the Commissioner for Legislative Standards. I'll mark it down, Mr. Speaker.

Those are some of the concerns I have with it. That's why I feel that if we're going to move forward, let's move forward with this; let's get this done and let's move on and do the job that we need to do. We have a \$2-billion deficit: Those are the kinds of things we have to look at here in this House.

Again, Mr. Speaker, I'll look forward to my chance to have a few words in the House, hopefully, this next four or five days on the inconsistencies of the Commissioner for Legislative Standards about myself. I'm looking forward to it and I hope I'll be able to speak freely. As Madam Sauvé said: Anything that happens in this House of Commons cannot have any influence on any court proceedings. That was Madam Sauvé's own ruling in 1983.

I'm hoping to be able to speak free on it and show the inconsistencies here. I look forward to it and I welcome the debate, especially on Principle 10. That's one, Mr. Speaker, that I'm going to bring up in this House. Also, the other one I'm going to bring up is how I have confirmation – and this is why I asked this question here – that the former premier of this province, Dwight Ball, was in contact with Bruce Chaulk during this and that was never disclosed during the debate that we had in this House of Assembly. Those are the kind of inconsistencies I have to weigh into the factors in this report; it was never disclosed.

One of the violations that I was accused of was Principle 6, my personal finances. I ask anybody

in this House – and I don't mean the Members before because you weren't here then – can anybody guarantee me that my finances weren't discussed with Dwight Ball's staff or the Commissioner for Legislative Standards? If no one can confirm to me that it wasn't, we're going to have a very healthy debate on that.

When you have the premier of the province stating publicly – I have the information there that he would never interfere, he would never seek any information, but he did and that was never disclosed by the Commissioner for Legislative Standards. This is why I feel that we have to weigh that when we vote on this here in this Legislature.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Industry, Energy and Technology.

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

I want to take an opportunity to speak here to this resolution or motion tonight. I think you could go back to just under a year ago and I spoke to the last similar type motion that this House heard. At the time, I spoke and said that I was on two minds, didn't know if I wanted to speak, but I felt that I should because I felt that I should get my thoughts or my feelings or positions on the record.

I actually heard a Member speak to that earlier today, not this evening, but today, talking about: I ask these questions to get them on the record. That is the point many times, is that you speak because you want to have it reflected that you asked a question, you made a point or you talked about a certain issue, for *Hansard* to show, in perpetuity, what's going on and what happened in this House. So I feel I need to do that. Again, I'm speaking very similar to how I spoke last year, and I guess that's some foreshadowing of some of the comments that I have to make tonight.

I've taken an opportunity to listen to all my colleagues have their say to this and I've listened carefully to their points, I've read the report, I've reviewed the motion and I've gone over the *Hansard* from previous motions of this type. Again, I apologize in advance because you

lay out what you think is going to be a coherent piece and then you sort of hop all around and try to make something that people can follow along, so I apologize in advance.

Now, I just want to point out that a lot of what, I guess, you do or how you present something it's got to do with precedent. I've heard Members talk about precedent when it comes to these types of motions. I know my colleague across the way, the Opposition House Leader, spoke about precedent in the past. I think last year he mentioned precedent as well. I think the motion that has been put forward today is very much in line with what was done last year, in the sense that a motion was put forward for a breach of the Code of Conduct and it was similar to what was, I guess, recommended by the Commissioner for Legislative Standards.

Now, I will point out one significant difference. Last year's motion was amended and that motion was amended to make it much more punitive in nature and that motion was adopted by this House. I heed the comments of the Opposition House Leader when he says we should stick to this particular case. I appreciate that, there's no doubt I do. I also think it is necessary to provide context for some of the debate that we're having here and the points that we put out. Again, I'm not going to get into the points or the report itself. Anybody that is interested, it's available. It might be online. I'm sure that's there. I don't need to read this for other people to know; they can read that themselves. But they do need to know that there's a Code of Conduct. There was a complaint made. There was an investigation. There was a finding and a breach and finally we end up here debating in the House.

I would point out, as much as everyone loves being a part of this House, as much as everyone loves representing their constituents, there's no one in this House that relishes having to speak to this. There's one comment that I've heard before: An affront of any kind like this is an affront on us all. We are all subject to this; how one goes, we all go in many ways.

What I wanted to point out is just a couple of the differences. Just point out what I've heard tonight and some contrasts or similarities, what I agree with or disagree with; what I've noticed in

the debate between this year and last year that I think is noteworthy to point out here. Then, more importantly, to come with the conclusion of where I would – just my view of where I'd like to see this House go. That's my view. It may not be shared with anybody, but I have every right to put that out there, as does every Member in this House have a right to speak.

I listened to the comments from my colleague, the Opposition House Leader. I would point out in advance for people that may be watching or may be listening – I don't know if there are – a lot of this is not personal. As someone who is trained to do this, you point out sometimes what you view to be an inaccuracy. My colleague pointed out – and he spoke out very well to – that this was inadvertent, that there was an overzealousness; how we all can be overzealous for our constituents. Sometimes it causes us not to think. Sometimes in the sense of trying to handle the responsibilities for our constituents, we go overboard.

The thing I would point out for the record here is that this was not for a constituent; this was by an MHA and for an MHA. I think I need to put that on the record to point that out because that is factual. I would say, if there was an underlying tone or theme to my speech, it would be: there but for the grace of God go I, because all 40 of us live by a code.

I've been lucky enough here – in fact, I counted it up here tonight. There are six people in this House that have been here longer than me or the same time as me. I've been here a long time, I've seen a lot of this and, thankfully, I haven't found myself in this position, but that doesn't mean it won't happen. That doesn't mean it can't happen. Every one of us should be guided by that.

I heard the comments intent or merit or the impact that they've had. I would point out that when we talk about our public servants, things like this of any nature have an impact. Everything – when we are brought here, this has an impact on everybody.

My colleague, the House Leader for the NDP, talked about how sometimes when you're a leader there's a different treatment. I would point out my disagreement with that because

there is a Code of Conduct that guides all 40 Members that we are all subject to and we are subject to equally. We can talk about the differences between one or the other, but when it comes to this, this report is about the same Code of Conduct that guides us all and when there's a breach it must be treated as such.

We talk about the willingness to do better. I don't doubt that is there from my colleague, the Member for Mount Pearl North, the want, the desire to do better. It must be pointed out for this record that as my colleague, the Minister of Fisheries, Forestry and Agriculture pointed out, that in fact the very conduct that lead to this, which are emails to a civil servant and contact with a civil servant, which is referred to this in the report, which occurred in 2020 and which was the subject of this, the investigation, went into August 2020. There was commentary made back to the Commissioner. This report was dated September 24; it was tabled on October 1. There have since been further communications between that Member and that civil servant.

To me, Mr. Speaker, that shows that perhaps we need to continue to impress upon all of us, that the same thing that got us in trouble is still happening and needs to be taken care of. I come back to what the Member said about the willingness to do better. We must continue to show that. I think that's something that can guide us all.

I listened to my colleague for Humber -Bay of Islands. He talked about the process and you know what, he has some points. The process is difficult. The process, I think, can be done differently. I think that's something that this House should take upon itself, because as the Member for Corner Brook said, sometimes it has been weaponized. We look at how many of these have been used in the last few years – and I'm going to lead into that now in a second because I'll point out what I think is a significant contrast between before and after.

When we talk about the after, my assumption is that I may be one of the last speakers to this. That's my understanding. I may be wrong but we will see. In fact, this debate tonight will go on for roughly an hour to an hour and a half possibly. That doesn't bother me. I'm not complaining about that at all. We've had a

chance to speak, we're doing our part and as the Member said, it's been, I think, a civil, a responsible debate on a serious issue. Again, even when you point out something that's difficult to hear, that doesn't mean it's not responsible, it just means it's difficult to hear. It's difficult to hear for all of us.

I would point out that last year this same debate on a similar issue, which was a breach, took three days. Tonight's speech, I believe we have three Members of the Opposition – of which there are equal numbers, Opposition and government – of 20. Last year, there were 17 Members. Seventeen Members spoke to this. I think that points out the difference here about us trying to do something differently as we move forward. I think we've shown that we're doing this. This is not about being political; it's not about being partisan. It is about trying to do something different: serve the people and try to move forward.

I think that's a relevant point to bring up. That's a stark difference: 85 per cent participation less than a year ago and 15 per cent participation tonight. I think that's relevant. The reason I bring up last year is because last year was difficult. It was a difficult debate. It was vociferous, it was nasty and it ran three days. It dominated Question Period and every one of us felt that, but I tell you it was difficult for everybody.

I can only speak about myself but when people are accusing you of having – as I did in Question Period – no integrity, when people accuse you of being in a corrupt government that is not anything that anybody cherishes. I can tell you I won't be saying anything like that, but I'm just reflecting what was said to me last year, whether it be in Question Period or in the debate.

I guess what I want to point out is – and this is to point out the thing about it again – we all can learn a lesson here going forward. We all need to look at the difference between last year and the difference this year. We all know the political difference between the two, but I think it needs to be pointed out. The best way for me to point that out is not to use my words. The best way for me to point that out is to use the Member's words in a debate where we spoke about a breach of conduct. That's the best way

for me to do it. I'm not going to identify Members; anybody who wants to read *Hansard* can do so. I'll point out some of the comments that were stated last year over three days of debate and have not been stated tonight. I'll point some of that out, Mr. Speaker.

One Member said, "Not only have we seen the public service disrupted, have we seen the integrity of the public service disrupted, have we seen the mutual respect of individuals working for the minister has been distorted and disregarded" and the staff having a difficult time, "We have sullied the reputations of all House of Assembly Members."

"An apology will not suffice...."

"I think we need stronger measures and I think that needs to be very resoundingly heard, not only here in the House of Assembly, but by the people of Newfoundland and Labrador who elected us This is what has been egregiously mismanaged in this process...."

"This is inappropriate. The motion does not go far enough and I will, again, reiterate, we will not support it." Last year, when a motion was made that called for apologies – and I can't remember what else it was – that was turned down and stiffer punishment was meted out by the will of this House, which is allowed.

I'll point out this is a speech: "The fundamental objectives of his holding public office is to serve his fellow citizens with integrity in order to improve the economic and social conditions of the people of the Province." Mr. Speaker, if this is our ethical obligation to do what I just read out – serve our fellow citizens with integrity in order to improve the economic and social conditions of the people of the province – if we're not here to do that –

SOME HON. MEMBERS: Oh, oh!

MR. A. PARSONS: They will not shut me down, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: I think we're going to take a short recess.

Recess

MR. SPEAKER: Are the House Leaders ready?

Government House Leader ready?

Opposition House Leader ready?

Third Party House Leader ready?

Order, please!

Just for the viewers who are watching at home or somewhere else, we had a power outage here in St. John's, in the House that has disrupted our broadcast for a while. We are on generator power now and we've had to reboot the computers that operate our mics and some of the cameras.

We're going to resume the debate on this motion now. I'm going to go back to where we left off with the Minister of Industry, Energy and Technology speaking. He has seven minutes left on the clock.

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

For anybody that may have been watching, to sort of go back to where I was, I'm referring to *Hansard* and talking about the last time we had a motion or a debate of this sort to look at comments that were made.

I have one colleague on the other side last year in the debate that said: "One thing I did state with my colleagues was that probably not to count on me to stand and defend something which is really indefensible. I made it clear to expect me to stand and to try to give some kind of credence or normalcy for something that is blatantly incorrect is not in my nature to do." Again, I see the correlation there, Mr. Speaker, between standing and sitting. To me, standing and defending something is no different than sitting and saying nothing, is what I would point out. It's my opinion, Mr. Speaker.

I go to another comment that I look here from last year: "When we look at this, Mr. Speaker, we have had no choice but to discuss this and debate this, and why is that? Because when we're talking about misuse of public power by elected officials who are put in here by their

constituents, by the people, this threatens so many things, Mr. Speaker, in our society, what we see here. It threatens ethical values. It threatens justice. It, in fact, destabilizes our society and it endangers the rule of law. Hence, it is important that we give this its due recognition in terms of addressing it.”

Again, we see some of the hypercharged commentary last year that is not present here when we talk about a breach of the Code of Conduct. In fact, the comment last year was: “This is about a breach of ethics. It’s a misuse of power and authority, perhaps even akin to corruption. When we look at what corruption is, in essence, that’s a misuse of public power by elected politicians that are elected to represent us.” Mr. Speaker, I point out the fact that what we are discussing and debating here tonight is a similar act but without the similar commentary that was made last year.

I look at another colleague on the other side that spoke last year and said: “The core values of fairness where all employees conduct their work objectively and free from influence and bias and are supportive of the diversity of our clients. Respect; where all employees treat clients in a just manner and accept responsibility for their work obligations and contributions. Professionalism; where all employees strive towards service excellence and continuing professional development” When we look at the subject matter of what we’re debating tonight, we’re talking about a public official’s treatment of a civil servant.

I go to one commentary here last year when we talked about: “There’s a report here with findings in black and white.” I find it difficult to see good people rise and defend bad behaviour.

“Because eventually the public tars us with the same brush.... stand here and to look at the behaviours here, that’s shameful, shameful.... Because when we defend bad behaviour, when we defend things that are not defensible we lose our credibility You have to know what was wrong and, you know something, sometimes you have to take the consequences.

“What we’re saying here is that an apology really is not enough, because it’s so blatant and it does so much damage to our credibility as

MHAs.” Again, Mr. Speaker, I point out that these were comments made last year for a breach of the Code of Conduct, comments that I have not heard here tonight when we’re talking about, again, a Code of Conduct breach.

I have comments here, when you talk about some of the hyperbole: “This is about our whole province, the future of our province. This is a process that we had hoped was dying” in the old days. A deliberate action, inexcusable and someone has to pay the cost.

Why is it that we can sit here today, we’ve listened to people say, yeah, sorry is good enough. Do you know what? Sorry is not good enough. Sorry is far from good enough because there’s a real cost to this decision, a real cost that someone else is going to have to pay.

I will point out, Mr. Speaker, that the same person that made those comments, the ending comment was that if we “dismiss the recommendations of this report, I will be walking out those doors with my head hung in shame.” Again, I point out commentary made during the course of this debate last year when we were talking about breaches that we did not see here.

I will save some for the last speaker who is the Leader of the Opposition. The reason I have to point this out is because just in the last week outside this House the Leader of the Opposition has talked about scandal and how this is a government that finds itself enshrouded in it and it reflects on the leader.

I should point that the leader, last year, spoke multiple times, made multiple comments, talked about the fundamental objectives of holding public office and said – we talked about gross mismanagement – honest leadership and what we’re seeing here today is the opposite of honest leadership; impunity masquerading as good government.

I have to point out the significant contrast I see in that, last year, there was a number of comments about a Member that was contravening the act, multiple debates and the Member opposite, the leader, took multiple opportunities to point it out and has continued to point that out at every opportunity, every

juncture that he gets. Yet, when a Member of his caucus is accused and then it's shown that there was a breach, I have to question: A breach of leadership of one of us is a breach of leadership of all of us.

I have to point to the Member opposite, I need to see, I would like to see those comments about leadership because, this again, I've heard a difference between Members and Cabinet Members, but what I would say is the Opposition strides to be Cabinet. The Opposition strides to be government and the Opposition strides to make those decisions and the leader will strive to be premier. Again, we must measure ourselves and we must look at that: What's good here, is it good there?

On that note, Mr. Speaker, I have 27 seconds left. What I would point out is that I don't take any pleasure in doing any of this, absolutely not, but, the fact is, I think these debates serve as a guide to all of us, that when we come in here our words are recorded and they can be read back later on. I think that we all need to keep that in mind as we move forward. I think we all need to recognize that the actions of one guide us all, it reflects on us all, but if you can talk about the actions of one, we must talk about the actions of all.

Thank you, Mr. Speaker.

MR. SPEAKER: Is the House ready for the question?

Motion 10 on the Order Paper.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

The hon. Member for Mount Pearl North.

MR. LESTER: Thank you, Mr. Speaker.

I'd like to thank all my colleagues for their contribution to the debate tonight. Therefore, I apologize unequivocally and agree to abide by the will of the House.

Thank you.

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

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

I move, seconded by the Deputy Government House Leader, that this House do now adjourn.

MR. SPEAKER: It's been moved and seconded that this House does now adjourn.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

This House is now adjourned until tomorrow at 1:30 in the afternoon.

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