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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Before we begin, in the public gallery today, I'd like to welcome Glenda Rideout and Lisa Bolt. They're visiting this afternoon for a Member's statement.

Welcome.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also in the public gallery, joining us for a Member's statement, welcome to Mohamed Abdallah, CEO and founder; and Ron Taylor, director of strategy, at Connections for Seniors.

Welcome.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also, I'd like to recognize volunteers from the Avalon Chapter of Mothers Against Drunk Driving, past president, Patricia Hynes-Coates; Sharon Smith; Benjamin Chaulk; and Michele Martin. They are joining us this afternoon for a Ministerial Statement.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also, welcome to Margaret Murrin's social studies class from Holy Spirit High School.

Welcome.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today, we'll hear statements by the hon. Members for the District of Grand Falls-Windsor - Buchans, Terra Nova, Topsail - Paradise, St. John's Centre and Placentia West - Bellevue.

The hon. the Member for Grand Falls-Windsor - Buchans.

C. TIBBS: Thank you very much, Mr. Speaker.

Daniel Kelly was born in Grand Falls-Windsor, where he has made a positive impact on so many individuals over the past years.

He holds a Bachelor of Biblical and Theological Studies from Booth University College. Daniel has served as an officer of the Salvation Army for four years and is now currently the community and family services coordinator in Grand Falls-Windsor for the church.

Recently, Daniel has led the Salvation Army food bank in town, which is the first accredited food bank in our province and in Canada.

Mr. Kelly serves in the Royal Newfoundland Regiment 2nd Battalion as a lieutenant. He completed his officer qualification course in Gagetown and was named top candidate and parade commander in their graduation parade this year. He is the first person in over 15 years to complete this course in the 2nd Battalion.

In his free time, Daniel volunteers as the coordinator for the breakfast program at Forest Park Primary school, bike club and cross-country ski club.

When not serving his community, Daniel spends his time with his wife Courtney and his daughter Elizabeth.

Please join me as I honour my friend Daniel Kelly, dad, husband, soldier and true humanitarian.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Mr. Speaker.

It's my honour today to rise and honour Jim Cook. He needs to be commended and congratulated for his 40 years of volunteer service in the Random Island area.

Jim met Laverne Ryan, a girl from Snooks Harbour, while living and working in Toronto, serving as an officer with the Metropolitan Toronto Police. They married in 1972 and moved home in 1976 to raise their family and settled in Elliotts Cove.

Jim became active in the local service clubs and volunteering in the community. He was the chair of the Clarenville Rotary Club, he was instrumental in the construction of G. B. Cross Memorial Hospital and he was one of the founding members of the Random Island Lions Club.

He served for 40 years, 35 of which as chair of the Local Service District committee for Random Island West and was chair of the Eastern Regional Service Board.

After a tragic fire in the community, Jim focused his energy on forming a local volunteer fire department in 1987 and has recently seen the expansion of the fire hall.

In serving his community, Jim was known to be fair and objective, avoiding controversy, and was seen as doing what was best for his community and region at all times.

I'd like to offer my sincere congratulations and thank you to Jim on his well-deserved retirement.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

Speaker, there are many volunteers, groups and organizations who each day give their time to assist others and expect nothing in return. With the upcoming holidays approaching, in what should be a special time that brings festivity and family fun, for many it is a difficult and stressful time.

Each and every day throughout the year, we all hear and see the growing needs in our communities. The needs are growing and the volunteers and groups step up to assist. To name a few, groups such as the Kin Clubs of Paradise and CBS; the Lions Clubs of Paradise and CBS; the Salvation Army; and many other community organizations all help ease the burden of everyday struggles by providing hampers, clothing, meals and even a place to sleep for the night.

Speaker, I want to take the opportunity to say thank you to all the volunteers and organizations and recognize the incredible contributions they provide to our communities. I encourage everyone to take the time over Christmas to do what you can to give, help others in need, open your hearts and reflect on the importance of the well-being of others.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Speaker, at a time when increasing numbers of seniors are facing a lack of affordable housing and homelessness, Connections for Seniors, or CFS, is proactive in supporting older adults in our community through a variety of programs and projects. The new housing centre on Patrick Street provides emergency shelter for up to 35 residents and serves as a vital resource for seniors facing housing challenges. With intensive case management and a housing-first approach, the housing centre helps seniors find safe, permanent housing solutions.

CFS's 60-unit Alexander Street affordable housing program of one-bedroom and studio apartments, in partnership with NLHC, the City of St. John's and CMHC, will play a major role in addressing the housing needs of seniors in our community.

Connections also provides free transportation for food hampers and delivers over 80 meals and hampers weekly to seniors across the Northeast Avalon.

Despite challenges, CFS provides vital services and addresses critical needs of seniors through its 24 health-related rides and new snow clearing pilot program, which helps seniors maintain safe exits from their homes.

Please join me in recognizing Connections for Seniors for their work in enhancing the well-being and quality of life for seniors of Newfoundland and Labrador.

Thank you.

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

Today, I rise in this hon. House to acknowledge the Terrenceville Church Committee located on the Burin Peninsula in the beautiful District of Placentia West - Bellevue.

As with many other churches located on the Burin Peninsula, the RC Church in Terrenceville was listed for sale by the Archdiocese of St. John's. The purchase price was too high, but once it was lowered another appeal was made by a current resident of Terrenceville for possible donations to purchase the church.

Through donations from current and former residents of Terrenceville, Grand Le Pierre, English Harbour East, and Monkstown, they raised an amazing total of \$40,000, all through donations!

Because of the interest in purchasing the church, the community came together to form a committee which is now the Terrenceville Church Committee. Their purchase was finalized and accepted, and the committee officially owns their church!

They presently fundraise through cold plate sales, high school graduations, ticket sales on quilts and seasonal fairs to help with their monthly bills and any repairs to the building that they will have to make.

Speaker, I welcome my friends Glenda Rideout and Lisa Bolt here today, as I am asking all hon. Members to please join me in congratulating this committee and wish them all the best in their future endeavors.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Minister of Digital Government and Service NL.

E. LOVELESS: Speaker, I rise today to recognize Mothers Against Drunk Driving and their longest running, most well-known public awareness campaign, Project Red Ribbon.

For more than 37 years, a simple red ribbon has served as a powerful reminder to drive responsibly.

To never, ever drive while impaired.

I commend Mothers Against Drunk Driving for their efforts to end impaired driving. Their message of Project Red Ribbon cannot be overstated.

Every year, during the holiday season when social calendars are at their busiest, impaired driving takes a devastating toll on

families and communities when people are killed or seriously injured.

Speaker, it is not just alcohol that impairs. Illegal drugs, cannabis, prescription or over-the-counter medication, and even fatigue can impair your ability to drive.

But it doesn't have to be this way. These types of crashes are 100 per cent preventable.

As we approach the holiday season, I urge Newfoundlanders and Labradorians to make the responsible choice every single time. Never drive impaired; never get in a car with an impaired driver. If you suspect someone is driving impaired, call 911. If you plan on drinking, designate a sober driver or plan to call a cab or ride share.

Because together we can end impaired driving.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

I would like to thank the minister for an advance copy of his statement.

Speaker, it is important to rise in this House today to recognize Mothers Against Drunk Driving in their 37th year of the Red Ribbon campaign. The immense growth in public awareness surrounding impaired driving is game changing. That shift is directly due to the work and dedication by members of Mothers Against Drunk Driving. Their efforts are unmatched and must be commended by all. It's difficult to determine just how many lives their efforts have saved, though I truly believe it is in the thousands.

It is our hope that government follows through on its commitments to ensure police

are adequately staffed to respond to reports of impaired drivers, as well as our courts are prepared to adjudicate these cases.

In another note, road safety in this province is critical. With 72 vehicles observed speeding more than 100 kilometres over the speed limit in a three-month pilot program, government must act on its commitment to ensure less families in our province receive the dreaded call.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

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

It's everybody's responsibility to encourage responsible driving and put an end to impaired driving. I urge that everyone in Newfoundland and Labrador make the responsible choice and to set an example in their communities by leading by example: never drive impaired, no excuses, zero tolerance and if you suspect someone driving impaired, call 911 and report it right away.

Thank you to the work of MADD Canada.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Are there any further statements by ministers?

Oral Questions.

Oral Questions

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

T. WAKEHAM: Thank you, Speaker.

In the interest of protecting vulnerable children, will the Premier commit to a commission of inquiry into children in care and the response of the province's police forces where witnesses can be interviewed in camera and protected?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Of course, we share the concern from the Members opposite with respect to the issue that has arisen. Consequently, we took immediate action to ensure that the office is doing an investigation. When that report comes, and hopefully it comes soon, we will act on any recommendation. If that is one of them, certainly we will endeavour with that.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, this is an extremely important issue, not only for current, but for future children in our province. It is to make sure that children in the care of the province are protected at all times.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Speaker, the former and current Seniors' Advocate both call for a "significant review of the province's Personal Care Homes and Long Term Care Homes." These calls intensified after seniors' privacy were violated through the taking of inappropriate photos.

The Liberals have the review. I ask the Premier: Will you make it public?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

As far as I know we have the review, it's been analyzed within the department and as soon as the minister is ready, hopefully in days to weeks, we'll make that review fully available to the public. There is nothing to hide here. We want to be fully transparent with respect to how we handle long-term care homes, how we handle seniors' homes and how we look after seniors in our province.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

We look forward to the report being made public.

I ask the Premier: Does the Premier know how many long-term care beds are expected to be required in the next five years?

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

J. HOGAN: Thank you, Speaker.

As the Premier said, we have a report that's with the expert advisory panel right now. We look forward to having all the information in that report that will outline recommendations for what we should do or what we will do now and, of course, what we will do going into the future.

The Health Accord NL, one of the very important components of that is to look after seniors. We have a Seniors' Well-Being Plan. We have programs such as the caregiver program to make sure that seniors can age at home.

It's very important that we do it for seniors, what they want us to do for them, which is to remain in place at home. In the event, of course, that they do need long-term care homes, we will make that available and we

look forward to the recommendations in the report.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, according to access to information requests that we made, it's already been forecasted that there is actually a requirement for the additional 667 long-term care beds in our province.

So I would ask the Premier: What is the plan to build and staff these beds?

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

J. HOGAN: Speaker, as I said and as the Premier said, we're waiting for the report back. It's with the expert advisory panel right now and we're not just going to make up answers and say we're going to have this many beds. We're going to just pull out of a hat what we think. That's why we have the report. That's what we're going to rely on, the experts, to forecast what we need now and what we need into the future.

We very much look forward to receiving that report and acting on it, right away, because seniors are the most important people in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: These are actually briefing notes prepared by the Department of Health. One of those actually called for, in Western Newfoundland, an additional need for 182 beds. Yet, when we built the new long-term care facility, we only built 102 beds.

I ask the Premier: Why?

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

J. HOGAN: Thank you, Speaker.

Again, I'll just refer to the report that we're waiting on but, of course, as I said, when we did the Health Accord and we heard from seniors, seniors want to age in place. They want to age in the community where they lived and where they raised their family and where they worked and where they built Newfoundland and Labrador.

That's where they want to be and we are doing everything that we can within our power to make sure that we do for seniors what they want us to do for them, which is to remain in place.

In the event, of course, they have to move out of their homes in an unfortunate situation, we will have the appropriate long-term care beds available for them, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, the challenge is, without the plan, you don't know because right now what we have is many of our acute-care beds in this province of ours are occupied by people who are waiting for long-term care.

In Western Memorial right now, in the brand new facility, there are 64 people with alternate levels of care occupying acute-care beds.

I ask, again, the Premier: Why do you not move those alternate level of cares back to the old Western Memorial and staff it there?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

I believe the Member opposite is confusing ALC with seniors; nevertheless, with respect to ALC, we have employed different strategies here on the Northeast Avalon as pilots. We're looking to continue to roll that out across the province, should the opportunities be available in Western Newfoundland.

We also haven't fully decided what we're going to do with the old Western Memorial. Certainly, leadership is looking at that with respect to the maintenance required, with respect to the useability of that for a long-term care and, potentially, ALC patients into the future.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, one would have thought that they would have known when they moved patients from the old Western Memorial into the new Western Memorial hospital, they didn't have enough space. Those ALC patients are taking up acute-care beds. They should be back in the old Western Memorial hospital where they were being looked after prior to the move.

Again I ask: Why isn't that happening?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

First of all, with respect to the premise of the questions, those patients are being looked after. They're alternate level of care –

SOME HON. MEMBERS: Hear, hear!

A. FUREY: He said they weren't being looked after.

They are alternate level of care. That means that they're still being cared for. They are occupying acute-care beds. That's different

than long-term care beds. It's different than ALC beds.

What we are doing on this side of the government is looking for a strategy that will fully streamline in an efficient, effective, patient-centred way how to best use all of those beds in that work stream.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, we can all agree that patients that need long-term care are not best suited to be in an acute-care bed. That's not where they belong. They belong in long-term care beds. In the case of alternative level of care beds, they deserve to be in a different place. There is a place available. They've talked about an RFP. Well, let's get on with it. Let's get Western Memorial reopened and get those patients moved over there.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Speaker, I want to ask on the Teladoc costs that we talked about yesterday.

Is it true that Teladoc costs approximately \$579 a visit when local doctors receive less than \$50 a visit?

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

J. HOGAN: Speaker, I need to address the preamble. We are doing everything we can to address the ALC issue in the western part of Island of Newfoundland. There is an RFP that went out to add to the addition of ALC beds in the western part of the province. We're also using personal care homes as temporary facilities for individuals for short stays, where they can be given rehabilitative and restorative options there as well.

We are working on this issue. ALC is an issue across the country. We're aware of it on the West Coast of the Island and we are working on it.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, again I ask the minister: Can you confirm that Teladoc costs approximately \$579 per visit when local doctors receive less than \$50 per visit?

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

J. HOGAN: Thank you, Speaker.

Just to advise the public that anybody who sees a family physician through Teladoc, that physician is being paid the same rate as they would if they saw them in person. Of course, there's an extra advantage to Teladoc is that if someone doesn't have access to a family physician because maybe they live in rural or remote Newfoundland, there has to be part of that contract to pay for that.

So there is value there; it's not just dollar for dollar. We have to look at the whole package, which is, as I said, virtual care. Virtual care as well is very important in making sure we don't have the diversions that we had a couple of years ago in rural Newfoundland and Labrador.

I'm sure they're very thankful that we have Teladoc. I'm sure they're very thankful that we don't have the diversions anymore in rural Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, according to the health authority it was 19,000 patient visits and almost \$11 million in cost. That's a significant number.

But let me tell you where they can save money; let me tell you where they can provide better health care to all of those seniors and others who are forced to pay to see a nurse practitioner. That's an immediate solution that's available right now.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: So I ask the Premier again: Will you allow nurse practitioners to be reimbursed for all the patients that they are helping in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Nurse practitioners are incredibly important; they're the heart and soul of our health care system, Mr. Speaker. We continue to work with the nurse practitioners to ensure that the funding model is a modern one, that it's a funding model that meets their needs. We've already seen from family doctors in the past how the antiquated fee for service isn't necessarily what every provider wants. So we will continue to work with nurse practitioners to ensure that we create the model that works for them.

In the meantime, I think it's a bit creative, a bit rich for the Member opposite, who chose to cut nurses, cut nurse practitioners and close clinics, to be telling us about that.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Leader of the Official Opposition.

T. WAKEHAM: Speaker, I stand here today to talk and represent the thousands of Newfoundlanders and Labradorians who are paying out of pocket to receive health care from a nurse practitioner because this government opposite can't figure out a way to reimburse the nurse practitioners.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: And I will continue to stand and say that.

Actually, let's talk about that, because all of this comes down to a human resource plan. We've been promised a human resource plan for health care professionals by this government for years, and we still don't have it.

So once again, I ask the Premier: Where is the human resource plan for health professionals?

SPEAKER: The hon. the Premier.

A. FUREY: We continue to work with all stakeholders involved with respect to the human resources and the dynamic environment in which health care is right now, Mr. Speaker, and the whole entire system, including the much-respected nurse practitioners and nurses. We certainly need more nurses, more nurse practitioners, more doctors. We need them all.

I can tell you what won't work, what is not a human resource plan, is to cut nurses, is to cut nurse practitioners, is to close rural clinics. That is not an acceptable human resource plan, and our government will not stand for it.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I think the Premier needs to realize the people of the province deserve answers, and they deserve respect, and what we're hearing the last two days in this House of Assembly is outrageous. I said it yesterday and I'll repeat it again today: They live in an alternate universe, not the same universe we all live in.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: Speaker, I'm in receipt of a copy of a letter signed by five doctors at the Carbonear General Hospital. The doctors outline a number of concerns eroding their ability to practise, including clinic physician space being converted into management and executive office spaces.

Speaker, the minister was copied on this letter. Has he determined what's going on?

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

J. HOGAN: Thank you, Speaker.

Myself and the Premier met with the CEO of NLHS earlier this week. She advised that she had met with these physicians as well to discuss their issues with them. Of course, she and we take them very seriously and hope to have some information back to them very soon.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Speaker, if new executive office suites in a regional hospital are a priority for this government, then it's no wonder we have a health care crisis. The doctors say they feel unsafe in their workplace, not consulted,

and not treated with respect. As a matter of fact, I'll quote from the letter: They no longer feel safe bringing forward questions and concerns. Just imagine.

Speaker, why is government continuing to treat health care professionals in the system now like this?

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

J. HOGAN: Speaker, this government, with its increase in the budget to health care over the past few years, shows how committed we are to health care in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: The fact that they don't want nurses in the system –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

J. HOGAN: – the fact that they don't want virtual care for people in rural and remote Newfoundland and Labrador –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I heard the question quite clearly; I'd like to hear the response too, please.

The hon. the Minister of Health and Community Services, you have 25 seconds.

J. HOGAN: – the fact that they don't support collaborative care teams, which we welcome all nurse practitioners to be a part of, the fact that they don't support what's outlined in Health Accord NL, I can't do anything about that. All I can do is control what we do. We are committed to continuing to improve health care in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I'll tell the minister what we support. We support the people of Newfoundland and Labrador who deserve proper health care. That's who we support.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: And money doesn't equal respect, Minister. You can throw all the money you want, but there's no cost to respect.

SPEAKER: Address the Chair.

B. PETTEN: It's human respect. There's no price tag on respect.

Speaker, the doctors describe being mistreated, spoken down to and yelled at.

Speaker, is this a respectful and collaborative workplace that the minister hopes will help with physician recruitment? All this so-called money he's pouring out, is that how you show respect, Minister?

SPEAKER: The hon. the Minister of Labrador Affairs.

L. DEMPSTER: Speaker, I really, really, really take great exception when the Members get up and think they have a monopoly in this province on caring for the people that work here.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: I have been representing the people of this province – and talk about an alternate universe, up in Labrador where we have lots of challenges – and working 16, 18 hours a day, seven days a week. They know my phone hasn't been off. And to sit in this House and have the gall and

the audacity. Care about the people, respect the people – that's what we're doing. We'd like to have someone join us from the other side.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, I've got the gall to stand up for every person in my district and in this province, and I make no apologies to you, Minister, or anyone on that side, nor do I take lectures from you.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: Lectures from anyone over there, for that matter.

Speaker, like the 60 nurses from India sitting home without jobs, the doctors fear disciplinary action for speaking out about their concerns. These professionals are concerned for patient care and worry that the facility will be downgraded once core general surgery ends.

Are surgical services at Carbonear General Hospital in jeopardy?

SPEAKER: The hon. the Minister of Labrador Affairs.

L. DEMPSTER: Speaker, I do remind the hon. Member that we were all elected over here as well. It is a tremendous privilege to serve.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: Ed Roberts once told me anyone can get elected the first time, but to get re-elected, you've got to be doing something right, Mr. Speaker, working hard on behalf of the people and that means respect. Do we have challenges in health care? Yes, we do.

Do you know what we should be doing as MHAs and as ministers in this House and Members of the Opposition and Third Party? Talking to those people, seeing what the solutions are and sitting with the government of the day to try and find resolutions.

I'm tired of turning on *Open Line* and you're hearing people talking about issues. They've never brought them to us. So clearly, they just want to make politics and not work with us to try and find reasonable options and solutions.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, outrageous. Outrageous is the only word you can use to describe those comments. We're standing in the House of Assembly and we're going to continue to stand here and debate issues and bring issues to the floor of this House of Assembly.

As a matter of fact, the minister and the government doesn't realize we have a job to do and we're going to do it. They're not answering questions, but we're going to continue to ask those questions. They're not giving answers, but we're going to continue to ask. I'm going to ask another one.

The Minister of Justice and Public Safety over there – you'll get an opportunity. I'm going to ask it right now.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: Speaker, these doctors provide cancer and emergency surgery, as well as care to trauma and accident victims.

Where are those patients going to go in the Trinity-Conception region.

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

J. HOGAN: Speaker, it's unfortunate that the Member for CBS gets upset when we give answers that he doesn't like. We are answering the questions.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Minister of Health and Community Services.

J. HOGAN: So, Speaker, when they say what are you doing for health care, and we say we're doing things like virtual care, and they say well, we don't like it; it cost money. Well, yes, it does cost money to deliver health care, Speaker, and we're going to continue to spend that money to make sure that Newfoundlanders and Labradorians have access to primary health care.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: They said, what are you doing for long-term care patients? We say we're getting experts to tell us how many beds we need to make sure we look after our seniors, and we put programs in place to make sure seniors can stay at home because they told us they want to stay at home. Those are answers. That's a plan. That's Health Accord NL and we are implementing that plan.

As for surgeons in Carbonear, we are implementing that orthopaedic joint program in Carbonear. Now, that is an answer. That is a tangible thing that we're doing for people in that area. He doesn't like it because it's an answer that provides health care to Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, I don't mind answers. We don't get answers. That's the problem. They're not giving us an answer. That's what they're doing. They're treating people in this House with total disrespect.

If you're going to carry forward the orthopaedic surgeons, what about the general surgery in Carbonear? That's the issue. So I guess you're throwing them out and you're bringing in new people. So where does Carbonear General Hospital stand because that's what you haven't answered. I've got up and got lectured about who cares the most.

I'm going to try another one, Speaker. There are no answers to these questions. We'll get them later obviously. I would say we'll get them in the media.

Speaker, the doctors talk about retiring or quitting in their letter – their words, not mine. If Carbonear is the backup for Clarenville, I think we have a larger problem. As we were told in the House yesterday, Clarenville will not have any physicians for internal medicine coverage as of December 16.

Speaker, if Carbonear General Hospital is a backup to Clarenville, what are those patients in Carbonear going to do after December 16?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Let me take an opportunity to address the preamble. There's no way that we will –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

A. FUREY: I'll answer the question. Want me to answer the question? I'll answer it right here. I can answer the question. If you want an answer, I'll give you an answer.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Are Members ready?

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Premier, you got 40 seconds.

A. FUREY: I believe the Member opposite raised an incredibly important point with respect to surgical distribution in Carbonear. We gave an answer earlier; I'd like to repeat it.

We were made aware of this issue earlier. We met immediately with the CEO of Newfoundland and Labrador Health Services. We take this very seriously. If there are issues that we can resolve – she's already met with them. That is an answer.

There is an answer in saying that we're doing orthopaedic services in Carbonear. There is an answer in saying that we are committed to general surgery services in Carbonear.

SOME HON. MEMBERS: Hear, hear!

A. FUREY: There is an answer in saying that we are committed to general internal medicine in Carbonear.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: He must be getting clips to social media today, Speaker.

I spoke, last night, to the doctors. We've spoken to the doctors as late as 10 last night and they said the situation is not good. It's a huge, huge issue. So you can meet, you can talk and you can implement. The general surgeons in Carbonear are upset they're not being listened to.

So you can go on your rant, Premier. You never answered one question –

SOME HON. MEMBERS: Oh, oh!

B. PETTEN: – not one question and you can laugh.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I understand tempers are getting high. People are passionate about the issues, but please, it's very difficult to hear the questions. It very difficult to hear the responses.

The hon. the Opposition House Leader, you have 20 more seconds to ask your question.

B. PETTEN: Simple question, Premier: What's your answer to the five surgeons –

SOME HON. MEMBERS: Oh, oh!

B. PETTEN: Speaker, are you the Speaker, or are they?

Speaker, I'm asking the Premier a question. He looks at me but I can't look at him. So will he tell the general surgeons in Carbonear –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: Will he tell the general surgeons in Carbonear what the plan is? Will he tell them?

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: That's my question. Will the Premier tell the general surgeons in Carbonear, who are very upset, what the plan is?

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

J. HOGAN: Thank you, Speaker.

As I said yesterday, history is a good judge of the future and here we are again, looking at history and we can predict what the question is going to be. This has been asked three or four times and the Premier and I have said –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

If it continues, Members are going to be named or lose their speaking privileges. Enough of it. It's very difficult to hear. It's very important issues we're discussing. We'd like to hear the questions; we'd like to hear the responses to them.

The hon. the Minister of Health and Community Services.

J. HOGAN: Thank you, Speaker.

As the Premier has said on multiple occasions in the last 20 minutes and I have said that the CEO has met with the individuals from this part of the province to discuss their issues, to hear their concerns. We are committed to listening to them, to make sure that we provide a place where they can provide health care to Newfoundlanders and Labradorians that's appropriate and good for them and satisfactory to them. The CEO has done that as well.

All we can do at this stage is when an issue comes forward, is to meet and to engage and to listen and to solve problems.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: God, it's nice to be waited on like this. I appreciate it, I really do.

Speaker, the NLTA has published startling statistics about violence in their classrooms, and it's continuing to rise.

Speaker, in *Hansard*, on November 19, the minister recognized that there's an issue with violence. After nine years, what progress has been made?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

For reference, I haven't been here nine years, but in the little over two years that I've spent in the Department of Education, we've made significant progress in advancing things through in our department. Most recently, we've been able to look at the issue of violence in our schools. It is an issue that I'm glad the Member opposite has finally had the opportunity to ask a question about.

As the new chair of the coalition against school violence, we're pleased to stand and say that we have introduced a pilot program in several of our schools that brings teaching and learning assistants to the forefront. They meet the students on the front lines and have the opportunity to interact with them, therefore eliminating a lot of the issues that will arise.

In the event that they cannot defuse the situation, we've increased the guidance counsellor hours in our school systems so that we now have a ratio of 1-333.

SPEAKER: Order, please!

The hon. minister's time is up.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: It's interesting that the other side talks about not being here. I don't think any of us here were here and they throw Muskrat Falls around all the time – all the time. So practise what you preach.

When you say finally, I'm getting up asking questions, these questions have been asked many times – many times. It's a serious issue and this government is entering their 10th year.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. DINN: They're still not hearing me: their 10th year. Ten years and violence in our schools continues to rise and they have nothing to offer.

Does the minister have anything to offer besides pilot projects and an increasing crime rate and violence in our schools?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

As I was saying, we have successfully implemented a pilot project and, in the recent week, we've actually doubled that, given the feedback that has come from our schools and from the NLTA that this program was successful. So we've doubled that.

We've introduced 160 student assistants. We have 40 IRTs in the current school year. We are part of the safety coalition that I now chair. We are continuing to increase the counsellor and administration hours. We've improved the student-to-councillor ratios from 1-500 to, now, 1-333.

We've increased the Positive Action For Student Success teachers in our classrooms. We've had new interventions

on our bullying prevention. We have re-evaluated and revamped our code of conduct for students.

Speaker, I can continue with these measures but you're telling me my time is over. I hope I get the chance to stand again.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I ask the Premier: What action will this government finally take to compel Northview to get the elevator at Keane Place back in operation and allow tenants to get out of their apartments?

SPEAKER: The hon. the Minister of Digital Government and Service NL.

E. LOVELESS: Thank you, Mr. Speaker.

For clarity on that issue with Keane Place apartments, my department is responsible for inspections. The owner is responsible for the work to be done. We have a job to do; the City of St. John's has a job to do. We're doing our jobs, but we cannot inspect the work that's not being completed.

We've been on it and until that work is done, we can't inspect it.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: The problem is, Speaker, no one seems to have any responsibility for this: not the city, not the government, not the St. John's Regional Fire Department, not Northview.

Speaker, Northview is an REIT and REITs buy up affordable housing, raise rent, and fail to make the necessary capital

investment. For almost two years, seniors at Northview's Keane Place apartments, many with significant health and mobility issues, have been confined to their apartments because the elevator cannot be used. Rent is the only thing that seems to be going up there.

I ask the Premier: What bold action will his government take to compel Northview to get this elevator operating properly so residents are able to leave their apartment building? Simple.

SPEAKER: The hon. the Minister of Digital Government and Service NL.

E. LOVELESS: Thank you, Mr. Speaker.

There's an onus and a responsibility on the owner to get the work done. It seems that it's not getting done. If he has a way to go and get the owner to do the work, get it done, and we'll get it inspected.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Speaker, seniors in Labrador face a significant challenge when accessing medical services that are concentrated on the Northeast Avalon. Seniors and medical professionals find that requirements to access MTAP are burdensome and that many specialists' offices have a hard time producing the necessary letters, or in some cases they outright refuse to do so because they are under resourced.

I ask the minister responsible for MTAP: Will you review the required documentation for applications to the program and lift some of the burden from seniors?

SPEAKER: The hon. the Minister of Labrador Affairs.

L. DEMPSTER: Thank you, Mr. Speaker.

I thank my colleague across the way for raising the important matter of the Medical Transportation Assistance Program. We know that it's a very valued program right across this province, but we also know that Labradorians use the program 5½ times more.

That is why, Speaker, we have made a number of changes. The Member across the way has come to me on more than one occasion on concerns for the people that he represents, and most of the time we have been able to find a resolution. We continue to review the program, in addition to the enhancements that I've talked about repeatedly here, I'm certainly happy to take that away and look at that as well.

Anything that we can do to reduce the undue burden on administrative people, to prevent folks from having to go back, but always balancing it, Speaker, with the fact that we do have a measure of accountability here with the public purse.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Having seniors calling a specialist's office looking for letters to allow escorts to travel with them, or confirmation of dates and times for appointments is taking up a lot of time and resources of medical professionals.

I ask the minister responsible for MTAP: Will you immediately remove the requirement for escort letters for seniors? Let couples travel together for health care.

SPEAKER: The hon. the Minister of Labrador Affairs.

L. DEMPSTER: Speaker, we've made movement in that area, and we certainly continue to look at it. As I've told the Member before, we administer the program, but the doctors do play a role here as well. When an individual goes to see a physician, that physician determines whether the individual needs an escort or not. It shouldn't be done by policy people or people administering the program.

When there are challenges or if there are solutions to be put on the table, options that we can look at, I'm certainly open to that and we continue to review the program and we continue to make enhancements and we will continue to do that going forward.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Speaker, the minister wants us to come up with solutions. It's their government. We've already put forward solutions in many cases. Right here, it comes down to forcing if nothing else, having that conversation with Keane. They can have it with everyone else but start dealing with the issue here.

Speaker, one senior at Keane Place suffered a heart attack – it has very real consequences – while after climbing the stairs with groceries. Another senior with cerebral palsy had to climb the stairs instead of using the elevator. This government does not walk the talk of seniors' health and well-being and healthy aging. It does not.

I ask the Premier: Why is the government unwilling to help the seniors of Northview's Keane Place apartments?

SPEAKER: The hon. the Minister of Digital Government and Service NL

E. LOVELESS: Again, Mr. Speaker, I don't need that Member or any Member to tell me that I don't care about seniors.

I say that with respect, Mr. Speaker, because I represent seniors in my district, as well. Any Member over there can say we care about seniors. We all care about seniors and the well-being of our seniors. In terms of the situations with the seniors in that apartment building, it's unfortunate.

Again, Mr. Speaker, in terms of the unfortunate situations –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

E. LOVELESS: – those seniors find themselves in, I cannot inspect work that's not been completed. So the onus is on the owner to get it done. Once it's done, we will be glad to inspect it and move it forward.

Thank you.

SPEAKER: The time for Oral Questions has expired.

E. JOYCE: Point of order.

SPEAKER: The hon. the Member for Humber - Bay of Islands on a point of order.

E. JOYCE: Mr. Speaker, a point of order, Section 49.

Again, when the Leader of the Opposition asked the Premier questions on the nurse practitioners which is a very serious and hurting a lot of seniors out on the West Coast, the Premier, again, made statements that the Leader of the Opposition went and cut in 2015-2016.

It was our government, which I was a part of, that asked for options. The Premier was not a part of the government. The Member for Cartwright - L'Anse au Clair was not in Cabinet. We asked for options and the

options came forth. I just ask the Premier to do the honourable thing and withdraw.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Conclude, please.

E. JOYCE: I would just ask that the Premier withdraw those statements and, please, take the seriousness of nurse practitioners billing seniors. Because I can tell you, Mr. Speaker, people are suffering. People are not getting primary care.

When you hear a statement coming back, which I know is false, to try and take away from the statement of the real need for nurse practitioners to bill so people will get primary care, I take it personally because I know the people.

I ask the Premier to withdraw the statement because it is just not true.

SPEAKER: Order, please!

I heard the Member's point of order; however, it's not a point of order. I do understand your questioning and the response and that, but there is no point of order.

AN HON. MEMBER: (Inaudible.)

SPEAKER: Pardon?

AN HON. MEMBER: (Inaudible.)

SPEAKER: I made my ruling.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: These are the reasons for this petition, or the background for this petition is as follows:

Services at G. B. Cross Memorial Hospital are being eliminated due to the lack of specialists available in the hospital. Presently the hospital has no pediatrics or internal medicine doctors and is experiencing a shortage of nurses in various specialized areas.

As well, patients who are receiving surgeries are being transported to ICUs in Burin, Carbonear and St. John's area. This is unacceptable that patients who are fortunate enough to receive surgery or care are transported to other regional hospitals. Mr. Speaker, we had four internal medicine specialists; now we have zero. We had two anesthesiologists; now we have zero. We had a pain clinic – nonexistent. We had a wound care specialist – nonexistent. We had pediatrics – none. We had an ICU. We can't man it because – or put nurses, men or women, in there because we don't have internal medicine specialists.

We have nursing shortages. We have a collaborative care clinic – we have one nurse practitioner and one nurse. That's a clinic, no doctors. We have two OBGYNs who can't deliver babies because we have no pediatricians and this government is trying to tell the people in rural Newfoundland and Labrador that this is their plan and it's working. Somebody has to have a look at rural Newfoundland and Labrador.

Last week, I had a patient who died. He died because he went to the hospital with heart issues and he was sent home on medication, awaiting an urgent appointment with an internal medicine specialist. He died. Yesterday, I had a patient who was transported here to St. John's who was palliative, and he was trying to get back home and die with dignity with his family. Guess what? He passed away here in St. John's away from his family and it's their fault. It's their fault.

You can stand up and say it's not, but all of these shortages – the minister has gotten the letters. He knows these issues have been going on. The previous minister that's not here any longer, the previous minister that messed it all up that's sitting over there, they all knew it was happening since 2015, and here we are today in a mess.

Part of the plan was the elimination of these services through the Health Accord. They said they weren't going to do it, but guess what? It's happening. So not only is it they're not going to do it; they're allowing it to happen.

We need health care in rural Newfoundland, specifically, that doesn't drain all the health care systems across the province. I talked to orthopedic surgeons in St. John's last week who said they're cancelling surgeries because they don't have beds because people from rural Newfoundland are being diverted into St. John's. The trickle-down effect from the mess that this government has made of health care is ruining and decimating the lives of Newfoundlanders and Labradorians.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

These are the reasons for this petition, or the background to this petition is as follows:

Services at the G. B. Cross Memorial Hospital are being eliminated due to lack of specialists available in the hospital. Presently, the hospital has no pediatrics or internal medicine doctors and is experiencing a shortage of nurses in various specialized areas.

As well, patients who are receiving surgeries are being transported to ICUs in Burin and Carbonear. This is unacceptable that patients who are fortunate enough to receive surgery are transported to another regional hospital.

Therefore, we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to increase in recruitment efforts so that the residents of the area can receive the necessary health care they deserve.

Mr. Speaker, the reason why I wanted to present this petition and support my colleague from Terra Nova is because this affects me, too, and the people of Placentia West - Bellevue. I've got people here today from Terrenceville. It actually affects them. They're equal distance between Burin and Clarenville.

We agreed with going with the new Health Accord. We understood the G. B. Cross in Clarenville was going to be a hub. We were going to get spokes. But if the hub is not working, how am I going to get a spoke out in Arnold's Cove? How am I going to get anything for my people that are presenting with issues at the G. B. Cross that are coming from Terrenceville, Grand Le Pierre, English Harbour East, Monkstown, Davis Cove, Swift Current, Garden Cove, Black River, North River, North Harbour, Goobies, Come By Chance, Arnold's Cove, Sunnyside, Southern Harbour? This is who it affects.

This is not just a one-off that just affects the people living in Clarendville. This is a serious issue. When we sit here and ask questions about it, and we get these pat answers that we're looking into it, or we're waiting on this, we're waiting on that and all this, that means you're doing nothing. That is an action to do nothing.

So what we are asking this government is to buckle up your boots – if you want some help, I've got three Members on this side, including myself, that will certainly sit around any table to help with any solutions. But this is not only for the people of Terra Nova, it's also for the people of Placentia West - Bellevue, and I ask the government to please do something about it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Industry, Energy and Technology for a response.

A. PARSONS: Thank you, Speaker.

Normally, I don't respond to health care questions. Maybe it's because I just feel like I've got to get up. I'll just point out something. As someone who's been on both sides of the House, one of the ways – and this goes for any department – when you stand up – and this is not just based on Health NL – but if you stand up and shout at somebody, you're probably not going to get the best response.

I don't dispute for a second that that Member, or that Member, or this Member cares about health care.

AN HON. MEMBER: (Inaudible.)

A. PARSONS: Oh, it's condescending – so again, I haven't said a word to the Opposition House Leader. I sit there when he calls us outrageous. What I'm saying is I don't dispute that you want to make things

better, but I would say there's a real way to get action here, and just standing up and shouting at each other is not the way to get there.

So I just point that out. Everybody in this House is concerned about health care; I think we would all like to find some answers, but that's just my approach.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

The background to this petition is as follows:

Services at the G. B. Cross Memorial Hospital are being eliminated due to a lack of specialists available in the hospital. Presently the hospital has no pediatrics or internal medicine doctors and is experiencing a shortage of nurses in various specialized areas.

As well, patients who are receiving surgeries are being transferred to ICUs in Burin or Carbonear. This is unacceptable that patients who are fortunate enough to receive surgery are transported to another regional hospital.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to increase recruitment efforts so the residents of the area can receive the necessary health care they deserve.

Speaker, Bonavista depends on the specialist at G. B. Cross. In order to get to G. B. Cross with somebody that would be in an emergent care level, it's an hour and 20 minutes, an hour and 30 minutes. If we've now got to go to Carbonear and to Burin, we're looking at over three hours.

Let me offer a couple of suggestions that would be for the government. I know earlier

the minister said that he had thought that everything was working well according to the plan. We don't see that in the District of Bonavista that it's working well. There are two things I would raise to the Minister of Health and Community Services. Teachers that teach in King's Cove or Bonavista will get paid the same as what they do at Holy Heart; they're teaching children. RCMP officers in Bonavista will get paid the same as what they would in other areas of the province – paid the same.

Physicians, if you work emerge in Bonavista, you'll find that you don't make as much as what you do in Clarenville. Internal medicine specialists don't make as much in Clarenville as what they do in St. John's. We don't need to look at where we went wrong with how we operated the system.

The second thing would be that the minister states that we've added five more seats to the MUN medical school, and that is a good thing, but if we're not retaining the ones that we have coming out of the school as much as what northern Ontario medical school is, it's not just adding more seats, we got to find out why we're not retaining the physicians to \$50 million a year of taxpayer money. We need to find out why we're not retaining them but we need some action.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

This petition is for improved inclusion for Northern Labrador communities to participate in the Newfoundland and Labrador incentive/rebate programs.

We, the undersigned, are concerned citizens of this province who urge our leaders to continue to ensure that – not continue because it doesn't exist right now –

Northern Labrador communities be given due consideration when the provincial government develops, or develops in the collaboration with others, incentive programs such as the Oil to Electric Incentive Program and the Residential Construction Rebate Program.

Now, Speaker, I've presented this petition before. This petition is about inclusion. When there's a rebate program across the Province of Newfoundland and Labrador, my constituents are continuously excluded.

With the Residential Construction Rebate Program that was vital back during the COVID days to restart the construction industry and also give a break to the people in the province, we were excluded because of the requirement that it was only eligible contractors who are affiliated with the Canadian housing or whatever affiliation it was. They don't exist in Northern Labrador, so we couldn't avail of that rebate. We were cost excluded.

Looking at the Oil to Electric Incentives, we would love the CMHA – yes, we would love to be able to actually avail of that rebate. The minister said \$17,000. That was the first lot the province was offering to a household to switch from oil to electricity. So that's \$17,000 and it went up to \$22,000 and then there are other federal rebates, but in Northern Labrador we couldn't qualify for that.

So there are so many problems. Speaker, when you're looking at Newfoundland and Labrador province-wide rebate programs that are going to help people or going to help businesses, not for Northern Labrador. Speaker, unfortunately, with my tone, it's really hard for me to raise my voice. I don't think I have shouted in this House of Assembly or been accused of shouting but, in actual fact, the people in my district are so downtrodden when it comes to province-wide rebates that, really, I should be shouting.

I should be getting up here and pounding my fist because chronically, decade after decade, the North Coast of Labrador, the six Indigenous communities have been excluded from a lot of incentives, a lot of programs, a lot of infrastructure. We're not even connected by road. We're actually being harmed now because we don't have the same equal access to food, to oil, to housing, Speaker. It's impacting us.

So I said before and I'll say it again, year after year, that Northern Labrador needs to be included if it's going to be province wide. If it's not, then just tell us if we're a part of this province or not.

SPEAKER: The Member's time has expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Speaker.

The background to this petition is as follows:

Over the last number of years, there appears to have been a noticeable increase in crime within the St. John's metro region. While much of it has been centred around break-ins in to vehicles, sheds and residential dwellings, which many people attribute to individuals attempting to feed their drug addictions, there has also been several instances of violent crime.

Within the City of Mount Pearl, there have been incidents of teenagers being attacked on the trail system and just recently there were two separate instances of adults being seriously assaulted by a group of out-of-control teens, allegedly including the use of weapons. What is even scarier about these latest incidents in Mount Pearl is that they appear to have been unprovoked, random acts of violence against unsuspecting law-abiding citizens.

As a result of these incidents, many people in Mount Pearl no longer feel safe in their community. They're afraid to go for a walk on the city's beautiful walking trails and are in fear for the safety of their children and their elderly parents.

While these latest incidents have had an impact on the people of Mount Pearl, it's recognized that many communities in the St. John's metro region are experiencing similar issues.

Also, it is worth noting that while violent crime has been on the rise, policing levels have actually decreased over the past two years.

Therefore, we petition the House of Assembly as follows: To urge the government to allocate funding for the provision of additional police resources within the St. John's metro region to help combat violent crime and associated public safety concerns.

To further urge the government to work with their other provincial counterparts throughout the country to lobby the federal government for a review of the *Criminal Code*, the *Youth Criminal Justice Act* and their associated sentencing guidelines to result in greater accountability for repeat and habitual offenders, as well as those who perpetuate violent crimes.

Also, to urge the government to prioritize resources in dealing with some of the factors which can contribute to these criminal behaviours such as poverty, housing, mental health and addictions, rehabilitation, reintegration and appropriate resources in our school system.

Mr. Speaker, I presented this yesterday, the minister did respond. He talked about the millions of dollars that have been put into Department of Justice and so on. He talked about investments in Labrador and he threw out some big numbers. I'm not disputing there hasn't been any investments. I know

there was like a new radio system that would have applied, I guess, to all first responders, including the police. Probably it's part of the numbers, I don't know.

But, at the end of the day, what I'm told is certainly here in the Northeast Avalon, we haven't seen any real increase in terms of patrol units on the street. I'm told that we probably need about a half dozen additional RNC officers, 24-7, in patrol cars, going through our neighbourhoods so that they're not just responding to Priority 1 calls, but they can respond to other calls and they can actually be doing some preventative work in patrolling neighbourhoods and so on, checking on suspicious persons to prevent it from happening.

The other piece he didn't address is the *Criminal Code* and the *Youth Criminal Justice Act*.

SPEAKER: Order, please!

The Member's time has expired.

The hon. the Minister of Justice and Public Safety for a response.

B. DAVIS: Thank you, Mr. Speaker.

I thank the hon. Member for his petition again.

I'll reiterate some of the things that we've announced in just the last three weeks. Those investments take a little bit of time. RNC officers don't grow on trees. They are very-well trained. They have to be vetted. They have to make sure we get the best and brightest within our communities. That's what we're focused on. I think there are 14 or 16 in training right now as we speak. I think there are another 17 starting in January.

In addition to all that, we've invested some \$40 million in policing over the last few years in both the RNC and the RCMP. That brought their totals to \$95 million for the

RCMP, \$75 million for the RNC. But we didn't stop there, Mr. Speaker. We went further. We went \$20 million more with respect to forming a joint force operation unit made up for the Northeast Avalon area that will expand to other areas, as required, to deal with the drug trade, to deal with guns, to deal with contraband. Those are the three things those are focused on there, which will cut off the crime that the Member's talking about significantly.

We put in a leadership position in for intimate partner violence within the RNC, within that unit that we created over here. We've added an additional 19 officers that will be shared between the RCMP and the RNC, depending upon what the Policing Transformation Working Group looks at based on crime trends. That is being proactive, that's looking at what we can do.

We've made an additional 15 investments into sheriff officers, 25 into corrections officers and an additional 18 Crowns helping to adjust the spectrum that we're trying to accomplish here. I know it's not fast enough for the Member, but we're moving as fast as we can.

SPEAKER: The minister's time is expired.

The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The background to this petition is as follows:

St. Shotts Road on the Southern Avalon is in need of major repairs. These roads are in deplorable conditions to the point where it's a safety issue. This road is relied upon by residents and visitors on a daily basis. With a World Heritage UNESCO site in the area, there is an increased volume in traffic in the region.

Therefore, we petition the House of Assembly as follows: We urge the Government of Newfoundland and Labrador to upgrade this piece of infrastructure for the

safety of the residents and visitors to allow for a safer commute on this roadway.

Speaker, I've done this petition many times for sure and, to reiterate, this pavement is 38 to 40 years old that's been in this area and it's not fit to drive on. Bottom line, it's not fit to drive on. We have highway maintenance crews that are doing the best they can to put band-aids on it. They're going up putting cold patch on it, spreading it out. When the winter hits and the fall hits, that stuff rises out or the plows go up and hook it and it's all back to where it was before, full of potholes. The safety part is when you're driving in the area, especially on a foggy night or even on a day, you're hauling over on the left side of the road to get around the big holes and craters in the ground.

So it's something that the minister, hopefully in his wisdom, will put in his budget to be able to get done next year, because it's certainly something that needs to be done.

I mean, there's tourism in the area when you get up there in July. You see it on the news every single year and it seems to be bigger and bigger. It's called the Irish Loop and they're going up there watching the whales right from the road. Go up on the beach and sit – they don't have to go out anywhere, they get right there, they drive around and make it a day's excursion and there is tons of traffic in the area, and I mean tons of traffic. As a matter of fact, there's a traffic jam in the area, of people up watching whales. And they're driving across this pavement and they'd be the first ones to tell you when they see it that the road is not fit to drive on. It's really not fit to drive on; it's deplorable.

You also have, as I said, the UNESCO site in the area and it is a part of the Irish Loop. So we would love to see the minister get this in his budget for next year to be able to get this road done. It's over 38 to 40 years old, and it's something we should have in our district.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 2, third reading of Bill 85, An Act to Amend the Provincial Health Authority Act and the Fatalities Investigations Act. That is seconded by the Minister of Municipal and Provincial Affairs.

SPEAKER: It is moved and seconded that the Bill 85 be now read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK (Hawley George): A bill, An Act to Amend the Provincial Health Authority Act and the Fatalities Investigations Act. (Bill 85)

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

On motion, a bill, "An Act to Amend the Provincial Health Authority Act and the Fatalities Investigations Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 85)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 3, Bill 93, third reading of An Act to Amend the Urban and Rural Planning Act, 2000 and the City of St. John's Municipal Taxation Act. This is also seconded by the Minister of Municipal and Provincial Affairs.

SPEAKER: It is moved and seconded that Bill 93 be now read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Urban and Rural Planning Act, 2000 and the City of St. John's Municipal Taxation Act. (Bill 93)

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

On motion, a bill, "An Act to Amend the Urban and Rural Planning Act, 2000 and the City of St. John's Municipal Taxation Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 93)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 4, third reading of Bill 95, An Act to Amend the Public Safety Act. It is seconded by the Minister of Justice and Public Safety.

SPEAKER: It is moved and seconded that the said Bill 95 be now read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Public Safety Act. (Bill 95)

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

On motion, a bill, "An Act to Amend the Public Safety Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 95)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: I call from the Order Paper, Order 5, Bill 97, third reading of An Act to Amend the Family Violence Protection Act. It is seconded by the Minister of Justice and Public Safety.

SPEAKER: It is moved and seconded that Bill 97 be now read a third time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Family Violence Protection Act. (Bill 97)

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

On motion, a bill, "An Act to Amend the Family Violence Protection Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 97)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Motion 1.

Speaker, I move, seconded by the Minister of Education, for leave to introduce a bill entitled, An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No. 2, Bill 103, and I further move that the said bill be now read a first time.

SPEAKER: It is moved and seconded that the Deputy Government House Leader shall have leave to introduce a bill, An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No. 2, Bill 103, and that the said bill be now read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

Motion, the hon. the Government House Leader to introduce a bill, "An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No. 2," carried. (Bill 103)

CLERK: A bill, An Act to Amend the House of Assembly Accountability, Integrity and Administration Act No 2. (Bill 103)

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

When shall the said bill be read a second time?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

On motion, Bill 103 read a first time, ordered read a second time on tomorrow.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Motion 2.

Speaker, I move, seconded by the Minister of Industry, Energy and Technology, for leave to introduce a bill entitled, An Act to Amend the Fishing Industry Collective Bargaining Act No. 2, Bill 104, and I further move that the said bill be now read a first time.

SPEAKER: It has been moved and seconded that the Deputy Government House Leader shall have leave to introduce a bill, An Act to Amend the Fishing Industry Collective Bargaining Act No. 2, Bill 104, and that said bill be read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

Motion, the hon. the Minister Responsible for Labour to introduce a bill, "An Act to Amend the Fishing Industry Collective Bargaining Act No. 2," carried. (Bill 104)

CLERK: A bill, An Act to Amend the Fishing Industry Collective Bargaining Act No. 2. (Bill 104)

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

When shall the said bill be read a second time?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

On motion, Bill 104 read a first time, ordered read a second time on tomorrow.

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

J. HAGGIE: Thank you, Speaker.

I call from the Order Paper, Order 14.

I move, seconded by the Minister Responsible for Labour and Environment and Climate Change, that Bill 101, An Act to Amend the Labour Standards Act No. 2, now be read a second time.

SPEAKER: It is moved and seconded that Bill 101, An Act to Amend the Labour Standards Act No. 2, be now read a second time.

Motion, second reading of a bill, "An Act to Amend the Labour Standards Act No. 2." (Bill 101)

SPEAKER: The hon. the Minister Responsible for Labour.

L. DEMPSTER: Thank you, Speaker.

Speaker, I am pleased to rise in this hon. House today to bring forward an

amendment to the *Labour Standards Act*. The *Labour Standards Act*, Speaker, is designed to protect workers by requiring employers to establish conditions of employment that meet the minimum legislative standards, including sick and family responsibility leave.

In Newfoundland and Labrador, Speaker, the act requires an employee to provide a medical certificate to their employer for an illness-related absence from work for three or more consecutive days. This requirement to provide sick notes places an undue burden on the health care system. We know that requiring employees to visit a health care professional or facility for a note may also expose medically vulnerable individuals to coughs, colds or other infectious diseases, thus contributing to the spread of infection.

The Canadian Medical Association and the Newfoundland and Labrador Medical Association have been advocating for a reduction or elimination of the requirement for employees to provide employers with sick notes or medical certificates for short-term sick leave.

Today, Speaker, if we were to look across the country, we know that there are currently five jurisdictions, British Columbia, Alberta, Manitoba, Ontario and Quebec, that do not require sick notes for short-term leave; three jurisdictions, Canada, New Brunswick and Nova Scotia, do require notes after five consecutive days; and there are three jurisdictions, PEI, Northwest Territories and Nunavut, that require notes after three consecutive days.

As the Minister Responsible for Labour, I am pleased to bring forward for debate today in this hon. House an amendment to the act to remove the requirement for employees to provide medical certificates to employers for short-term sick leave. As I mentioned at the opening, this amendment reduces the administrative burden on physicians and nurse practitioners, the

unnecessary utilization often of emergency departments, the unnecessary financial burden on employees and prevents the spread of infectious diseases to vulnerable populations.

Speaker, our government is committed to legislation that responds to the evolving needs of Newfoundlanders and Labradorians and I ask all Members of this hon. House to endorse this amendment to the *Labour Standards Act* that addresses the need to reduce the administrative burden on health care providers and the added strain on the health care system.

I look forward to the debate and what will, hopefully, be the successful implementation of those important legislative changes this afternoon.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Yes, I'm just speaking on Bill 101, An Act to Amend the Labour Standards Act No. 2, as the minister talked about, the requirement to get a medical note after three consecutive, illness-related absent days.

Speaker, this amendment is pretty straightforward. I think what it is, is it's welcomed by many. COVID has changed the way we look at illness, even things like coughs and cold. Also, we're more aware of vulnerable people in our populations now, who, when exposed to what we would consider mild illness, sometimes can have serious repercussions and we should be taking preventative measures.

This would be a positive thing because it wouldn't require somebody, in the stages of being sick, having to go in to a doctor's

office or go to a medical professional to get a note excusing them from their absence.

Speaker, this is pretty straightforward. One of the things that I would like to mention is during the technical briefing I did ask about consultations, what consultations were done, for example, with unions who represent the workers, who ensure that the workers' best interests are looked after when it comes to changes to legislation. Also, I was interested in hearing what consultations were done with small businesses.

We've seen the strain that small business is under right now and it would be interesting to see if small businesses were looking at this as a positive thing or as problematic, and what we see in terms of the impact of small businesses in trying to actually stay afloat in this competitive time. There are restrictions now that are really creating a lot of problems.

For example, the workforce, a lot of small businesses are having trouble recruiting workers. Also, things that we view as positive, like the tax breaks that are coming down now just before Christmas, with the tax break on the provincial and federal level, the HST/GST, Speaker, but what we're also hearing is that's actually creating a strain for small businesses.

So I did ask with the intention of listening carefully to the answer of what consultations were done. Unfortunately, the briefing team told me that they didn't know and that would be a question for the minister.

So just looking at how technical briefings work, it would be really, really, good that the team who actually are going to brief us on these changes to the legislation would be knowledgeable of any work that was done in term of consultations for legislation to the stakeholders because it formulates our questions over here when we're looking at changes to legislation. We need to know

what the concerns are from stakeholders. That's a big part of doing business.

Speaker, just looking at this now in terms of the sick note, we, too, fully support anything that would actually cut down on the spread of flus and viruses and colds, and this would be a step. We think that it would actually be a help to the workers so that they wouldn't actually have to lose paid leave or sick leave that they're entitled to if they actually can't go into a doctor's office. So this is a positive thing.

I do have questions that I'll ask, Speaker, but just looking at this now in terms of the overall – one thing I will note, too, is that the Newfoundland and Labrador Medical Association has been advocating for this change; we've heard them out in the media. So it seems like they support this, so that looks like it's a positive thing. Also, too, as we look at calls across the country to remove the requirement for the sick note.

Speaker, I'll save my questions and just sit down.

Thank you.

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

We've seen the changes to the *Labour Standards Act*, an act designed to protect individual workers while requiring employers to establish conditions of employment that meet the legal minimum standard. So this bill amends the *Labour Standards Act* to remove the requirement for employees to provide a certificate of medical practitioner or nurse practitioner when taking short-term sick leave.

This is something that we've been calling for, banning employers from requiring sick notes for short periods of time, but we do have some questions. One of the things is, if we're removing the requirement to do it,

but it doesn't stop employers from internally still having the ability to have an internal requirement for a sick note. That still causes some issues because some employers can still put that onto their employees. It's still a requirement to go up on short-term sick leave. There's no legislation to stop them from doing that. So this is something that we find a little bit of a concern when it comes to the changes that are being made. Yes, we agree that for something like coughs, colds, sniffles, stuff like that and forcing them to go to emerge, sit in emergency for a couple of hours, get a sick note and then bring that home, when they should be home resting and trying to get better.

So the only thing is, we see the changes here, but we are concerned that now it's just putting it onto the employer and they could have an internal policy of requiring a sick note. It doesn't really stop the situation that the NLMA has been asking for and a lot of other groups, like ourselves, have been asking for when it comes to sick notes.

Once again, we see changes to the *Labour Standards Act*. There is a lot of stuff that we want to see continued to be changed. This is a good amendment, a good change, but this is something that we find really concerning with the amendment, is that you're just putting it down onto the employer, the employer can internally have this policy and then we're still having people go up to emerge, sit in emerge for a couple of hours and getting sick notes, when they should be home resting. This is something that we will have some questions in Committee about these changes and a few other things there on that.

Thank you, Speaker.

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Speaker.

I'll be supporting Bill 101 also. When I saw it come on the Order Paper, An Act To Amend the Labour Standards Act, I was hoping we were finally going to address the provision of overtime being paid at time and a half the actual hours, as opposed to time and a half minimum wage.

I look forward to one of these days that the minister is going to bring that one before the House and also, hopefully, she's going to bring forward some changes to deal with the absolute abuse that occurs in some of these retail locations, big box stores and so on with employees having to work split shifts and come in for four hours and it's not busy, go home after two. If it is busy, you've got to stay whether you like it or not. Those are some really good things I'd like to see.

I'm just going to talk about this one here. It does make a lot of sense to me, as others have said, to eliminate the need for a sick note, for short-term illnesses, certainly from the burden that would place on the health care system, it eliminates that. It also eliminates the idea of people being in the workplace that are actually spreading germs. That's one of the things that we did learn from COVID, I guess. We became more cognizant of people spreading viruses and, quite frankly, if someone is coughing and sneezing and everything else, I don't want to be around them anyway.

So eliminating that process and having people stay home when they're sick and not having the burden of the sick note makes sense to me. So I would support that.

I would contradict, I guess, my colleague from Labrador West a little bit. A couple of times when he was speaking, he talked we don't want them out to the emergency for a couple of hours, I'd say more like a couple of days, not a couple of hours.

That's another piece to all that, that I've heard from people before who'd had to go and get a sick note and it's kind of foolish the way it works now, anyway. Because the

reality of it is, if I was off sick, today, and I needed a doctor's note, in all likelihood, if I want to see my doctor, I have to call and make an appointment and my appointment is in two week's time.

By the time I actually go to the doctor to get a note I'm saying, listen, can I have a sick note, I had the flu two weeks ago which you talk about a waste of money and a waste on the system, on our health care system and on taxpayers to be sending someone to a family doctor two weeks after the fact to get a note. The doctor, of course, got to take your word for it that, yes, I was sick two weeks ago. Two weeks ago, I had a bad cough. Two weeks ago, I had a bad pain in my stomach. Two weeks ago, I was sick to my stomach, whatever the case might be. It's too foolish to talk about. This eliminates that as well.

With all that said, I will support the bill. Like I said, next time let's get some changes here to this act to deal with employees being abused by their employer on these stupid split shifts that makes no sense and it's just a total abuse of employees. I'd like to see something on that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Seeing no other speakers, if the Minister Responsible for Labour speaks now, she will close the debate.

The hon. the Minister Responsible for Labour.

L. DEMPSTER: Thank you, Speaker.

I want to thank my colleagues in the House who spoke to this bill today, Bill 101: the Member for Torngat Mountains, the Member for Labrador West and the Member for Mount Pearl - Southlands.

I'll just answer, Speaker, a couple of the questions that were raised, if I can pick out

my own penmanship here which is pretty poor at best. The Member for Torngat Mountains asked about who had been consulted and she referenced the briefing and that officials didn't know. I just want to say for the House, Speaker, it's not that the officials didn't know, it's just that those are questions more relevant to be asked of the minister in the House.

As I mentioned when I was speaking at the opening, it's something that the Canadian Medical Association have been calling for, for a long time, and it's something that the NLMA have been calling for actually since the early 2000s, Speaker.

I just received, since I've been here in the House this afternoon, a statement from the president of the NLMA. He's really, really applauding the government for going in this direction, for something that they have been looking for, for more than two decades. Commending our Premier, Speaker, and for moving in this direction for removing the requirement for sick notes from the *Labour Standards Act*.

I guess the president of NLMA made a couple of points in that doctors will now spend, as I had mentioned earlier, less time on inefficient administrative work and by spending less time on inefficient administrative work means they get to spend more time providing quality patient care, Speaker.

Just to finish off for the Member for Torngat Mountains, I want to say that we have reached out to the Board of Trade. We reached out to the Federation of Labour and we also have heard from independent businesses that supported this.

For the Member for Lab West, I think he raised a concern about businesses. A point that is really important to make with this amendment that we're doing is that employers can ask for sick notes today. Even with this amendment, employers can still ask for sick notes. So really, nothing is

changing with that regard with the amendment that we are bringing in today. It's just that it is no longer enshrined in our legislation, but employers still have the right.

I don't know, maybe the Member was saying we should have mandated the employers, but I go back to it all the time in Labour, I've become so acutely aware of this in my just short time here, that much of the work that we do is about finding a balance between the employers and the employees.

So I look forward to questions from my colleagues in Committee on this amendment, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

The motion is that Bill 101 be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Labour Standards Act No. 2. (Bill 101)

SPEAKER: This bill has now been read a second time.

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

J. HAGGIE: Now.

SPEAKER: Now.

On motion, a bill, “An Act to Amend the Labour Standards Act No. 2,” read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 101)

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

J. HAGGIE: Thank you, Speaker.

I move, seconded by the Member for Mount Scio, that this House resolve itself into a Committee of the Whole to consider Bill 101, An Act to Amend the Labour Standards Act.

SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider Bill 101.

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, ‘nay.’

Motion carried.

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

Committee of the Whole

CHAIR (Gambin-Walsh): Order, please!

We are now considering Bill 101, An Act to Amend the Labour Standards Act No. 2.

A bill, “An Act to Amend the Labour Standards Act No. 2.” (Bill 101)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

Yes, I do have some questions. I thank the minister for adding a little bit more to give us some context because it provided some answers to my questions that I had and, also, it generated a few more questions.

So getting back to the topic of consultation. When you bring in legislation, usually I know government goes out to stakeholders to see what the impacts are and the concerns and, also, to have some recommendations. One of the questions that I was going to ask, even though this seems like a small change in the legislation, I was wondering when the minister said that it wasn’t that the briefing team didn’t know the answer if there was consultations, but it was more a question that was relevant for the minister.

I’m just wondering, Minister, does that mean we shouldn’t be asking for the consultations that were done during the technical briefing? Because based on the answers, it generates questions and, also, it provides information to us. We’ve got to make sure over here, in the Opposition, that we’re challenging the government in a friendly way, in a productive way, to make sure that the changes to legislation are the ones that will best serve the people and have the best outcomes.

CHAIR: The hon. the Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair, and I thank the Member for the question.

I may not have been clear there. I sat over there for a couple of years and it is really important when new legislation is coming into the House that Members come to the technical briefings and that they ask all the questions that they want and that whoever on this side who owns the bill, they take ample time.

All I know is that it was brought to me after. Obviously, we get debriefed on how did the briefing go and it was said that the question was asked and, at that time, that particular one on who consulted, they felt it was better for the minister to answer it in the House. That's all I can say. I'm just sort of sharing everything that I know.

I don't know if you want me to expand on the consultation part.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair, and I thank the minister for her answer.

I guess for us, we will continue to ask and want answers about the consultation process because we just happen to look at the merging of the health authorities. When we asked about consultations, that was very troubling. There were other things, like with the gender equality legislation, pay equity, that was brought in. Some changes to legislation is small, some is large and some changes have far-reaching implications across the province so it's important for us.

I just wonder if the minister can answer this question: Were there any concerns voiced about this change by the parties that you consulted?

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: No, I'm not aware of any concerns. There was nothing brought to me by the parties that we talked to, the Board of Trade and some independent businesses out there.

I think it's really important to note that I mention that since I've been here in this House, we have a statement from the president of NLMA who said they have been for more than two decades asking for this. So I was really pleased, Chair, that as each of the Members on all sides of the House

got up and said they would be supporting this because day after day after day we come in here and health is probably the number one issue.

We know that right across the country, right across the globe, after we sort of all lived through a worldwide pandemic, I explain it like we were building from the ground up again. When you have family in all the other provinces in the country, whether it's my mom who's in BC, all of my husband's family who are in Ontario and friends, you know that every single province is really struggling with health care. When you're adding extra seats to the med school, or whatever we're doing, recruitment, retention, bringing folks in, we know that the health care system have been really, really – it's been a lot.

So that is why this move to remove that requirement so that people, if they're feeling terrible they don't have to get up and force themselves in to see a doctor. That doctor doesn't have to take his time to write a sick note to say, yes, you're not well, you need to go home; or to show up at an emergency room and probably spread that to other vulnerable people that are in there sitting.

I probably took the long way of answering the Member's question, but we did hear from the Federation of Labour, we talked to them; the Board of Trade; some independent business; and I think the biggest groups here, the Canadian Medical Association and the NLMA, who were not just supportive but really applauded the efforts because it's something that they have wanted for so long.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair, and I thank the minister for her answer.

Normally, we would ask what jurisdictional scans to see what's happening across Canada, but as was talked about earlier,

there are some jurisdictions that require a three consecutive sick days for the note; some require five; and there are five jurisdictions, according to the minister, that don't require this at all. So it looks like that question was already answered.

Also, just looking at this, when you're looking at the requirement for the sick note, did you look at or consult about extending the period? Instead of requiring three consecutive sick days, maybe extend it to a week? Was there any advocacy for that?

CHAIR: The hon. the Minister Responsible for Labour.

L. DEMPSTER: So I may not answer correctly and the Member will tell me if I don't, but right now in the *Labour Standards Act*, an employee is still entitled to seven unpaid sick days.

You will note that a couple of weeks ago, I brought in an amendment to the *Labour Standards Act* where we put some protection in place around long-term illness, long-term injury, organ donation and the military reservists, but this is about the short term.

Right now, the act is saying that after three days you have to have a sick note and we're removing that. So if an establishment says I'm still going to require that after day two or day three, well, we're not going to overreach and tell them what to do. But it won't be something enshrined in law that they would be legislated to comply with. But the seven days of unpaid is still there under the *Labour Standards Act*.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

Thank you, Minister, that did answer my question.

I think that's the end of my questions here. For us, anything that frees up the doctor's resources and the medical professionals and makes them available to deal with other more urgent issues or sickness is a positive thing. We look at this amendment as a positive thing for the labour force and for business.

Thank you, Chair.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

With these changes, obviously we've removed the legislative requirement for a sick note, but it still doesn't do the full, I guess, job of what we're envisioning here, that employers can still ask for sick notes for one day missed, two days missed, three days missed. They're still putting a burden on the health care system by giving that ability that we're not really telling employers you shouldn't be doing this. It's causing undue harm onto the health care system and onto the individuals.

It doesn't really capture the full essence of what is possible here. That still brings a lot of concern, because, unfortunately, in my time, sometimes I've seen employers use it as a punishment in some cases: Well, go up to emerg, get a sick note; you were out that day, we need that sick note. Even though, really, you don't need that sick note. It's pure ridiculousness.

We're still not actually addressing the issue and not addressing what the NLMA has actually been asking for. They want employers not to do this. So what it seems to be here is that we're just taking the legislative away, but we're still saying to employers, yeah, you can still do that. You can still send your employees up to the emerg or wherever and wait and wait and wait for a sick note.

With that, Chair, I move the following amendment: That clause 1 of the bill is amended by adding immediately after the word “repealed” and the following substituted: 43.11(2) An employer shall not ask an employee for a certificate of a medical practitioner or nurse practitioner for a period of five or fewer consecutive days of sick leave.

Seconded by my colleague, the Member for St. John’s Centre.

Thank you.

CHAIR: An amendment has been moved by the Member for Labrador West. We’ll now recess to determine if the amendment is in order.

Recess

CHAIR: Are the House Leaders ready?

Order, please!

We have examined the amendment and it is not in order.

The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

It’s unfortunate that it’s not in order but we still have grave concern that employers, even though they’re not legislatively going to have to ask for sick notes, are still going to ask for sick notes and it’s not really going to address the issue that I think the government is trying to do by removing this thing.

I ask the minister to go back and think about how maybe we can still address that issue. I think that there’s still going to be a problem with sick notes. I think employers are still going to be asking for them for short periods of time. I think that it’s not really going to address the issue that they expect addressed, without telling employers that

they cannot ask for sick notes for a certain period of time.

We do still have issue with that. Repealing it – there is support there for that, but we ask them to take this back and look at maybe putting in a period of time where an employer cannot ask their employee to get a sick note for short periods of time.

Thank you, Chair.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: I thank the Member for the comments and the amendment that he proposed. I think from my time, as we were preparing the bill and going through a number of things – jurisdictions: we looked at those who had gone five days and there was still some criticism there that they had not gone far enough.

I think what’s important here to note, I’ll reiterate, Chair, is that elimination of this requirement will benefit both employees and certainly will benefit the health care system that we keep referring to. I don’t know if there’s anything more than I can add to that.

CHAIR: The hon. the Member for St. John’s Centre.

J. DINN: To be clear, Chair, to the minister, with the elimination of this clause is there anything to prevent an employer, especially non-unionized, to demand a sick note for two days, let’s say, or three days or four? Is there anything that would prevent the employer from asking that, regardless of what – it’s not referenced in legislation.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair.

So that is as it stands today, I say to my colleague across the way. We’re not changing anything there. We’re just

removing the legislative requirement so that if an individual is home and they're not well – we're just taking that out. If an individual business wants to say according to our HR policy we require a sick note after three days or four, that's as it is now.

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

J. DINN: So in other words, it does nothing really. I come to it from a unionized point of view in terms of people with sick leave; we hear the word "abuse" of sick leave and so on and so forth. Often, when I'm hearing this discussion, the question that never gets asked is: Why are people using sick leave or using up their sick leave?

I've seen people – I know certainly in the teaching profession and I would say others – going to work sick because it's often too hard, Chair, to do up the lesson plan; with the difficulty of the class and whatever else, that it's just easier to go in and work. Sick leave provisions were changed there, which disadvantaged new teachers, I will say that. But at least in a unionized situation, Chair, there is a grievance process that can be followed if an employer was inappropriately interpreting the contract.

I would suspect here that in this case it's not going to be so easy for an employee to say to their employer that, well, the legislation has changed and no longer requires it. So I'm trying to think in terms of what practically has changed; otherwise, we're just dealing with removing words, semantics and so on and so forth.

It won't be enshrined in law but there's nothing that stops employers from demanding it. If this is about seeking a balance, a measured approach, it's not very measured. It still puts employees in the position where they might very well have to get that note and it still requires them, then, to go to the doctor. It hasn't changed much.

I understand maybe there's an attempt here to incrementally change it, but I think it would've been very clear to make it that an employer couldn't ask, as we were trying to do in the amendment – that you couldn't require a sick note. I know in our own contract a sick note is not required for four days or less, or for seven in the aggregate.

That's a little bit more clear-cut and delineated. This, basically, causes unnecessary confusion, I think, in some ways. It removes the clause but it doesn't really change the requirement. That's problematic. It sounds like it's made a change but really, in fact, it hasn't. I'm not sure how this is going to benefit anyone or how this is necessarily going to reduce the trips to the doctor's office, but it'd be interesting to see how, in a year's time, it has actually had any effect at all.

I would assume, too – and I will go with the sick notes – it's a bureaucratic function, Chair, in that it's prove that you were sick. I can tell you that often when you want to go see the doctor to get the sick note, it's not on the day that you're sick; it's sometimes a week or two later. Then we're, basically, going through an exercise where I need a doctor's note for – well, when were you sick? Two weeks ago but I didn't see you.

So it just opens up all sorts of, I don't know – in a way we used to say it's encouraging people to be dishonest, either the medical profession or otherwise. I used to have teachers who would say to me, we applied for unpaid leave and were denied unpaid leave to accompany sometimes their children to a hospital. They were willing to take unpaid leave; turned down, being forced to use sick leave then, just so they could be with their children,

So in many ways, if it's about health, if it's about allowing a person who's sick to – especially in an area where you might be dealing with people, then I think putting that decision-making power in the hands of the workers, at least, then that allows them to

do so without feeling that they're going to be under scrutiny. Especially where we still have people who are unable to get in to a doctor. Even the collaborative care clinic where I go now, it's still at least a two- or three-week wait to get in.

I think in light of that, in light of the desire of this legislation or this change to take the pressure off an already overburdened health care system, then I think it would be a lot more practical and a legislation that has some teeth if it was actually about making it more or less that a note shall not be required. At least the lines are clearly drawn, because right now it really comes down to the employer. The fact is it's not in legislation, it doesn't make any difference, it's our HR policy. We haven't solved really anything.

I'd be interested to see, knowing that I would say there would be plenty of owners who might say, look, I still need that note. If we're about, again, making sure we don't overburden the health care system, this is not going to help it. I cannot see it. I think it's when it's clearly delineated in contract language or law, that's when we have clear guidelines, clear guardrails that doesn't leave it open to interpretation.

Thank you.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair.

I appreciate the comments from the Member on the other side. I'll try again. The legislation today, Chair, requires the employee to provide a note after three days. So the onus is on the employee and the requirement is for the employee to provide a note, and we're taking away that requirement with this amendment.

So maybe it's me not being clear, but I do appreciate the Member's comments with a

little bit of different view. I don't know what I can add to that.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

I have to change my comments from second reading, to some degree, because it was a misunderstanding on my part. I'll be the first one to say I wasn't at the briefing – my bad. Anyway, I had something else I had to do at the time.

Clearly, it was my understanding, when I was reading this, that there would simply no further requirement for people to have a sick note for short-term illness. And while the minister says we're taking away the requirement under the legislation for an employee to have to do it, as my colleague from St. John's Centre has said, there's nothing stopping an employer from demanding it anyway.

So it's kind of a smoke and mirrors, defeating the purpose as far as I'm concerned. I really don't see it doing anything beneficial. If somebody –

AN HON. MEMBER: (Inaudible.)

P. LANE: The minister will have an opportunity to respond.

I can understand – the reality of it is, if I had a business, if I opened a business tomorrow and I didn't want a note, I'm not so sure that I'd be saying to my employee, well, I don't really want a note, but because the *Labour Standards Act*, which I've studied from one cover to the other, and it says there that you've got to provide me a note, so I don't really want one, I don't need one but you got to get one anyway. Like, that's not happening.

The reality of it is, if an employer don't want a note now, they're not asking for a note now. Whether or not that clause is in there

or removed, it's not going to change a thing. The only thing that will change is if the act were to be changed to say that an employer can no longer request a note after three days. Because my colleague is right, it really is a bureaucratic exercise. It's a farce.

My wife had a doctor's appointment last week with our family doctor. We're fortunate we still have one. Thank God she hasn't retired yet, but that day is coming. But for now we still have a family doctor. We've had her for years. She had to wait two weeks to get an appointment to see her. That's reality. So if she was at work and she was sick and she needed a doctor's note, she wouldn't be getting to see the doctor until two weeks later.

By that time, sure, the flu is all better or the stomach ache or whatever the condition is, hopefully. That's all over. Basically all you're doing is saying, listen, I was off work sick two weeks ago and my employer wants a note. I'm not sick anymore, but you'll have to take my word for it that I was sick. I couldn't see you two weeks ago because I couldn't get an appointment. Believe me, I was sick. And the doctor is just basically taking your word for it, so this whole note becomes a total farce, really. It's a joke.

Now, it's one thing if this exercise in futility is impacting the employer-employee relationship and employee rights and so on that my colleague was kind of inferring about, being of a strong union background I get that, but the reality of it is that we have a health care system that is in crisis.

People can't get to see a doctor. We have walk-in clinics, collaborative clinics. You're waiting for weeks to see your doctor. You're waiting for a couple of weeks if you're lucky enough to be in a collaborative clinic and if you're in the walk-in clinic, you've got to go line up at 7 in the morning to be at the door to hope to be in line so that you're far enough in a queue that you get to come back later that day to see a doctor.

I mean, that's the reality of what's happening. We don't have family doctors. Now we're going to go tying up those valuable resources on someone looking for a sick note at a cost to the taxpayer, not to mention knocking people out of the queue who actually are sick and need to see the doctor, we're going to go through this exercise and get a sick note because I was sick two weeks ago.

The alternative to that is we're going to send them down to the emergency. We're down at the emergency department and there are people on stretchers. We've heard from ambulance operators. We're not allowed to say red alerts, but we have red alerts all the time. There are four of five ambulances down at the Health Sciences or at St. Clare's off the road, not able to respond to emergencies, with ambulances responding to an emergency in Flatrock and they're coming from Trinity because we have no ambulances, because there are ambulance operators tied up in the emergency with patients on stretchers and people sleeping on the floor.

I have had people come to me who have been in the emergency department for like 24 hours or longer and finally just had to give in and go home because they can't see a doctor. We're going to be sending people down to the emergency department, adding to that burden, to get a bloody sick note. To get a sick note for something because I had the flu.

The minister is nodding her head saying no, but it's true. If the employer still wants a sick note, that's what's going to happen. The minister can nod her head and say no, but unless we're making the employer say no, employer, you can't ask for a sick note. I don't care about your HR policy. We are cancelling your HR policy. We are legislatively changing your HR policy that you can't do it anymore. If we're not going to change that, then we're not changing a thing, absolutely nothing.

I suppose there's no reason for me to not vote for the change. It's not harming anybody by making this change, but it's not fixing a thing. So I kind of feel like I'm voting for something that's supposed to be making a great change and it's not accomplishing anything. It's a nothing burger. That's what it is, in my opinion, now that I understand exactly how it's working.

With that said, I mean, the minister can respond and I appreciate she's doing what she has to do. Listen, you want to make the change, make the change, I'll support the change but if we're truly concerned about accomplishing something here and getting people out of the emergency departments, getting them out of the doctors' offices, getting them out of the collaborative care clinics, tying up unnecessary space, if that's the goal – and I think that's the goal of the NLMA; that's what they want – then let's make a meaningful change that totally ends this practice of employers asking for short-term sick notes.

As I say, it's a bureaucratic exercise at best, anyway, because it's not like they can say I don't believe you're sick; go to the doctor and prove me wrong. Yes, I'll go to the doctor in two weeks' time and, of course, my doctor is going to write a note and say, yes, Paul was sick two weeks ago. It's a waste of time. It's a joke. It makes zero sense.

So that's all I have to say on it. It's too bad the amendment didn't go through because I would have supported it. I'm not sure about the five days. I would have been more comfortable with three, but, anyway, that's semantics, I suppose. I think the concept of what my colleagues in the Third Party were trying to do made sense to me.

Like I say, the way I read it and understood it, that's the way this was going to work anyway, but, apparently, that's not the case and I just feel that it's a whole lot to do about nothing.

Thank you.

CHAIR: The hon. the Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair.

I was listening to the Member and I want to say for *Hansard* that no province or territory in this country, no province, anywhere, other jurisdictions have prohibited employers from asking for a sick note. What I'm hearing the Member say is that we should have done that sort of big reach and mandated and made it into law.

What I will also say, just to reiterate, again, is that we are removing the requirement for employers – I've got to get my glasses on again, Chair, pardon me; hopefully, this will soon be behind me, the end is in sight and no pun intended – we are removing the requirements for employees to provide employers with a sick note after three consecutive days.

I think, just my interpretation, but there seems to be a thought that once we do this, every single employer is still going to require a sick note. What about employers in the province who may have only been doing it because it was the law and it's no longer the law?

I do want to get this out because it's just coming on my screen now because the release is out. The president of NLMA, Dr. Major – they have been advocating for this. They've seen the legislation. This is what they have been wanting for more than two decades and he just put out, and I'm going to read it for the House here: Physicians in this province commend the Government of Newfoundland and Labrador for removing the requirement for sick notes from the *Labour Standards Act*. It's not no longer law. We're no longer mandating it.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: The Newfoundland and Labrador Medical Association has been advocating for this change since the early 2000s and we applaud the government for listening to doctors.

That seems to be the number one concern in this House is health care, rightfully, justifiably so.

The NLMA president goes on to say: By removing sick notes from the *Labour Standards Act*, doctors will spend less time on inefficient administrative processes and have more time to spend providing care for patients that need medical attention. This will also reduce – and I made this point earlier when I opened – inappropriate utilization of emergency departments, reduce unnecessary costs to the health care system and will reduce wait times for patients who need medical intervention.

So I just want to say that is the president of the NLMA who is very happy with the direction that it's going, somebody who's in the system and understands it and sees that this is a positive step. We're responding to what the Newfoundland and Labrador Medical Association have asked for. They wanted this taken out, no longer require it to be law and that's what we're doing.

We're responding, we're listening and we're happy to see that they believe this will be a very positive step and by removing it from the *Labour Standards Act*, we now know that doctors, instead of signing notes and doing whatever the Member called a bureaucratic exercise – reading right from what the president of the NLMA said – they will have more time to spend attending to the needs of the patients.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: I thank the minister for reading that. Do you know what? I'm sure that they

did say that, I believe you. I believe you. What you read is exactly what I said, they don't want to be wasting their time on sick notes, especially after the fact and they don't want emergencies tied up.

But I have to wonder – and I will ask Dr. Major myself, actually – is he thinking that this legislation does what I thought it was going to do, originally, until the Member for Labrador West questioned it. I wonder is Dr. Major thinking that this is going to put an end to short-term sick notes, because that's what it seems like.

AN HON. MEMBER: Give him a call.

P. LANE: I am going to call.

He's saying short-term sick notes are only adding a burden to the health care system. We're tying up family doctors, collaborative care clinics and we're unnecessarily using resources and further burdening already overburdened emergencies at the hospitals with sick notes. That's what he's saying. I agree with him. I agree with him 100 per cent.

I'm wondering does he think what I thought, originally, that this was going to put an end to it. And if it was putting an end to it, I'd be very pleased. I'm still going to support the legislation, but, at the end of the day, from what I have learned through debate – thank God for debate, thank God for Committee of the Whole and questions – what I have learned through this process is that if an employer decides that they want to continue on with their HR policy of looking for notes, this is not going to stop them. They're going to continue asking for notes.

So some employers who decide we're going to do this anyway, I don't care if we're not required to do it, we want to do it, it's part of our HR system, we want to do it. Well, then, we're going to allow those employers, for whatever reasons they may have, to further burden our health care system at a cost to taxpayers. That's what we're going to do.

That would be the issue I would have. They're going to continue to want notes and continue to burden the system. We have a mechanism to take that away but we're not going to do that. That's the prerogative of the minister and the government, I will still support what's being done.

Maybe it will stop some of it. That's a big maybe, but I got a feeling, anyone who has their HR policies that have been demanding notes are probably still going to. Again, because if I were an employer and I didn't want notes, I wouldn't care what the Labour Standards said. If I decided I don't want a note from you, I'm not going to bother you with a note, then I just wouldn't ask for one.

The only ones who are asking for ones are employers who want the notes because it's part of their HR program. They want the notes. If they didn't want the notes to begin with, they wouldn't care about what the Labour Standards is saying about three days. They'll say, listen, Labour Standards says three days, you work for me, don't worry about, I don't need a note; don't waste your time, don't waste mine.

But if they're not doing that already, I don't know if there are a lot who are going to say, well, I wanted notes and the only reason I was asking for notes, it had nothing to do with my HR program, had nothing to do with trying to keep tabs on my employee, had nothing to do with not trusting my employee about being sick, the only reason why I'm asking for a note is because the *Labour Standards Act* says an employee should give a note in three days. That's why I wrote this, that's the only reason why I'm doing it.

So will that stop some? Maybe, but I got a feeling a lot of employers out there who have policies in HR that say, I want a note for every day that you're off sick or whatever, that's going to continue. That would be my thought.

If that continues, then that's not going to save us one thing. We're going to continue

then to be tying up emergencies and tying up family doctors and collaborative care clinics and walk-in clinics with people looking for a note to say I was sick two weeks ago, give me a note, at a cost to the taxpayer, plus tying up the system. That would be my concern.

Anyway, with that said, I will support your legislation.

Thank you.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Yes, Chair, the Member said he wondered if NLMA was aware of exactly what we're doing here today. So they did see the news release. That was provided to them and they were quite happy to add a quote in the release, which I read, and there is a line, and I'm going to read it. There is a line in the release that says: "This amendment does not restrict an employer's right to establish their own sick leave requirements and policies."

So the NLMA would've seen that before it went out. I mean, another angle on this, I say to my colleague across the way, is if somebody shows up now looking for a sick note, the NLMA may say the law no longer requires me to do it, so I'm not going to do it. I don't know.

I also want to just make this comment, and I want to say it very respectfully. I'm not saying it to add to a conflict or anything here. But when the Member says I will speak to the doctor, and that's good, it may help you with some of the questions that you seem to still have. It's also really important that we talk to employers.

In my constituency, 18 communities, I'm always trying to talk to employers. While we have individuals in the community that reach out to us, I'm also always trying to talk to employers. Oftentimes, they will say government is putting undue burden on us

with this, that, something else, we need a break. Often, the feedback you get is the far overreach.

I'm just saying to the Member, he's been representing a long time, just like me. We used to share offices side by side way back in the day. He seemed to be very engaged in his constituency even back then, I'll give him that. So it's just I guess no matter what legislation you bring, there might always be somebody who'll say you should've gone further, you should've done this or that or whatever. But I did want to say that, in the release, they added a quote and that line was there.

They certainly were aware of the amendment that we were doing so that the law in our province no longer requires it.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

Just one question. I guess, to make sure that it's clear, Walmart Canada, one of the largest retail employers in this province – I think there are over 2,000 employees, something like that. What is stopping a very large box store employer from having internal HR policy that they require employee to get a sick note for missing two days of work? Like I said, that's 2,000 employees. This is theoretical. They can have a policy that says, after two days, that they require a sick note.

What's stopping that employer from making 2,000 employees go to emerg or go to their doctor to get a note and blocking up the entire health care system because there's no restriction on it? Is there anything that this will do to stop that from happening?

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Chair, to answer the Member, I don't know if the news release is

out, so I don't know if you saw it, but we are not removing an employer's right. We're not reaching down there. So that will still proceed as it is today.

CHAIR: The hon. the Member for Terra Nova.

L. PARROTT: You said you're not removing the employer's right, but a few minutes ago you said that the NLMA may now refuse to give a sick note based on this legislation. So obviously, the employer's right is being violated. So how this does legislation affect unionized workers?

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Unionized, nonunionized – it's very simple in my mind, but there are a lot of questions so I feel I'm not communicating it well. Today, in the *Labour Standards Act*, an employee is required to provide a sick note after three consecutive days. We're taking that out. By doing so, we're falling in line with five other jurisdictions in this country that don't require it. As I mentioned earlier, in terms of where we go with the employers, in terms of directing or compelling them, nobody in the country have done that.

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

J. DINN: So you removed the requirement for three or more consecutive days. Right now, I guess, then up until now, it was three or more consecutive days, so technically the employer could say well now if you're sick for a day, I can request this sick note. If it comes down to it, any amount of time.

Look, I will tell you this and unless it's clear in contract language I just – the minister can say that she's doing her best to be clear, Chair, but the fact is that I can see the loophole here that still exists. It's not going to do what she may think it's going to do because it's still going to come down to the

employer as opposed to saying, look, do you know what? There is no sick note.

It would have been better to say no requirement for a sick note for five days or whatever. Set a limit. After that, fair enough, maybe there are grounds for discussion, but I can tell you that in my own experience around this, it has got to be a little firmer than this. Taking out the requirement for an employee is not necessarily the same as saying that they don't have to worry about getting to a doctor on the same day or within a day or two after that. It's still not going to address it now.

I'd be interested as to when all this sharing with the NLMA took place because, as I understand from our contact, that it didn't happen before today. So I'm assuming that the NLMA is assuming that there are going to be changes, but they won't know that until we go forward.

I will say this, clearly, that nothing has changed here with regard that the employer has the rights to demand this. That's the issue. The employee can go to the employer and say I don't have to anymore. Too bad about you. I still want the note. It's too bad. I don't care. In fact, it's not legislation. I still demand the note. I still have to go to the doctor.

If the intent is about also making it easier on the employee who may very well be sick but not sick enough to go to a doctor, can't go in that day for whatever reason, or looking after a sick child or whatever else the reason is, then it still requires them to get that note. It still requires a doctor to sign off on it. Now we find out that maybe the doctor doesn't have to. He might say, well, I don't have to provide a note anymore.

So the employee is still the one that's jammed up. Again, when I'm looking at balance, I'm also looking at a balance from the employee. This doesn't protect the employee, necessarily, at all. It doesn't necessarily reduce the demand on the

medical system. It does not do that. No matter how many times the minister will say that, oh well, I don't understand why I'm not – maybe I'm not being clear. The fact is that this, right here, it's offering no protection for an employee. If that's balance, then it's balance squarely in favour of the employer. That's the issue with it.

The simplest thing to do and if it's overreach and if no other jurisdiction in the country is doing it, then let's be the first and try it out. I would think that's when you'll see the reduction in demand on the medical system, people going to the doctor, well, I had a flu yesterday or a cold and I had to stay home.

AN HON. MEMBER: (Inaudible.)

J. DINN: That's right, if you're lucky to get in on that day, because that's not going to happen.

So do something definitive. I'm not expecting a response because it's going to be the same thing. I think I know what the minister is saying, but right now, it's favouring the employer. It's not a balanced approach. It does not protect the employee, nor will it, I think, reduce any demand on the health care system, simple as that.

Unless, of course, Chair, we're going to have more doctors so that people can get in on that day, but that's not going to happen. That's the genesis of this. I can tell you that going back, even within the teaching profession, the demand on sick notes, even at that point we would have teachers: I couldn't get into my doctor. I'm required to have a note or I need to have a note; I couldn't get into the doctor.

We were attempting in our amendment to at least put some definitiveness around it, to make it clear that this is about you're not demanding a sick note at least for five days consecutive. After that, then you would have something to show it. I understand that. But at least for the first five days it could be anything.

Thank you, Chair.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair.

I did already say several times in this House that what the Member is asking for have not been done anywhere else in this country. I was also a little bit confused by: they didn't support three days but they proposed an amendment for five. So I wasn't clear on that but I'm not going to add – it sounds like he said he doesn't expect me to answer so we'll just sometimes respectfully leave it there in this hon. House but I think the Member across the way has a question for me.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

When we went to the technical briefing, we were briefed on an amendment and the amendment was to remove the requirement for sick notes, which employers previously could establish the following three days of consecutive absence. Basically we were told, what the legislation was going to change. I was interested in the consultation and the minister did answer the questions about the consultation. We did hear in the media about the Newfoundland and Labrador Medical Association being very positive and receptive to this change, also the Canadian Federation of Labour, as the minister said.

But for us on this side in the Official Opposition, we always ask for responsible legislation. We ask for transparency. We also ask for the ability to debate and we also ask about who would be consulted. Were there any pitfalls to this legislation? What were the positives? What are stakeholders saying?

I don't often agree with the minister, that's the nature of our relationship being on opposite sides, but if we were to introduce something definitive, like the Leader of the Third Party said, if we were to bring in legislation that was going to legislate the removal of the right for an employer to ask for sick notes, that's something major. And, Minister, I think that that would be something that we would be able to debate and come to an agreement on after adequate consultation was done.

Right now, to introduce an amendment to do that without consulting the small businesses, the health care professionals, everybody involved, I think would be kind of reckless. So I'm not opposed to something like that, I don't think my party is, but we would want adequate consultation and good debate.

So for right now, we're going to vote on this amendment that was proposed to us and debated here in the House of Assembly. Right now, we are with the Newfoundland and Labrador Medical Association and with the government that this is a positive thing that frees up the health care system and also takes pressure off sick workers. For us, right now with this legislation, it's a good legislation.

Thank you, Chair.

CHAIR: The Minister Responsible for Labour.

L. DEMPSTER: Thank you, Chair, and I thank the Member for her comments.

I was going to say we're on opposite sides of the House but if I see her on the trail and her Ski-Doo is bogged, I'll still help her out.

But anyway, I think I just want to thank everybody who spoke to the legislation and, at the end of the day, the press release is out. It's something that the NLMA have been calling for, for more than two decades.

We have heard from them for years and years.

Just last week when I was up travelling all over Labrador in all kinds of terrible weather and storms and I wasn't seeing a lot of media, but I saw stuff in the media last week on this very topic and I knew this is the direction we're moving. So I thought, well, hopefully they'll be pleased with this. And they were so pleased that when we shared the news release, they wanted a quote and it was a very, very positive quote commending and applauding government.

So I want to thank all my colleagues and I think I'll just leave it there, Chair.

CHAIR: Seeing now further speakers, shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: A bill, An Act to Amend the Labour Standards Act No. 2. (Bill 101)

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The Deputy Deputy Government House Leader.

J. HAGGIE: Thank you, Madam Chair.

I move, seconded by the Member for Windsor Lake, that this Committee rise and report Bill 101 passed without amendment.

CHAIR: The motion is that the Committee rise and report Bill 101.

Is it the pleasure of the House 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.

SPEAKER (Bennett): Order, please!

The hon. the Member for Placentia St. Mary's and Chair of the Committee of the Whole.

S. GAMBIN-WALSH: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 101, An Act to Amend the Labour Standards Act No. 2, passed without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed that Bill 101 be passed without amendment.

When shall the report be received?

J. HAGGIE: Now.

SPEAKER: Now.

When shall the bill be read a third time?

J. HAGGIE: Tomorrow.

SPEAKER: Tomorrow.

On motion, report received and adopted. Bill ordered read a third time on tomorrow.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Motion 4, I move, seconded by the Government House Leader that:

WHEREAS section 85 of the *Access to Information and Protection of Privacy Act, 2015* provides that the Office of the Information and Privacy Commissioner shall be filled by the Lieutenant-Governor in Council on a resolution of the House of Assembly;

THEREFORE BE IT RESOLVED that Kerry Hatfield be appointed as the Information and Privacy Commissioner effective December 5, 2024.

SPEAKER: Motion 4, not Motion 1.

L. DEMPSTER: Did I say Motion 1?

Sorry, I apologize. For the record, I'm calling Motion 4 from the Order Paper, Speaker.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I'm just going to introduce and give some background to this motion and the process. I'm just going to speak on three topics generally. One, the process that's set out in the legislative framework that we have and then talk about the process with regard to this specific motion and this specific candidate and then provide just a little bit of background on the candidate that is here in this motion today.

I have to go to the glasses for this. I didn't need glasses until I started this job.

L. DEMPSTER: I feel your pain.

J. HOGAN: Quickly getting older.

The appointment of the Information and Privacy Commissioner, the process is set out in section 85 of the *Access to Information and Protection of Privacy Act, 2015*. It is a very prescriptive process, Speaker. Really no flexibility, I would suggest, in there. I think, incumbent on all of us, of course, and you as well, Speaker, to follow the legislative process that we have before us; of course, always open to suggestions on how to better legislation in the future. That's what we do here every day. That's what we've been doing over the last month. Certainly, happy to have discussions about any suggestions that might make this process different and

perhaps in some people's opinions better in the future, but right now this is the legislation that we have. This is the legislation that, as I said, is incumbent on us to follow.

The first part of the process here, Speaker, is that this office needs to be filled by the Lieutenant-Governor in Council, so that's Cabinet, after there is a resolution in the House of Assembly. So we have the resolution here now and the process leads us to this part where we are today.

Before this appointment is made, of course, Speaker, as you're aware, because you were involved in this process, as set out in the legislation, a Committee needed to be established to, I guess, find candidates and interview candidates and sift through the candidates to see who is suitable.

This Committee, as I said, is prescribed in the legislation, no flexibility. It has to be these four individuals and these four individuals are not anyone in the House of Assembly, no one with any political stripe or no one with any political lenience. It's all independent and a very open and transparent process with regard to who the individuals are.

They are the clerk of the Executive Council, the Clerk of the House of Assembly, the chief judge of the Provincial Court and the president of Memorial University of Newfoundland. Each of these individuals can have a designate attend. My understanding is that the three individuals, the two clerks and the chief judge, attended and participated in this process, but that the president of Memorial did designate an alternate to participate in this Committee in his place.

Once that Selection Committee is established, they develop what's called a roster of qualified candidates and, in doing so, may publicly invite expressions of interest for the position of commissioner, which I understand they did. Now, of

course, I think there might be some focus on the words here today: develop a roster of qualified candidates.

That roster is qualified by the words qualified candidates. The Committee, again, must work within the confines of what the legislation says and the legislation requires them to submit names of individuals that are qualified for the position. They're not required – in fact, I would suggest that they are not permitted – to provide names of unqualified candidates. That wouldn't be in compliance with the legislation, that wouldn't be the procedure that is set forth and they wouldn't be following the laws. I think certainly the chief judge of the Provincial Court would be very familiar with interpreting statutes and legislation and I would suggest he was part of doing so in this process as well.

That doesn't end the whole process, though, Speaker. Once the roster of qualified candidates is submitted to the Speaker, the Speaker then has an obligation to consult with the Premier, the Leader of the Official Opposition and the Leader or Member of a registered political party that is represented on the House of Assembly Management Commission, in this case it would be the Third Party, Speaker. My understanding is that you did the consultation with those three individuals.

So that is the background to the framework that we have, that exists, the process that's followed. I believe it would have been the process that was followed for the last appointment of the Privacy Commissioner as well.

Just a little bit of background about how we got here today. We did have, obviously, a former Information and Privacy Commissioner by the name of Michael Harvey, who resigned effective May 5, 2024, and then we wanted the position, of course, not left empty so Jackie Lake Kavanaugh assumed the position on an acting basis on May 6, 2024.

On the same day, the Speaker announced the appointment of the Selection Committee, as I said, as required by the act. As in the past, the Selection Committee was supported by the Public Service Commission, which assisted with screening, scheduling and interviewing of candidates, and providing a merit-based evaluation of the candidates.

This competition was posted on the PSC portal web page, shared on the House of Assembly web page and sent to all Canadian legislatures and similar statutory offices across Canada for distribution to interested persons. Considerations of the Selection Committee included considerable and progressively responsible experience in management and senior leadership; experience planning and coordinating resources to deliver a legislated mandate with defined time frames; knowledge of access and privacy legislation, principles and emerging best practices; mediation and adjudication experience and a university degree in a related discipline.

Interviews were completed in the month of July and a recruitment recommendation report was received on August 1.

Now, Speaker, we have the name of one individual who has been put forward here through this process. Again, obviously, it would have been the only qualified candidate as per the legislation. This candidate is currently the director of Corporate Legal Services with Newfoundland Health Services. She was called to the Newfoundland and Labrador bar in 2002 and is an accomplished lawyer with 20-plus years of practice, 10 of which have been NL Health Services, formerly Eastern Health.

The candidate has demonstrated well-developed leadership competencies within private law and at NL Health Services, which are essential for this position. She holds a Bachelor of Arts in history, political science from Mount Allison University and a

Bachelor of Laws from the University of New Brunswick. She has demonstrated expertise in regulatory compliance in privacy, security, data governance, information management within the health care sector, as well as corporate governance contracts and procurement.

On the basis of the competencies identified, the selection panel, of course, was satisfied that the candidate has the background, training and competence to be considered for this position and has recommended her to the appointment to it.

Speaker, that is the legislative framework, the process that you initiated with regards to this specific vacancy and a little bit of background on the candidate here.

Again, I just want to stress that this process was run from the Speaker's office and four members of the Selection Committee. They weren't chosen by you. They weren't chosen by government. There was no input from the House of Assembly because they're legislatively mandated of who those individuals are, no political lenience on any of these individuals. An open and transparent process was followed and, in fact, the process was legislatively required to be followed with, really, I would suggest, not much room for movement or flexibility in the process.

Of course, Speaker, my understanding is there was some questions raised by Members after a consultation was conducted by you, by Opposition leaders, and fair enough for them to raise some questions about the process; about other potential candidates; about, I guess, unqualified candidates who weren't put forward, who, I guess, without knowing, they may have felt that they were qualified candidates.

My understanding is lots of effort was made, meetings were arranged to which individuals didn't attend, the Committee was asked by you and were prepared to attend

the meeting to answer any questions about the process. I know that there were some letters going back and forth and I can certainly table them at a future date with regards to providing further information from the Selection Committee about how they ran the process, how they ranked candidates and, in fact, with providing the identified information about the names of the individuals, provided their background to try and clarify why the individual that put forward was the only qualified candidate for the position as per the terms of the legislation.

So, Speaker, having said all that, I look forward to hearing from other Members on this, but I very much look forward to Kerry Hatfield. It's great to have her come forward to accept this position, which is a very important position for Newfoundlanders and Labradorians.

Access to information is very important. The public is entitled to all information, of course within the exceptions of the statute. But also, they're entitled to have their information kept private as well. There's always a balancing act between what's private and what should be available to the public. I fully endorse her as the candidate. I know for sure she's confident and able and will be a great Privacy Commissioner.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

First off, I want to start off by actually talking about the importance of the Information and Privacy Commissioner. This is not about an individual. This is about process. That's what this has always been about for me as Leader of the Official Opposition.

So we all understand and we all know in this hon. House that the Information and Privacy Commissioner is an Officer of the House of Assembly, the Legislative Branch. So that's what this is, a Legislative Branch. Not an official of the government, i.e. Executive Branch. So we all understand that and I think the people at home understand that this is what we're talking about here. We're talking about an Officer of the House of Assembly. So in that role, the Commissioner answers to the House and the people of the province, not to the Premier and not to the Cabinet.

The third point I want to make is the role of the Commissioner is to be a watchdog. That's a powerful word when we talk about a watchdog. It's a very powerful word, that someone is looking after you. Someone is looking out for your interests, and the Information and Privacy Commissioner is tasked with that responsibility to be the watchdog to protect the privacy rights of the people and to ensure proper access to information that ought to be in the public domain.

I don't think that I can overstate this and speak to it enough, given everything that has happened in the last number of years in terms of breaches of privacy and cyber security and everything that's going on, this is why this role is so important. Again, to be that watchdog to protect the privacy rights of the people of Newfoundland and Labrador and to ensure proper access to information that ought to be in the public domain.

So again, we know that the independent Privacy Commissioner is established under the Access to Information and Protection of Privacy Act, commonly called ATIPPA. That Access to Information and Protection of Privacy Act only works if there is a strong, independent, non-partisan Commissioner in place to hold the government's feet to the fire. Like the other Officers in the House, like the Auditor General, the Seniors' Advocate, the Child and Youth Advocate and the Citizens' Representative, this

Officer of the House is usually tasked with constructively criticizing the actions and omissions of the government in office.

I think the key word there, again, is constructively criticizing. It's not about criticizing the government for the sake of criticism. It's constructively criticizing the actions and omissions of the government in office. These Officers, all of them that I just named, do this not to be critical for criticism's sake, but to safeguard the rights of the people of the province to good governance. That is a right that I think all Members in the House of Assembly take a responsibility for and take that responsibility seriously.

The person in any of the roles that I named above must be thoroughly independent of the government in office; not beholden to them in any way, and not appearing to be soft on them. That is why the appointment process for each of these Officers is so rigorous. As the minister alluded to, the IP Commissioner's appointment process is extremely rigorous, because the right to access information from the government is fundamental to transparency and openness.

People have a right to know. People have a right to access information from their government to understand how decisions are being made, why decisions are being made, and how it might impact them. So that's a very important part. The people's right to have their privacy protected from misuse by the government, of course, is extremely vital.

Over the years, we have seen many examples of the consequences of information being withheld and people's privacy rights being violated. This is why ATIPPA or the Access to Information and Protection of Privacy Act was created, to try and prevent this.

In fact, that legislation is so fundamental to good governance that it has a built-in provision for regular statutory reviews where

authorities look at how the process is functioning and how it ought to be strengthened. These statutory reviews have reaffirmed the process for appointing the Commissioner.

Again, as the minister has pointed out: "Before an appointment is made, the Speaker shall establish a selection committee comprising (a) the Clerk of the Executive Council or his or her deputy; (b) the Clerk of the House of Assembly or, where the Clerk is unavailable, the Clerk Assistant of the House of Assembly; (c) the Chief Judge of the Provincial Court or another judge of that court designated by the Chief Judge; and (d) the President of Memorial University or a vice-president of Memorial University designated by the President."

Again, that's a pretty esteemed Committee. So nobody is questioning this Committee and the makeup of the committee but the Selection Committee that I just outlined does not choose the Commissioner. That is the role of the House of Assembly, to choose.

The act says: "The selection committee shall develop a roster of qualified candidates" It also says: "The selection committee shall submit the roster to the Speaker of the House of Assembly."

By any normal dictionary definition, a roster includes more than one individual.

AN HON. MEMBER: Keep reading.

T. WAKEHAM: In fact, the act is written in a way that clearly implies more than one name.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

T. WAKEHAM: Do you want to stand up and read?

SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

T. WAKEHAM: You will get a chance. No problem

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Again, I don't want Members shouting across the floor.

Let the Leader of the Official Opposition finish, please.

T. WAKEHAM: Under the provisions of the statutory reviews, a Selection Committee may rank the candidates within the roster, but they do not have the option of submitting just one name. The next steps in the process are intended to ensure the appointment process has the meaningful involvement of all caucuses in the House before the roster is narrowed to a single name for a resolution.

The act states that after receiving the roster from the Selection Committee, "The Speaker shall (a) consult with the Premier, the Leader of the Official Opposition and the leader or member of a registered political party that is represented on the House of Assembly Management Commission" This interpretation is confirmed by the reports of the 2014 and 2020 statutory reviews of the ATIPP Act.

The 2014 report states, "... the Committee is of the view that the perception of a Commissioner who is independent from government would be greatly enhanced if the choice resulted from efforts by a selection committee that would identify leading candidates for consideration" – using identified leading candidates with candidates in the plural form.

The 2020 report similarly states at page 271, "The selection committee is required to

provide a roster of candidates to the Speaker." Again, using candidates in the plural form.

At page 274, the 2020 report refers to the "... consensus of the party leaders who have been consulted." Consensus only makes sense if the party leaders are presented with multiple names rather than just one. In fact, at page 275, the 2020 report specifically refers to the three names to be put forward by the Selection Committee.

The 2020 report states again on page 274, "The Wells Committee carefully considered the matter and, recognizing the unique and varied role of the commissioner, constructed an appointment process for the commissioner with significant involvement of the legislative branch."

"It is clear that the process is intended to be a consensual and largely informal one leading to the appointment of an individual who would be considered both excellent for the office and independent of government."

Again, this is carefully worded and ought to be noted. The statutory reviews made clear that it is the Legislative Branch, the caucuses in the House, that should have a meaningful role in choosing the appointee, preferably by a consensus. The statutory reviews did not say a Selection Committee should take the place of the Legislative Branch and make the choice by their own consensus. They are not the Legislative Branch of government; they are simply a Selection Committee.

The role of narrowing the roster down to one name is clearly where the caucus leaders and the Speaker is to undertake jointly. So, again, failing to submit multiple names is a problem. The failure is magnified if this is allowed to stand.

So what we're talking about is the idea that we've only got one name brought forward. We have lots of examples of this and lots of

challenges that have happened in the past. I could go on and talk about this, but I'll go back to the comments about the involvement and our involvement in the process.

There has been lots of correspondence back and forth, and I credit the Speaker with that. I'm not going to say that we haven't been involved in the process, we certainly have, as early as back in September when I was first contacted to ask if the Speaker could take a short call. I spoke to the Speaker and he talked to me about the selection process and how they had identified one candidate. So that was well enough. We went on and we talked further about the requirement for some additional information.

So on Tuesday, November 5, I received additional information that the Speaker passed on and this was, again, the key messages that had been developed in terms of the appointment of the Information and Privacy Commissioner. Again, this goes on to point out the processes set out in legislation.

Section 85 of the *Access to Information and Protection of Privacy Act, 2015*, is the law which governs the process for identifying a candidate for Information and Privacy Commissioner. That section requires the Speaker of the House to establish a Selection Committee comprising senior public servants as follows – again, the ones that were listed there before – the clerk of the Executive Council or their deputy, the Clerk of the House of Assembly or their deputy, the chief judge of the Provincial Court or another judge designated by the chief judge, and the president of Memorial University or vice-president designated by the president.

The Committee may publicly invite expressions of interest for the position and must submit a roster of qualified candidates for consideration of the Speaker. The Speaker must consult with the Premier, the

Leader of the Official Opposition and the leader or Member of a registered political party that is represented on the House of Assembly Management Commission and cause to be placed before the House of Assembly a resolution to appoint, as Commissioner, one of the individuals named on the roster. Again, we've already said this, and in accordance with subsection 85(2), the office is filled with by the Lieutenant-Governor in Council on a resolution of the House of Assembly.

Again, some historical background is provided, similar to what the minister has said. The former Information and Privacy Commissioner, Michael Harvey, resigned effect May 5, 2024. Jackie Lake Kavanagh assumed the position on an acting basis on May 6, 2024. On the same date, Speaker Bennett announced the appointment of the Selection Committee, as required by the act. Again, see the appointment of acting Information and Privacy Commissioner and the establishment of a selection committee for the permanent appointment news releases that were both set out.

As is the past, the Selection Committee was supported by the Public Service Commission, which assisted with the screening, scheduling and interviewing of candidates and provided a merit-based evaluation of them. I'll come back to that point.

The competition was posted on the PSC portal web page, shared on the House of Assembly web page and sent to all Canadian legislatures and similar statutory offices across Canada for distribution to interested persons. Considerations of the Selection Committee included considerable and progressively responsible experience in management and senior leadership; experience planning and coordinating resources to deliver a legislated mandate with defined time frames; knowledge of access and privacy legislation; principle and emerging best practices; mediation and

adjudication experience; and a university degree in a related discipline.

Interviews were completed in July and a recruitment recommendation report was received on August 1. It goes on to talk about the candidate information, who was selected, which the minister has already spoken to.

It goes on to say in section 85 of ATIPPA, 2015, Appointment of the Information and Privacy Commissioner: The Office of the Information and Privacy Commissioner is continued; the office shall be filled by the Lieutenant-Governor in Council on a resolution of the House of Assembly; before an appointment is made, the Speaker shall establish a Selection Committee comprising of the same people that he went on to say earlier.

So this was information that was sent out to me on November 5, and on November 12, I wrote the Speaker and said: I write to you regarding the process to appoint a new Information and Privacy Commissioner under the *Access to Information and Protection of Privacy Act, 2015*.

As part of the process, the Speaker consulted with me, as the Leader of the Official Opposition, as required by section 85 of the act. However, the Speaker did not consult with me on a roster of qualified candidates submitted by the Selection Committee. Instead, the Speaker provided me with just one name.

I believe that this was not in keeping with the act, or the interpretations within the statutory reviews of the act. I, therefore, challenge the process and insist that this be rectified before any resolution is brought to the House of Assembly for debate.

As you are aware, section 85 of the act reads as follows – we'll point it right out again, the appointment of the Information and Privacy Commissioner – and it bears

repeating: “(1) The office of the Information and Privacy Commissioner is continued.

“(2) The office shall be filled by the Lieutenant-Governor in Council on a resolution of the House of Assembly.

“(3) Before an appointment is made, the Speaker shall establish a selection committee comprising (a) the Clerk of the Executive Council or his or her deputy; (b) the Clerk of the House of Assembly or, where the Clerk is unavailable, the Clerk Assistant of the House of Assembly; (c) the Chief Judge of the Provincial Court or another judge of that court designated by the Chief Judge; and (d) the President of Memorial University or a vice-president of Memorial University designated by the President.

“(4) The selection committee shall develop a roster of qualified candidates and in doing so may publicly invite expressions of interest for the position of commissioner.

“(5) The selection committee shall submit the roster to the Speaker of the House of Assembly.

“(6) The Speaker shall (a) consult with the Premier, the Leader of the Official Opposition and the leader or member of a registered political party that is represented on the House of Assembly Management Commission; and (b) cause to be placed before the House of Assembly a resolution to appoint as commissioner one of the individuals named on the roster.”

My letter went on to say: Clearly, the Selection Committee must submit a roster of qualified candidates, not just one name only, and the Speaker must consult with the three party caucus leaders before causing a resolution to be placed before the House to appoint one of the individuals named on the roster.

From the plural language used, a roster submitted to the Speaker for consultation

with party leaders is clearly intended to include the names of more than one candidate. This interpretation is confirmed by the reports of the 2014 and 2020 statutory reviews of the ATIPP Act.

Again, the 2014 report states on page 216: "However, the Committee is of the view that the perception of a Commissioner who is independent from government would be greatly enhanced if the choice resulted from efforts by a selection committee that would identify leading candidates for consideration." Using identify leading candidates, with candidates, again, in the plural form.

The 2020 report similarly states on page 271, the selection committee is required to provide a roster of candidates to the Speaker, again, using candidates in the plural form.

At page 274, the report refers to the "consensus of the party leaders who have been consulted." This only makes sense if the party leaders are presented with multiple names, rather than just one. In fact, again, at page 275, the report specifically refers to "the three names to be put forward" by the Selection Committee.

It was the intention of the 2020 Statutory Review Committee that the candidate for the resolution be chosen, not by the government or by the Selection Committee, but by the Legislative Branch as represented by the party leaders and the Speaker. This is because a core function of the Independent Privacy Commissioner is to hold the government to account. The process must ensure the Opposition party leaders have a meaningful role in consulting on a roster of multiple qualified candidates before a single candidate is chosen for the resolution.

The 2020 report states that, at page 274, again: "The Wells Committee carefully considered the matter and, recognizing the unique and varied role of the commissioner,

constructed an appointment process for the commissioner with significant involvement of the legislative branch." It's clear that the process is intended to be a consensual and largely informal one, leading to the appointment of the individual who would be considered both excellent for the office and independent of government.

The 2020 report did not provide a mechanism for the Selection Committee to show a preference for one of the candidates on the roster. At page 275, the report states: "I do not consider it appropriate to include in the *Act* a requirement that the committee provide a ranking of the qualified candidates. But in any particular selection process, should the committee conclude that it would be appropriate and helpful to rank the three names to be put forward, the committee is and should feel completely free to do so."

If the Selection Committee did indeed submit to the Speaker a roster of multiple candidates, then I ask you to confirm this to me in writing and I demand to see that roster in full. If the Selection Committee did not submit to the Speaker, a roster of multiple candidates then I insist that the Committee return to its work, abide by the terms of the act as interpreted by the statutory reviews of the act and submit to the Speaker a roster of multiple qualified candidates ranked, if you prefer, so that I and my fellow party leaders may be consulted on a roster of multiple names as the act and the statutory review reports demand.

Our caucus will not participate in a process to vote on a resolution to appoint a new IPC if I, as the Leader of the Official Opposition, have not been shown a roster of multiple qualified candidates on which I am consulted as required by the act.

Sincerely, Tony Wakeham.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: That was on November 12. On November 13, I received a response from the Speaker. He goes on to say: Dear MHA Wakeham, I am writing in response to your correspondence of November 12, 2024. I can assure you that, as Speaker, I have complied with my duties under the *Access to Information and Protection of Privacy Act, 2015* regarding the proposed appointment of the Information and Privacy Commissioner. I am confident that the Selection Committee comprising of four competent senior leaders in their respective organizations has also complied with its statutory obligations.

As you have noted, the appointment process is described in section 85 of the act. I do appreciate that this section has been the subject of commentary and reviews undertaken of that act; however, we continue to be bound by the law as it currently exists. To my understanding, no legislative changes have been made further to the 2020 statutory review to date; therefore, section 85 remains the only binding legal description of the consultation process and it has been followed.

I agree with the legislative mandates of the Selection Committee to develop a roster of qualified candidates; however, I disagree that the focus of that provision should be on the number of candidates and would suggest that we are rather to focus on the quality of the candidates as the subsection requires the roster to contain qualified candidates.

While I agree that it would be preferable to have a list of multiple qualified candidates, I disagree that the legislation precludes a roster of one qualified candidate.

Though not required to do so in the act, the Selection Committee publicly invited expressions of interest for the position of Commissioner. Further, also whilst not statutorily required to do so, the Selection Committee engaged the Public Service Commission to support a merit-based

process. It advertised widely for the position of Information and Privacy Commissioner to increase the pool of potential, qualified candidates.

This included not only posting on the PSC and House of Assembly websites, but the advertisement was also distributed to all Canadian legislatures and similar statutory offices across Canada. I am advised that the Selection Committee did its work of screening all applications, conducting interviews and evaluating candidates' qualifications over an extended period of several months.

As identified in the PSC board report, which I understand was unanimously supported by members of the Selection Committee, there was only one candidate that was evaluated by the Selection Committee as recommendable for the position. As required under section 85, once I received the report of the Selection Committee, I consulted with you, as Leader of the Official Opposition, I provided you with a copy of that report, you were given key messages which described the recruitment process and you were provided with a copy of the position description used in the process.

Providing these materials was a departure from previous practice that was intended to provide leaders with as much information about the candidate as possible. Which the Speaker did provide, and I acknowledge that.

You have also had conversations with me, as Speaker, and with the Clerk of the House of Assembly who was a member of the Selection Committee. You have been provided with the same information that I have. I am not privy to the names of candidates who were screened out of the competition, nor of those other candidates who were interviewed and evaluated. I only have the report, which contains the name of one qualified recommended candidate.

The Information and Privacy Commissioner is an independent, non-partisan Officer of the House of Assembly, responsible for the advisory, educational, investigatory and reporting functions as described in ATIPPA, 2015. A Commissioner provides strategic leadership and oversight to employees responsible for developing and delivering programs for the people of the province and public bodies regarding their rights and obligations in the area of information access and privacy.

The evaluation of potential candidates was completed in consideration of the broad and significant role of the Commissioner. I do not have any information that would cause me to question or challenge the work of the Selection Committee. In accordance with the legislation, a resolution has been placed before the House to appoint the qualified candidate recommended by the Selection Committee.

At this point, it is my view that this resolution needs to be debated and voted on by the House. I do not believe that the Selection Committee has any further role. It fulfilled its duty once, it submitted its report to me; therefore, the Selection Committee does not now exist independent of that task. I am available to discuss. Regards, Derek Bennett, Speaker. That was on November 13.

Both myself and the Leader of the Third Party have had several conversations with the Speaker in his office, good conversations, to talk about the process and to talk about what our concerns were. As a result of that, they did arrange an opportunity for us to meet with the Selection Committee. But, again, when we scheduled to meet with the Selection Committee, it was not identified as to what information we would or would not receive.

So on November 20, I wrote back to the Speaker, and the Leader of the Third Party, we both wrote a letter and signed it back to the Speaker. It said: Dear Speaker, we

appreciate the invitation to meet with you, the Law Clerk and the Selection Committee to ask questions regarding the recruiting of a new Information and Privacy Commissioner.

While we appreciate the need to approve a new Privacy Commissioner, we have raised questions and concerns that need to be addressed before we accept your invitation. We need to know exactly what information we will receive, what questions we can ask and what answers will be provided. As an example, you have stated in a previous email that non-identifying information of the other candidates will be provided. We would like this and other questions clarified before we agree to meet with the Selection Committee.

Therefore, we ask that the three of us meet to discuss the parameters of the meeting with you, the Law Clerk and the Selection Committee. If this is acceptable, we can set a time that is acceptable for the three of us to meet. We look forward to your reply.

While we did not meet with the Selection Committee, we did have a further meeting with the Speaker and members of his staff.

So, again, this came down to a full discussion on what made up a roster and what the word qualified meant. As has been stated several times here, roster generally refers to more than one. I think everybody in this House of Assembly would think roster would mean more than one.

The second piece of it was the qualifications, qualified candidates. So we asked and we talked about the process. The extensive process that has been identified and laid out here was carried out. There were, to the best of my record, 50 people who actually applied for the job of the Privacy Commissioner from, perhaps, all across the country. I don't know but there was a number 50 that had applied. Of that 50, the Selection Committee narrowed it down to five people to interview.

This is where we start, because when we talk about qualified, one would think that if you're going to go through a process of interviewing someone for a job, then you have made a determination, before you do that interview, that they are actually qualified to do the job. Otherwise, why would you be doing an interview to begin with.

So when we look at this and say we have five people who are qualified to be the Privacy Commissioner, at that point you all start off on an equal footing. These are five people that we're now going to interview. We have a Committee set-up and what we're going to do is we're going to ask a series of questions. Then, one would think that each of these individual people would, somehow or other, rank or rate the answers provided to them by each of the candidates in some kind of quantitative and qualitative means. That's what the merit-based system is about. It's about not just qualitative; it's also about quantitative. That is something that we have continued to ask for and didn't get.

So when we did meet, we did get some information on a process again. We did get a series of questions that were asked and they're good questions – they're good questions. They asked nine different questions to each of the candidates. They were number one: Could you describe for us your understanding of the function/operation of a statutory office of the Legislature? Do you see any advantages or disadvantages in working in a statutory office?

Two: In the role of Information and Privacy Commissioner, you must balance important and potentially competing principles, such as access to information and protecting privacy, consumer rights and data collection and other conflicting positions. How would you ensure that you successfully balanced these important considerations?

Three: How do you handle situations where your personal values conflict with your professional responsibilities? How did you approach reconciling these conflicting values in making decisions?

Four: The Information and Privacy Commissioner is responsible for leading a group of professionals. How do you lead and motivate staff? How would your co-workers/colleagues/staff describe your leadership style? Please give us an example of a difficult staffing situation you have encountered and explain how you deal with it.

Five: In previous leadership positions, how did you foster a respectful and inclusive workplace environment? In your view, why would this be important to the Office of the Information and Privacy Commissioner?

Six: Describe a time when you had to deal with a particularly difficult resource-management issue regarding people, material or assets. Explain your approach and how you were able to meet the organizational objectives.

Seven: Can you give an example of what you would consider a complex work decision you have made and the steps you took to make that decision? How did you know it was a good decision? What did you rely on in making the decision?

Eight: As the Information and Privacy Commissioner, your work may attract significant attention from the public, news media and other senior officials. Tell us about your media and public relations skills and, in particular, your approach to working with members of the news media.

Nine: If successful, what would you hope to accomplish and how would you achieve these goals? How should your performance in this role be measured or evaluated? What are the metrics that you personally would apply to your performance that would be reflective of your success?

Ten: Credibility of the Office of the Information and Privacy Commissioner is paramount. How would your appointment impact the credibility of the office?

So as you can see, the Selection Committee, they had a lot of work done here. They had great questions that were asking five candidates, five people that they interviewed that they felt were qualified to be the Information and Privacy Commissioner for Newfoundland and Labrador. Each of them would've been subject to these same 10 questions, and each of those people that were doing the interviews would somehow or other take the time to listen carefully to the answers provided and to rank somehow, a point system or whatever, the answers to the question to arrive at a decision that, at the end of the day, we have a successful candidate, one that climbs to the top.

But in terms of that process, one would think that if there is a number one, then there had to be a number two, there had to be a number three, there had to be a number four, there had to be a number five, because you took the opportunity to say we're interviewing five people, five qualified candidates. Otherwise, why did you interview them?

Now, that's where some of the problem comes in because we didn't get a quantifiable response. What we got was a quality response and what was concerning in the responses that we got back related to three of the interviewees. The last line, it was basically a three-sentence reply that identified why interviewee B, interviewee C and interviewee E were not selected – three sentences.

In each case, the last sentence was the same. The last sentence said: However, they did not have considerable and progressively responsible experience in management and senior leadership. That is the same sentence in three of these that we got back for three of the candidates.

My question is if they did not have considerable and progressively responsible experience in management and senior leadership, then why were they listed to be interviewed? That is something that I still don't know the answer to. So this is where the whole type of analysis that's done, because these are, as I said, qualitative. But there would have been the quantitative approach, which would have been the series of the 10 questions that were asked and it would have been rankings.

I can only assume normal human resources process with four individuals doing the interviews would have each person responsible for their own scoring and, at the end of the day, somehow or other, quantitatively, we would arrive at a conclusion of who the best candidate is. Perhaps they have arrived at the conclusion of who the best candidate is. But to simply say that there were no other qualified candidates after literally saying we are going to interview five people, I would argue at the time you choose to interview five people, then you are making a statement that any one of those five is qualified to do the job. Otherwise, I go back to my original question: Why would you bother to do the interview? Why would you interview people if they weren't qualified?

That is the fundamental question that I still have standing here today, that has not been answered and we've only ever gotten the response that there's only one qualified candidate.

Again, we go back to other correspondence from the Selection Committee. The Speaker actually wrote, back on November 22, the Selection Committee and asked them for their assistance and acknowledging – he said: Thank you for your recent work respecting the recruitment of Information and Privacy Commissioner under section 85 of the *Access to Information and Protection of Privacy Act, 2015*.

Given your busy schedules, I appreciate your commitment to this process for the benefit of the people of the province. I greatly value your assistance to me as I fulfill my statutory obligation to consult in accordance with section 85.

The information that you have provided thus far, including the information provided during the meeting held on Tuesday, November 19, has been very informative. I understand that each of you has invested much time and effort into this process and I am reluctant to impose upon you for further information; however, a question has arisen respecting the Committee's process for evaluating applications in this recruitment, particularly those who were selected for an interview.

In this regard, could you please provide me with some additional information and details respecting your evaluation of the interviewees and on what basis the Committee determined the recommendable candidate and excluded the others? It would be helpful if you could describe any matrix used during the process and the manner in which the Committee distinguished among the interviewees based on the initial screening criteria as well as the responses to the questions posed during the interviews.

Acknowledging that your schedules are very busy, I respectfully request that this information, if at all possible, by noon on Tuesday so that I may conclude the consultation process. So the Speaker reached out again, looking to help find some of that information that we were looking for.

On November 26, the Committee wrote back to the Speaker, and again a qualitative analysis was done. I won't read everything, but it says: Dear Speaker Bennett, on November 22, you wrote the Selection Committee established under section 85 of the *Access to Information and Protection of Privacy Act, 2015*, requesting further

information to conclude the consultation process required under that section.

You inquired about the manner in which the Selection Committee fulfilled its legislated mandate in the selection of the recommended candidate for the position of Information and Privacy Commissioner. In particular, you requested the following: some additional information and details respecting your evaluation of the interviewees, and on what basis the Committee determined the recommendable candidate and excluded the others. It would be helpful if you could describe any matrix used during the process and the manner in which the Committee distinguished among the interviewees based on the initial screening criteria, as well as the responses to the questions posed during the interviews.

The Selection Committee met on Monday, November 25, to discuss your request. The following is the Committee's response: The list of qualified applicants was formulated based on the following screening factors established from the job advertisement: management and senior leadership experience; experience planning/coordinating resources to deliver a legislated mandate with defined time frames; knowledge of access and privacy legislation principles and emerging best practices; mediation experience; and adjudication experience.

So the list of qualified applicants – so the five people – the way I interpret this, the five people that were interviewed has these qualifications, or met these qualifications. Yet, in the document I read out a few minutes ago, one of the weaknesses identified in the selections, or the reason they were not considered as qualified, was they did not have considerable and progressively responsible experience in management and senior leadership.

Clearly, this was what the Committee was looking for when they went through the

applicants and they decided to interview five people. And good on the Committee, because they went through a thorough process and these were the things they asked for.

So it went on to say: The assessment questions were designed based on the competencies outlined in the job advertisement. Questions were structured to allow candidates to demonstrate their practical experience and suitability for the role. Questions aimed to assess the following competencies: sound judgment, effective communication, knowledge of legislation, collaboration skills, resource management, mediation and adjudication and legal understanding.

The interview process at candidate selection: The Public Service Commission was invited to facilitate the assessment process and structured it to mirror the process utilized by the Independent Appointments Commission for positions scheduled under the *Independent Appointments Commission Act*, which, I think requires a minimum of three names to be brought forward.

The Selection Committee conducted interviews with five, short-listed candidate individuals. Two members of the Public Service Commission were also present and posed the questions on behalf of the Committee. Each candidate was asked the same set of competency-based questions. After each interview, the Selection Committee conducted detailed discussions to assess qualifications, performance and fit. The Committee members discussed the candidates' responses, focusing on their ability to meet the role requirements and demonstrate key competency.

Again, nothing in there talks about how they worked independently as a force in rating each of the candidates based on their responses to the questions.

It says once all the interviews were completed, the Selection Committee conducted a final review and comparative analysis of all candidates, focusing on their qualifications and overall fit for the role. The assessment process involved thorough deliberation among Committee members ensuring that each candidate was evaluated in detail.

Then they went on to describe, again, another description of the interviewees of which the Selection Committee determined were not recommendable, qualified candidates – again, not recommended, qualified candidates. Yet, at the same time over here, they say the list of qualified applicants was formulated based on the following screening factors.

So I'm struggling to understand how five people were selected based on their qualifications to do the job and, at the end of the day, only one was considered to be qualified to bring forward. When one would think in a normal process, there would have been some type of ranking system that we all understand. And I'm not here to dispute whether or not we have the best candidate or not. All I'm asking for and all I've been asking for since we started this, all the Leader of the Third Party has been asking for since we started down this road, is provide us with that ranking; provide us with how you arrived at the scores you arrived at so we can see the actual process. But we never got an opportunity to do that because there was only one name brought forward.

I'm almost at the end here now.

So on December 2, which was yesterday or the day before?

AN HON. MEMBER: Yesterday.

T. WAKEHAM: Yesterday, on December 2, we received a letter from the Speaker. It went to the Premier, it went to me, as the Leader of the Official Opposition, and it went to the Leader of the Third Party. It

said: Dear Leaders, please see the enclosed document as it relates to the recruitment of the Information and Privacy Commissioner, which I received from the Selection Committee.

The information provided by the Selection Committee notes that the numbers one through five reflect the interviewees. Interview one is the recommended candidate, interviews two to five are listed in the same order as they appear in the Committee's most recent correspondence addressed to me on November 26, 2024, and provided to you.

So they gave us a one-page list of questions from one to 10 with scores. The five candidates are listed. The scores range from 1.0 to, in some cases, 0.00.

Now on the surface one would think, okay, this is what it is. But when you read the next page, the next sentence in the letter, it says: Further, please note that while this document reflects the evaluation completed by one member of the Selection Committee, the Committee concurs with this evaluation.

So you provided us with a copy of the rankings of one member and you want me to turn around and take that and say the rankings are not there by the other three members of the Committee, only one, but everybody that was on the Committee ranked exactly the same score. That's what that interpretation is, that this score was ranked the same by all members of the Committee.

I don't know if that's truth or not, but that's what this statement says to me.

At the end of the day, we are here now on December 3 debating a motion. Based on everything I have gone through, everything that we have asked for, which we have not received – and that's all we have talked about since we began this was an open and transparent process that says hey, five individuals were interviewed. They had

great qualifications because the Committee wanted them to have great qualifications. They asked for the qualifications. They told us what they were looking for in the qualifications. They provided us through the process of however they went, but the only thing missing was we were not provided with how they arrived at their final decision in terms of a quantitative and a qualitative process.

That should have been included when you are talking about hiring an Officer of the House of Assembly, someone who has to be independent and considered to be independent. That's all we asked for since the beginning. That's all we wanted but, unfortunately, we have not received it, so I cannot support the motion.

SOME HON. MEMBERS: Hear, hear!

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

S. COADY: Thank you very much, Speaker.

It was an interesting discussion by the Leader of the Opposition and I thank him for his intervention today. I think there are some things we agree on and some things I think that I am going to try and let people be aware.

Section 85 of the *Access to Information and Protection of Privacy Act, 2015* is a law which governs the process for identifying a candidate for Information and Privacy Commissioner. On that, we agree. It is also agreed that this Selection Committee – Speaker, you established a Selection Committee very quickly and we thank you for that. And we thank you for your interventions on helping the Province of Newfoundland and Labrador have the appointment of an Information and Privacy Commissioner, a very important Commissioner, in my opinion, based on the law of 2015, based on the information that was provided in 2015.

I think the Member opposite outlined who was on the Committee, but again I will read into the record: the clerk of the Executive Council, the Clerk of the House of Assembly, the chief judge of the Provincial Court and the president of Memorial University or their designates.

Speaker, I will say that that Committee is a stellar Committee. They have considerable years of experience. They are non-partisan, they are independent and they went about their work. I don't think anyone questions the amount of effort they have done to go across this country to find the best candidates possible for this position.

The Member opposite also noted – and I will again reiterate that some of the selection was based on management and senior leadership experience; the experienced planning and coordinating resources to deliver a legislative mandate with defined timelines; knowledge of access and privacy legislation principles and emerging best practices; mediation experience; and adjudication experience. That's some of the qualifications that this position, a very important position to the people of Newfoundland and Labrador, was required.

I can say, Speaker, that they brought forward – this stellar Committee that did the interviews, as the Member opposite outlined. The Member opposite is not questioning the types of questions that were asked to the candidates. I believe he said five candidates whose names were brought forward to the stellar – I think we can all use that term – stellar, strong reputations, chief judge, clerk: these are stellar individuals in our province and they did a process. I don't think the Member opposite is questioning the questions that were asked of the candidates.

Speaker, I know that you facilitated a number of meetings, some of which I was invited to attend with the Committee, and I can tell you that it was enlightening to sit with the Committee themselves, hear their

adjudication. The chief judge was involved, the various clerks were involved, I think one person wasn't able to attend but to listen. I don't think that there was anything left undisclosed, I can say that.

I think there was a roster. There was one name brought forward, the ranking were brought forward. The process was followed according to legislation – according to legislation the process was followed. I even asked if there was any political interference in any of this. I asked the chief judge of the Provincial Court, a man of stellar reputation, if he felt that there was any interference. There was not, that was clear. If you attended the meeting it was very clear.

I can also say, Speaker, I asked if there was consensus, and I understand it was unanimous consensus with the group as to the name that was brought forward. The individual's name who has been brought forward, I don't know this individual, but I do know and respect and appreciate the work of this Committee. They searched the country. This has been disclosed. They've spoken to privacy commissioners across the country. They did a stellar job. I think the Member opposite even complimented the questions that were asked of candidates. They were high-level, good questions.

Speaker, it's perplexing to me that – and I find it unfortunate that there's a question now, as to whether or not this Committee should have put forward one name or three names. If that's the case, let's review the process by which the work had been done. This stellar Committee has brought forward one name. It should not be up to me to go back and say: I want more than one name. They made a recommendation to this Legislature.

They followed a process. I don't think anyone's questioning whether they followed a process. They had a good set of questions that they brought forward. It is unanimous in its decision. There has been no interference in that process. I know,

Speaker, that you have brought forward a number – you did consult with the three leaders. I represented the Premier on a number of these occasions. You were trying to bring together consensus.

The Committee itself felt strongly; they provided information to all of us as to why their rationale was that they were only bringing forward one candidate. They did not feel that there were any other qualified candidates. So we have, in my opinion, a choice. You accept what the stellar Committee – that we all agree are stellar; these are the most senior leaders in our province. Beyond reproach, in my opinion, people who have had decades of experience in interviewing, people who are learned in the law.

They felt they followed the right process; they felt that they have a stellar candidate. I don't know her. I can just tell you what I understand. They felt that she had the qualifications, the experience, the leadership that this position requires.

Speaker, I think it would be interference if you go back and say no, don't like who you're recommending, go back and find someone else, unless you think there's a flaw in the process. The Committee has done its work – again, reputationally beyond reproach – senior leaders, multiple decades of experience who followed the letter of the law. I told you again what they were looking for. This was established in the job advertisement: management in senior leadership; experience in planning and coordinating; knowledge of access and privacy legislation; mediation experience, adjudication experience.

Now, Speaker, far be it from me or my colleagues to question that – far be it. If you do not like the process, then we can change the process in legislation the next go around. But you have, again, the Clerk of the House of Assembly, the clerk of Executive Council, the president of Memorial University, the chief judge of the

Provincial Court who have decades of experience in the law, decades of experience in human resources, decades of experience in hiring qualified senior leadership positions who have come forward with a name.

I believe – and I strongly believe this, Speaker – that who are we to question this Committee. If you do not like the process, then change the legislation and the next time out, make sure that you're specific that it says this. This stellar Committee, they feel that they have the best qualified candidate and they have put forward that name. That is what they've put forward.

I think you've been very accommodating. The Member opposite spent an hour speaking of letters that have gone back and forth. I can quote letters, too, because I believe some of the responses were – he didn't talk about the responses to the letters, but some of the responses were detailed. They gave very good information.

Speaker, I think that the Committee itself – and I really thank them for their deliberation. I'm sure they're concerned about this, as I would be if it was my reputation of doing this. They would be concerned about this. This is a beyond-reproach Committee that has followed the letter of the law, that understands those legal requirements, have decades and decades of experience in hiring senior leadership positions and they've come forward with one name.

If we do not like the process, change the process in legislation, find a different process. The process that is followed for the Information and Privacy Commissioner is similar to, but not the same as how we hire other Commissioners. Other Commissioners are done through the Independent Appointments Commission in law.

In 2014-2015, in the former government, they said no, we want to do it this way – the way it's laid out in law – and it's been

followed. I cannot find – and I'm sure if I could find, we would be discussing that – fault in what they have done, except that they have only one name – a stellar candidate. She appears to have all the requirements. I don't know this individual. I'm sorry I don't but she sounds like the right leadership candidate in so many ways.

But I am trusting the process. I am trusting the chief judge. I am trusting the Clerk of the House of Assembly. I am trusting the clerk of Executive Council. I am trusting the president of the University, or their alternates, in coming forward with the best candidate. If you want a different process, then we should change that in law.

Speaker, I will say that I think you've been very accommodating in going back and forth with leaders to try and find a resolution here. What I'm hearing is the only resolution is if they had a roster of what they consider three candidates to come forward. We should be clear, if that's what we need to bring it forward. We may not find them. There are lots of times that when you're out searching for candidates, there is only one that really stands out. The other candidates may have certain attributes that you find very, very stellar, but there's one candidate that shines above the rest, and that's okay.

What I'm saying is far be it from me to question this Selection Committee. They have come forward with a qualified, strong candidate who fits the criteria that is necessary, and I will accept their adjudication and their recommendation. If there are changes that we want to have in legislation, then let's go ahead and make those changes for the next time.

I do want to thank the Committee; I know that they have worked very hard, even in recent weeks, of going back and forth trying to find a resolution to this challenge. I've been sincere in reaching out to the Opposition to try and find a resolution, trying to make sure that we've given as much information, asking you for more

information, asking the Committee for more information. They've given what they have given. It is now time to determine whether or not we will accept their advice.

If we do not accept their advice, then we start all over again. Well, I don't know if the Committee would reconvene, so you'd have that challenge. You may or may not find a candidate as recommended as the one we have before us today.

If the House decides in its wisdom that we're not going to accept the advice of the Committee that is outlined in law, in the legislation, if we're not going to accept that, then we start fresh. I don't know what Committee you're going to be able to assemble, but we could do that.

Speaker, I would say to this House, I would say to my colleagues in this House, we have a very strong, independent, knowledgeable, stellar Committee, that are senior leaders in our province, that have decades of experience in hiring people, that are completely independent, that are putting forward, what appears to be, an ideal candidate – an ideal candidate.

Now, Speaker, that's not my adjudication, that's their adjudication. When I review the candidate, she seems to be ideal. I don't know her, but I'm going to trust the process that was developed in 2015 as part of the access to information and privacy. I'm going to accept the advice of the judge.

In 2020 it was reviewed, in 2015 it was determined – I will address the Speaker. I will accept the advice of the chief judge of the Provincial Court. I will accept the recommendation of the Clerk of the House of Assembly, the clerk of the Executive Council and the president of Memorial University.

Thank you, Speaker, I don't think there is anything more I can add to the discussion or debate. If there is only one candidate that is recommended by this Committee, I think we

have to adjudicate that. If we want to change legislation, then we should go ahead – I haven't heard any recommendations on changing the legislation, but we certainly could do that for future consideration.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

If anything, I've learned, since I started my career in the House of Assembly in 2019, just how important the role and the Office of the Privacy Commission is. We've seen plenty of examples of that over the last few years where the Privacy Commissioner has intervened, has taken a strong stand on legislation and has probably been instrumental in forcing change. That takes a strong personality and someone who's willing to stand on principles, no two ways about that.

I've served on and chaired national hiring committees on some very contentious issues. I understand the process. This is not a question of not liking the person who was chosen. That's not even the issue here.

No matter how many times the minister repeats the word "stellar" or how senior the Committee is or anything else like that, the fact remains, Speaker, that it comes to the House of Assembly, it's consultation with the Leader of the Official Opposition and the Third Party and there is a process. I am being asked to make a decision and if you have stellar thrown in my face, it is a little bit condescending, to say the least. I take the role here very seriously, in that making sure that whoever is in this position is indeed the best person, or at least to understand the process, Speaker.

I will say this: I cannot fault you as the Speaker. You have been very accommodating in trying to reach an agreement and to some sort of a middle ground. We've had the back-and-forth meetings and the letters. We've met with you and so on and so forth. It comes down to one question and I'll come to that later on, but the fact is it still comes to this House to be voted on.

I would, at least, like the opportunity then, in some way, to talk to my colleagues, and I would assume the same for the Leader of the Opposition and say, look, we had a good discussion. This person is, indeed, the best person. We asked a lot of good questions. We can see where the decision was made. It's not even about overturning the decision, Speaker. It's coming to understand it.

For the most part, we had, in a lot of the correspondences, an account of the process and that's not even the issue itself, to a degree. I understand the process, as does the Leader of the Official Opposition but it comes down to, I guess, if I'm being asked to make a decision, then there is information I would like to have.

It's interesting to note that the initial screening of the Public Service Commission selected 10 candidates to be screened in. The Selection Committee redid the selection process, they wanted to see all applications, and they screened it down to five. And, Speaker, I would say good on them. That's due diligence, that's making sure that indeed they have the best candidates.

Now, was that questioning the Public Service Commission? I don't think so. We're not questioning the Selection Committee, but we are asking for information. We understand the confidential nature of this.

The fact is it talks about a roster of qualified candidates. I know there is some question as to what a roster is and what a roster isn't. But I would assume that when a committee,

in anything I've come up with, a roster, really, for the interview is here is a shortlist, if you will, of people who we deem qualified to make it to that stage of having an interview.

It's sort of like, I guess, for lack of a better way of looking at it, if we have five candidates who tied, they're all relatively good and the interview process is going to be the tie-breaker, to simplify it.

I think if nothing else there is the opportunity, then, there is a process that underwent through the interview. Various members of the interview committee would interview, would score them. My knowledge of the process is usually once we finish, the interviews are done, we might even tabulate the scores and figure out which ones came on top. But I'll tell you this, rarely do we have, in any of the hiring processes I've been involved with, rarely do we have consensus straight out of the gate. Even if we did, I'd probably want to ask questions about that anyway.

So I think in some ways what we're looking for is we're asking for a similar courtesy that the Selection Committee chose, which is, look, we're going to look at everything again. We want to make sure we've made the best decision. I guess that's what we're asking for. We want to make sure, not debate this in the House of Assembly, but at least have that conversation, Speaker, with us as to the relative merits as to why we chose one over the other.

Now, there was a lot of correspondence. It comes down to the essential thing and I will tell you what I'm looking for, what we are looking for, is the opportunity that if you're asking me to make a decision on this important office, to select this person, I want to be able to ask at least, okay, here are the questions – and the Leader of the Opposition made reference to them – what were you looking for? How did they score? What went into that score? Even if you have the difference between a one and 10 and an

eight, well, you're still going to debate the relative merits, or was there one well above the other.

What was the connection between the questions and then the comments, whether it was about progressive leadership and so on and so forth? Considerable and progressively responsible experience in management and senior leadership was one of the criteria. We've had this discussion, Speaker, and I've had the conversations with the Leader of the Opposition as well. Well, what does that mean? But at least if we have the candidates there and we weren't looking necessarily for names, but anything that would remove identifying information but what are the relative merits of this? What did you mean by this?

What is the rationale for the scores? It's interesting, even in education right now it comes to down to – rarely does a teacher put here's the score; there is some comment that that gives context for the grade. In primary and elementary, it is certainly to do more with anecdotal report. But there's a rationale provided.

Right now, do I have any concerns with this person? I don't know the person. This is not even about the person. Then, I guess, if anything else, share my concern expressed by my colleague, the Leader of the Opposition, but if you're given a rubric and you're saying this is the score of one of the members but this is what that everyone more or less agreed with, well, that's not really what we're looking for.

There's been information coming out, but not essentially the essence of it is to at least sit down and talk with the Committee. In essence, Speaker, show me your work. Just show me how did you arrive at this, so that at least I can go back to my colleague and say, look, I went through the process. Yes, this makes perfect sense.

But I will say this, from my point of view, the roster was a short list; not the 50. You could argue that the roster was the 10 chosen by the Public Service Commission, but it was the five chosen by the Selection Committee. Do you know what? Obviously, they saw something that maybe the Public Service Commission didn't, and fair enough. So at least there was an opportunity to have that question of what went on here. If nothing else, the five people chosen, were they on the short list of 10 for that matter.

I'll go to the whole aspect of consultation, about changing the process. Section 85, I guess, of the act, talks about: shall develop a roster of qualified candidates. Fair enough. We sort of debated that issue as to what constitutes a roster. But I do believe the short list, the interview list, that is the roster and the person who was chosen.

The last time we did this, Speaker, we had two people, and if I remember correctly at the time, it was the government side that wanted basically to interview and choose the second person. I would say, if we didn't have a minority government, we would have had a different person as a Privacy Commissioner.

The Selection Committee shall submit the roster to the Speaker of the House. This is the part, so let's get into this whole notion of consultation. The Speaker shall consult with the Premier, the Leader of the Official Opposition and the leader or member of a registered political party that is represented on the House of Assembly Management Committee. This turned out to be, in this case, the Leader of the NDP.

So what does consult or consultation mean? I would argue, Speaker, that it involves more than: Well, here is the process that was followed and here is the person that was selected. Because, in many ways, I have to take it on faith then. But I swore an oath, I take the job seriously, that at least I had the opportunity to question, to make sure that what I'm being asked to vote on,

that at least I have some knowledge of it, or of the person, because whatever decision we make here, the person is going to be in office for good or bad for however long and it's important to have the competence.

In many ways, Speaker, that's what I'm asking for: Show me the work, show me how you arrived – not you, but how the decision was made, how the Committee arrived at that decision, open to any of our questions in terms of the process, why was this person graded this way, the resume, any of those things just to come to an understanding.

To me, it was never about: We want you to redo the process. It was never about redoing the process or go back and do it again. It never was, but it does come down to at least trying to arrive at an understanding of this so that at least when I vote on it, I'm not rubber-stamping it because that's how it feels – that's how it feels.

It's pointless to say to me that the Committee was stellar and everything else because I do already know that they are highly respected and deserving of their position and knowledgeable and judicious and you name it. But that's not the issue for me. The issue is that my job as Opposition is to question, is to challenge, is to ask, is to make sure that the decision being made is the best one and probably this person is. More than likely it is, but at least at some point we got the opportunity to have that discussion.

I would argue, then, that we've probably had more consultation, Speaker, about the consulting than we had about the selection of the person. But at least there was a dialogue there and I think that to and fro was what we would've been looking for when talking about the choice of the selection or the individual.

So if I'm being asked to vote on this, then I think I'm entitled to that information, and I'm

not looking for the details in terms of anything that would identify the individual. I'm just looking for: Okay, what was their experience? Why did you score them in this way in this answer? What was the answer they gave? Maybe it's just about to deal with the person who was chosen.

Now, as I understand it, in any vote on this, regardless of how the Opposition votes here, the government has majority. It will vote however it wants and the position will be appointed. But I will tell you why I'm having trouble with going along with it, at this point in time, because I do believe in the act as it's written, the word consult means a lot more than what some Members on the other side would have us believe. I heard that word consult and consultation even when I was a leader of the union and I know that it, basically, was pro forma.

Speaker, you've done your best. We've done our best in trying to get the answers here, but, right now, to me, if you want this cause to be placed before the House of Assembly, a resolution, then I think in some ways there's an opportunity here.

What the Leader of the Opposition and I have been saying is to, at least, have some detailed conversations about the process, about the criteria, about the rubric, about how they scored and how the questions that they asked match up with the commentary at the end.

Thank you, Speaker.

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

Speaker, I find it ironic that we're debating a resolution by the House of Assembly with respect to section 85 of the *Access to Information and Protection of Privacy Act, 2015*. Really, that's the essence of this motion; yet, what it appears to be is that we

aren't able to access the information that's necessary for us to have a fully transparent process here. So I think it's very ironic that we are debating this particular motion.

I concur with the Leader of the Official Opposition, as well as the Leader of the Third Party, in expressing my strong opposition to this motion and to the process that has been in place.

Now when I heard the Government House Leader speak and I also heard the Minister of Finance and President of Treasury Board speak, as well, it was interesting that when the Government House Leader spoke, he pretty much said that this is pretty much straightforward, black and white. There's no flexibility. This is the legislation we have and, basically, this is what we have to follow.

He glossed over section 85(4), which I think is the crux of the problem here, which involves the roster issue and I think that that needs to be looked at very closely.

Before I get into looking at the roster and what that means, and our understanding of a roster, what it is, I think we need to look back first on some of the legislative statutory offices. For example in 2023, the former Justice Fowler did a structural review of the statutory offices of the House of Assembly. I'm going to point to a couple of things in there that bear on this discussion and this debate. As well, with respect to the legislative reviews that have been done and in place, I think they are important to look at as well. I refer to the 2020 Statutory Review of ATIPPA as well as 2014 Statutory Review.

First of all, I just want to go back to why this is so important. The role of the Information and Privacy Commissioner is a critical role that plays in our Legislature here. The Information and Privacy Commissioner, just by way of background, they're an Officer of the House of Assembly, the Legislative Branch. They answer to the House, they

answer to the people, they don't answer to the Premier and they don't answer to the Cabinet. The role of the Commissioner is very important; they protect the privacy rights of the people. They ensure that there's proper access to information that ought to be available to the public.

The IPC or Privacy Commissioner is established under ATIPPA; that is the legislation. But, Speaker, ATIPPA only works if we have strong, independent, non-partisan Commissioner. That is so important to hold the government to its feet. It's this government, but it may be us next year as government. Whatever government continues in the future, it is important to have a very strong, independent, non-partisan Commissioner. It's like any of the other statutory Officers, like the Auditor General and the Seniors' Advocate.

These are very important Officers, and their responsibilities are not to be critical, just for criticism; they safeguard important rights for us. So that is why the appointment process is so important. That is why the appointment process for all of those Officers, it's rigorous. That's why we need to have and we have a rigorous process in place.

We look at section 85 of ATIPPA, which outlines that process. When I look at that process, the most important subsection in section 85 is subsection (5): "The selection committee shall submit the roster to the Speaker of the House of Assembly."

What is a roster? That's the important question that we need to look at. When we look at the dictionary definition, it includes more than one individual. It's not one name. When we look at other definitions, it's a list; it's a roll. That is what is important here, Speaker.

We have to be vigilant in this. This is not about us rubber-stamping one person. As my colleagues in the Opposition have said, this isn't about that particular individual. That is not what we're talking about, her

qualifications. This is most important to look at the fact that there's only been one name submitted. The Selection Committee, and when we look at the statutory reviews – and I do want to, if I have time, just to highlight the two statutory reviews, and the structural review of the statutory offices.

So there are three bodies that have really spoken on this issue and have identified what a Selection Committee must do in the process that's involved. They may rank the candidates within the roster. They do not have the submission – this is my interpretation. But it's not only mine, it is what I've read in the statutory reviews that have preceded us here today. As well as the interpretation from the structural review of the statutory office by the former Justice Fowler. They basically say that the Selection Committee do not have the option of submitting just one name, if you look at the process.

So I'm going to just point to a couple of things to substantiate that. When we look at that basically back in 2014, a statutory review, Premier Tom Marshall appointed three individuals, expertise in law, privacy legislation, journalism. What for? He commissioned or appointed those individuals to conduct an independent statutory review of ATIPPA, the *Access to Information and Protection of Privacy Act*.

These three individuals were former premier and Chief Justice Clyde Wells, former Privacy Commissioner of Canada Jennifer Stoddart and former CBC journalist Doug Letto. These were all stellar and highly regarded individuals with a great deal of expertise. The report was received in 2015. What did it include? It included a draft bill, to complete the overhaul of the ATIPPA legislation, including the process for appointing a new Information and Privacy Commissioner.

Members of the House passed these reforms into law. They became law and the

new process was used for the first time, at that time. When we look at that process, that process was passed into law. It was recommended originally by former Justice Wells, Stoddart and Letto. In order to determine how the legislation ought to be interpreted, what do we do? We look at the Committee that drafted it, at the foundation. We look at their report.

With due respect to the Office of the Speaker, the report does offer some additional insights into the process, Speaker, and the interpretation of the legislation. So it is, I would argue, not as the Government House Leader states, that it is prescriptive and there's no flexibility. We need to look at what the common thing is in courts in law, that's what we do when approaching the interpretation of statutes. We look back and it's an interpretative aid to how the legislation ought to be understood. It is not unusual to do that.

So when we look at that, we look at the sections that are in play here and the particular section: The Selection Committee shall submit the rosters to the Speaker. Again, that, in my submission, does not mean just one name. That is not, in my view, the right thing to do. This is such an important process. We need to make sure that we exercise all of the necessary safeguards and making sure that we have the most independent, the strongest candidate in terms of objectivity and impartiality, yet we only have one candidate to look at. Now, we've heard from what was read in by the Leader of the Official Opposition that there were actually four candidates that were before the Committee. There were four candidates.

My question is: Why would we not have access to that information? I mean, this is too important not to be an inclusive, impartial process. For me, I do not understand why that would be kept, that would be refused from the Opposition. We look at, for example, the 2020 report that occurred and it talks about the consensus of

the party leaders who have been consulted. The Leader of the Third Party mentions that as well. The Leader of the Third Party talked about consensus in terms of consultation, if you will, he talked about consultation and really that may not have been complete consultation, Speaker.

So there are issues here that really cause red flags. I would submit that the appointment process has not been honoured here, as it has been stated in previous legislative reviews.

Let's look at, for example, section 85(6)(a) when we talk, about after receiving the roster from the Selection Committee, you, as the Speaker, shall consult with the Premier. I've heard from my colleagues in the Opposition, that was not an issue in terms of you providing back and forth, but really one can question what that level of consultation was when there was no input in terms of looking at whether the three candidates or the five candidates could – the information could be disclosed.

So I would submit to you, that issue with respect to section 85(6)(a) after receiving the roster, the Speaker shall consult with the Premier, the Leader of the Official Opposition and the leader or member of a registered political party, that would be the Third Party, but really has that level of consultation also taken place?

I think, again, this has to be a rigorous process. The failure to adequately consult, as the Leader of the Third Party had referenced, with the leaders, to me that suggests that this commitment to transparency and to accountability is lacking. We know from the recommendations of 2014 and 2020 statutory reviews that there has to be the utmost commitment to transparency and accountability. So that's also a concern when we look at that piece of section 85.

The other point that the Leader of the Official Opposition had indicated talked

about quantitative and qualitative data. Well, there was no quantitative data revealed or provided. What is quantitative data? It's basically numbers based. It's measurable. It's hard data.

So when research is done, it's important to have quantitative data. It's important. Research is used to quantify. That is to put numerical assignments to findings. That is what the Opposition have been asking for with respect to the rankings. Why would that not be disclosed? Why would that not be disclosed pursuant to and in compliance with the section 85? Why would that data showing the ranking of those five qualified individuals – and I would submit they are qualified, despite what the Government House Leader has said.

He basically said that the roster is qualified and that was it, the one qualified candidate. Yet, we know that there were 50 who had applied and there were five that were interviewed. As the Leader of the Opposition has stated, if they weren't qualified, why were they interviewed? That begs the question. It does not make sense, Speaker. So we have many questions about this and no doubt, strong opposition to the process that has been utilized here.

I'd also like to go back again to basically the importance of when we look at the 2020 statutory review of ATIPPA and that was from former Justice Orsborn. He said that the appointment process must include substantial input from the Legislative Branch. We are the Legislative Branch. Has there been substantial input? I would argue not. I would argue that there has not been substantial input from the Legislative Branch in this process.

In compliance with Section 85 and the way that that was intended, Speaker, is that Opposition Party Leaders would have a meaningful role in reviewing and consulting on multiple candidates before a final selection was made. That did not happen, Speaker. That did not happen. So that is of

obvious concern when we're talking about the important role of the Information and Privacy Commissioner.

The rubber-stamping – and this is how it feels, this is the perception is that there's a rubber-stamping of one name and again, we don't know anything about that candidate. That is not the issue. The issue is complying with a rigorous process, appointment process that is necessary for us to have the most independent, objective, impartial Information and Privacy Commissioner.

Speaker, I just want to say that when we look at what has been stated in the past, in the 2014 and the 2020 statutory reviews, they did not say that the Selection Committee should take the place of the Legislative Branch. That is our role as Members in this hon. House of Assembly and it is not for the Selection Committee to make that choice by their own consensus.

They are not the Legislative Branch of government. Yes, there's no disputing that they are stellar individuals and are qualified, that is not the issue. They are not the Legislative Branch of government; they are a selection committee. So the role of narrowing the roster down to one name is clearly for the caucus leaders: the Leader of the Official Opposition and the Leader of the Third Party as prescribed in section 85 of ATIPPA and, of course, the Speaker, as well, to undertake jointly.

In my submission, we have some grave concerns here. The Selection Committee had the ability to rank the candidates within the roster. The 2020 statutory review permits that and failing to submit the multiple names, and we know that there were five that were interviewed and made that short list, and by the failure to not do that, I believe, is in defiance, really, of the law as it stands in terms of the recommendations of the statutory review committees that we've seen in 2014, 2020 and I'll end with the structural review of statutory offices of the House of Assembly

whereby the former Justice Fowler referenced the hon. David Orsborn's 2020 ATIPPA statutory review and basically explained that the Selection Committee is required to provide a roster of candidates to the Speaker.

At that point, I see I'm running out time and I thank you for listening.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Baie Verte - Green Bay.

L. PADDOCK: Mr. Speaker, it saddens me to have to get up now and speak on this. Speak on an issue, when I reflect on my background, that's really about transparency and accountability.

Transparency and accountability are the key tenets of good governance. When I was at the Command and Staff College in the military, we looked at failed and failing states. One of the key themes there that went across all of those was, again, accountability and transparency, how that weakened their democracy.

What we have here is a process that is truly weakening the democracy in this province. From my background at both the Command and Staff College and doing a masters in public administration, I spent a lot of time using material from OECD. Now, OECD is the Organisation for Economic Co-operation and Development. They've been the driving force in really looking at democracy and democracy globally and the whole issue with regard to accountability and transparency.

I have here Chapter 6 from one of their documents, and that is on *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*. Chapter 6 on Open government: How transparency and inclusiveness can reshape public trust. And

I'm going to use some excerpts from that to highlight the issues at play here with regard to this broken process.

In their forward they highlight: "From law-making to budgeting and service delivery, efforts to embed greater openness send a clear signal of a government's commitment to invest in trust while also improving the quality of the policy decisions made."

Here we have a lack of respect for section 85 of the act. The Minister of Finance, also the Minister Responsible for the Public Service Commission: There's nothing here, move along. You have a duty. The process was broken. You have a duty to ask for that Committee to provide a complete roster. In fact, it views all of us here in this House – and that's what we're doing on this side, but I would also say on the government side as well – to respect the legislation.

The relationship between trust and public institutions and open government policies goes two ways. First, as a foundation for government legitimacy. Trust is an essential ingredient for open and inclusive policy making, given that a wide range of government actions depends on public involvement and buy in. Now do we really think the public is going to buy in that a roster is one person? Even a curling team is four.

Secondly, open government policies can increase transparency and inclusiveness and can help create a foundation of trust. Trust – we have knocked the timbers out of the word trust. That has weakened us. That has weakened this entire institution if this continues. Trust has to be restored, and I would say to the Members across the way, look to restore that trust. Look to respect the legislation.

The OECD defines open government as the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and

needs. So based on the act, a roster is needed. That information is needed. The process is flawed.

The Minister of Finance says, if you want to change it, you can change it with legislation. We don't need to change the legislation. We just need the legislation to be respected.

As such, this definition from the OECD encompasses both government processes and outcomes, as it includes the public's interactions with the government, as well as the policies that result from them. This is notable, given the role that the trust in government also plays is both a foundation of public sector reforms and as an outcome of reforms, as trust influences public attitudes and decisions.

Now, I want to get back to there with regard to reforms, because reforms were undertaken with the access to information act back in 2014 going into 2015. I'll highlight what the 2014 committee on statutory review of the act noted. The 2014 report states, at page 216: "The Committee is of the view that the perception of a Commissioner who is independent from government would be greatly enhanced if the choice resulted from efforts by a selection committee that would identify leading candidates for consideration."

Using leading candidates, with candidates in the plural form. What part of that does the government not understand? The 2020 report similarly states at page 271: "The selection committee is required to provide a roster of candidates to the Speaker" Again, we can ask anybody in the public across Newfoundland and Labrador, go to an elementary school, a roster is more than one. At page 274, the report refers to the consensus of the party leaders, who have been consulted. Again, what we are seeing here is a process that has been broken.

The government has been continuously saying this process has been followed; clearly – clearly – it has not. It was the

intention of the 2020 Statutory Review Committee that the candidate for the resolution be chosen, not by the government or by the Selection Committee, but by the Legislative Branch, as represented by the party leaders and the Speaker. That is because a core function of the IPC is to hold the government to account. This comes back, again, as I've been saying, to the essence of our democracy.

I'll come back again now to the OECD: "Transparency and inclusiveness have been identified in OECD literature as the essential means by which open government can help build public trust. Notably, the 2013 OECD *Government at a Glance* report emphasised the role that governments can play in supporting a systemic and comprehensive approach to enhancing transparency – providing relevant, usable information – and inclusiveness, where governments foster interactions with the public to improve accountability and engagement"

Here we have an example where that is completely out the window. This is a black mark on this institution. This is a black mark on our complete province. This is a black mark on Canada.

SOME HON. MEMBERS: Hear, hear!

L. PADDOCK: "Furthermore, in the OECD's Background Paper on Trust" – that was from 2015 – "transparency and inclusiveness were highlighted as the two drivers that inform and guide government action, in that they help to ensure that relevant information is shared with citizens in an accessible and usable manner" and that actions and plans are relevant and transparent.

Again, what we've seen here over the last few months and getting to where we are this evening is a process that has been anything but transparent. That, as I've been saying, is a sad day for the democracy here in Newfoundland and Labrador.

Now let's look at this holistically where we fit in the globe: The critical role that transparency plays in countries' pursuit of broader, open government goals is shown in an OECD report on open government survey. That claimed that one of the key objectives that countries hope to achieve in implementing open government initiatives is to improve the transparency of the public service.

Let me talk about that for a second. In choosing an officer really for the public service in this capacity, in this manner, in a broken process, not just weakens that process but also undermines the entire public service.

I was a former military officer. We went through a very regimented process based on meritocracy for finding our senior leaders. If that was undermined, then the entire leadership, the entire cadre, the entire Canadian Armed Forces, as well as the public beyond that, the respect in that institution would be undermined. That is where we sit here today with this process.

"Governments can increase transparency through a number of mechanisms. First, regulation of the right to access information is a critical step to facilitate openness and stakeholder engagement in the policy-making process." We've gone through this. We've gone through this with ATIPPA. We've gone through this with section 85 of the act and the process is there. Why the process is not being followed is a question that the government now needs to ask themselves.

"Effective legislation, furthermore, is that which provides rights and establishes the institutional framework" I want to come back to that now: institutional framework to help ensure access. This is not a convention of what is there in ATIPPA. That is an act. The act spells out what is to be followed, the engagement of the Leader of the Official Opposition, the Third Party and the Speaker. It is not a convention that

should be leveraged at the government's choosing. It is legislation that must be followed. In weakening it, we weaken really government and this province as a whole.

"Nevertheless, even comprehensive policies, regulation and legislations that guarantees access to public information and that lays out the institutional structure is not sufficient to ensure transparency." That's what we've seen over the last few months with this process.

"Governments" – you, the government – "must also provide for effective and transparent implementation" This is a global standard. We are making a mockery of what the OECD looks at with regard to being open and transparent. We are making a mockery of democracy. We must do better.

Now I'll come here unto the end of what the OECD highlights: Transparency efforts are those that embed greater openness, send a clear signal of our government's commitment to invest in trust. That's what we are questioning here no, while also having a positive impact on the quality of the policy decisions made.

Moving forward, the question will not be simply whether government should pursue reforms to expand openness, transparency and inclusiveness, but rather how to balance and prioritize transparency and inclusive policies throughout the policy life cycle. That's where that policy life cycle is. It is the act. The policy life cycle is the act. So why are we not following it?

The role of the Commissioner is to be a watchdog, a watchdog to protect the privacy rights of the people and to ensure proper access to information that ought to be brought in the public domain. The Commissioner answers to the House. If we weaken how that Commissioner was selected, we weaken this House, we weaken the entire province and, as I

indicated, we weaken how we are viewed externally.

The person in any of these roles must be thoroughly independent of the government in office, not beholden to them and not appearing to be soft on them.

These are very important roles and we have seven of them within our government structure, Legislative structure, that must be followed, offices of our Assembly. If we weaken the selection of any of them, if we weaken that process, we are undermining the House.

So I urge every MHA on the government side, as you take the time to reflect on all this, do what is right for the act, do what is right for the process, do what is right for this House of Assembly but, most importantly of all, do what is right for every resident of Newfoundland and Labrador.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Trimper): I now recognize the Member for Humber - Bay of Islands.

E. JOYCE: Thank you, Mr. Speaker.

I'm going to have just a few words on this here. I was listening to a few comments here today and I was listening to the Minister of Finance.

Sometimes you have to be careful what you say in this House, because history is something that you can always remember. I remember the Minister of Finance there saying earlier, harping on the Opposition – myself included – about this is the chief justice. This is the clerk of the government. She said it numerous times about the people who are on the Selection Committee – numerous times.

But history is something that I have a pretty good memory. I can tell you, the last

Information and Privacy Commissioner that we had in this government, the same list of people who did the interviews at the time ranked him number one. We got a list. There was a person, number two. Guess what?

So you have to be careful what you say here, trying to harp and trying to condescend that you looked at those names who did the interviews. Guess what? They were lobbying me to try to get number two on the list, to select number two. Because they were a minority government. When they found out that I wasn't going to give in to it, they called the Leader of the NDP, went up to the eighth floor, had a meeting and she wouldn't budge. So they had to come back here and then change the motion to make it number one.

So please, don't go throwing out the Liberal government saying oh, look who did this. They did it the last time and you tried to change it. And anybody can look in *Hansard*. I look across and I remember who was sitting there over at the time, willing on behalf of the government to vote for number two. I was there. A lot of the people there across the way were there.

So please, don't stand up and try to say, oh, look at the names that we've got, because you did it yourselves – you did it yourselves. You actually tried to change the list.

Just for the record, how this happened, I don't know. Why it happened, I don't know. But the last time there was a selection for Privacy Commissioner, we were given two names. Here are the two. Here's number one and here's number two.

So this idea here that we got to all of a sudden trust everybody; we should just say, okay, go along with it all – because if we had to do that before, the number two selection would have made it as the Privacy Commissioner, who is a good friend of someone in the party. I'll even tell you, that is the kind of stuff – you want to get up and

you want to pontificate on the people, the Opposition, to try to say look how bad you are because you're discrediting the people who did the interviews, that's not correct. That is absolutely not correct.

This is not even about the person who was selected. This has nothing to do with the person who was selected. This has nothing to do with the people who made the recommendation. It's the process and I'm going to say this personally: I don't trust the process, Mr. Speaker, and I'm sure you're well aware why. I don't trust the process one bit. The process fails on many occasions. It's not just me, a lot of other people, the process fails, so please don't ever someone look at me from the Liberal side and say trust me.

The Member for Burgeo - La Poile, I trust him. The Minister of Housing, good guy – I trust him. The minister of child and youth, I trust you – good guy. But the ones that were in before and trying to say to me, trust me. Just take this and rubber-stamp it. I don't trust people – sorry. You, I do, and few others, I just don't. So this is part of the problem that you always see when you hear the process coming up and saying, trust me.

Mr. Speaker, I'm going to read the key messages: The Committee may publicly invite expressions of interest for the position and submit a roster. I checked the definition of a roster and it is names. A roster contains names – plural. So why can't someone stand in this House – I don't know if it's the Speaker's role or not; I had no involvement whatsoever in it – and explain why there was only one name sent up and why you couldn't go back and say give us a list of names?

Can anybody explain that to me from the Management Commission or from the Speaker himself, why you couldn't go back and say give us a list of names? That is simple to do because that is the legislation and when you look at the definition of a roster, it is names. So I'm just discouraged

that whoever was dealing with the Selection Committee didn't do their duty to get the roster. Whoever that was, I don't know.

You can't ask the Speaker any questions on it because the Speaker shouldn't have to answer the questions, but somewhere along the line, someone should have explained to us why whoever accepted that report and those recommendations never said give us the names, give us the list. That's just due diligence.

I can tell you one thing about the last Privacy Commissioner, the Liberal government, whoever it was at the time, the Speaker, whoever it was, they got the roster because the roster gave the names and they tried to change the list and now they're saying that we should follow the process because look at the individuals that did the interviews, which are very credible. But you can't change it one year and say we don't trust those people because we want number two and now come back and say to everybody in this House and all the Opposition, what are you doing, questioning their integrity.

It's wrong. It's absolutely wrong. I will just read, again, the briefing note: The Speaker must consult with the Premier, the Leader of the Official Party and the leader or member of a registered political party that is represented in the House of Assembly Management Commission; and cause to be placed before the House of Assembly a resolution to appoint the Commissioner, one of the individuals named on the roster – one of the individuals, that's plural; roster, that's plural.

Here's the briefing notes that were sent out by the Speaker, I assume. His own briefing notes, and it's not followed. His own briefing notes that are sent out to all the Members and it's just not followed, yet we got to stand up, put your hand up and say it's all good. It's all good, when it's not. It's actually not.

So these are the questions and, obviously, if there's no one you could ask the question to get an answer, if it is the Speaker who accepted this here and you can't ask the questions to find out, the whole process is flawed. We all know the Speaker is supposed to be independent, that's not the question, but if we can't find out how this happened, yet we're supposed to say trust me, which I don't, what then? We got a flawed process right from day one if you can't ask the questions that you need answered to support the motion. You just can't. You can't do it and if that is the process that has to be followed, it's flawed. It's actually flawed and we have to go back again if we want to change it.

I heard the Minister of Finance stand in this House and say, if you want the process changed, change it in the House. The funny part about that, I say it to the Minister of Finance, is this is the same process you used for the last Privacy Commissioner and what did you do? You were supporting the government to go with the number two person on the list.

The process is not flawed if you can get the answers, but if you can't get the answers, the process is flawed. Now, to stand up and say, well, you got to vote for it because look who did the interviews. That's not the question.

I'll just go on to the next part. "The selection committee shall submit the roster to the Speaker of the House of Assembly." So the question we got to ask the Speaker, which we can't do by parliamentary, the rule is you can't ask the Speaker any questions. So I'm going to put it out there and ask somebody and hopefully someone can give me an answer. Was a roster given to the Speaker? If a roster wasn't given to the Speaker, why didn't the Speaker ask for the names?

AN HON. MEMBER: *Hansard* will show that the Deputy Premier said she seen the roster.

E. JOYCE: The Deputy Premier said she seen the roster?

AN HON. MEMBER: *Hansard* will show that.

E. JOYCE: Now, I never heard that. Did the Deputy Premier say that in this House, that she seen the roster?

AN HON. MEMBER: (Inaudible.)

E. JOYCE: So if the Deputy Premier here said she seen the roster –

AN HON. MEMBER: And seen the ranking.

E. JOYCE: – and the rankings. Now, I never heard that, but if the Deputy Premier seen the roster, yet the Leader of the Official Opposition never, the Leader of the Third Party never, the process is flawed. The process is flawed.

The question I have to ask, again I can't ask the questions because the Speaker can't answer the question: Who passed on the roster to other individuals and not this House?

Everybody in this House is elected. Everybody in this House of Assembly was duly elected. We all have the same responsibilities when we're voting. So the question I'd like to ask is: Who showed the roster to who? Who else seen the roster? Because it's my understanding the Leader of the Official Opposition never seen the roster, the Leader of the Third Party never seen the roster.

AN HON. MEMBER: Because there wasn't one.

E. JOYCE: Pardon me?

AN HON. MEMBER: There wasn't one.

E. JOYCE: There's wasn't one? I thought the –

AN HON. MEMBER: No, there was one name.

E. JOYCE: One name? Okay, so it's not a roster. It's not a roster then. Okay.

Again, that just makes my point when you're saying, yes, there was only one name. So there was no roster. If there's no roster, then that just goes ahead that the act wasn't followed.

I thank you for helping me clarify what I'm saying is correct.

AN HON. MEMBER: You're welcome.

E. JOYCE: You're welcome, I know.

AN HON. MEMBER: (Inaudible.)

E. JOYCE: Pardon me?

AN HON. MEMBER: Just because we're friends.

E. JOYCE: We're friends, yeah, I know. We definitely are.

I'm just going to read another part that was sent out. It's section (6)(b) "cause to be placed before the House of Assembly a resolution to appoint the commissioner one of the individuals named on the roster." That's very important: one of the names on the roster. You cannot get it any more clear than the act itself when you read section (6)(2), you got to pick one of the names on the roster. That's section (6)(b). That's the act.

I know how flimsy the act is and how people abuse the legislation. I know, personally, I seen it in this House and here's another example. I could name, just off the top of my head, numerous examples where the acts aren't being followed in this House – numerous occasions. I look at the Commissioner for Legislative Standards, she was appointed, yet we should go out and do the interviews and do a merit-based

process, but it's not being done. In the legislation, it should be done.

There are other situations that I know that the process says you got one year to go out with a merit-based process. It's not done. Then what do they do? They turn around and reappoint for another year, breaking the process. It's common. This is not just a one-off by the government saying we're going to take it now and we're just going to put this in the House and we're going to say let's push it through. That's what's going to happen here. I just hope – and I can't do it – I just hope there's going to be an amendment made to this here, so we can all have another turn to speak on this.

I just hope one of the parties will make an amendment, because this is bigger than the Privacy Commissioner. If we don't follow the process that's set out in this legislation, either by the Green report or other processes that we've got, then what happens is whoever is on that side of the government, they'll run roughshod over everything, which is wrong, which is absolutely wrong.

So this whole idea that this is just a one-off and let's just take this and let's just ram it through, this is the bigger problem here in the House of Assembly. I can name six or seven examples right now that I can talk about. I just named two or three of them. This is nothing about the individuals in the positions, this is just the process not being followed.

So that is the point that I'm trying to make here, and this is why I can't vote for this. Once you vote for the process being flawed and then you're going to stand up and say this is all good when it's not. It's hard. Because it's going to be slope, and I just named two. I can name more where the process is not following the Green report. There's one very easy I could name, but I don't want to; I don't want to bring the person into it. I'm not saying anything critical of the people in the positions, but there's a

process to fill the positions on a permanent basis and it's not being done.

Mr. Speaker, I'm going to take my seat now, but I will be voting against this. Not on the person who was selected and not because of the Selection Committee group, there's no reflection on them, but it's the process where we should have more names here to ensure that if we're going to make a decision in this House of Assembly on something so crucial and so important as the Privacy Commissioner, then we need everything out front.

I'll just give you another example of why the process is so important. If you look at this report, November 14, 2023, *Reduced Government Consultation with the Office of the Information and Privacy Commissioner under ATIPPA, 2015 section 112*.

Even when the Privacy Commissioner was appointed, the previous one, he put out a report of the same government who was actually saying, okay, we don't want you in that position. We want number two. He put out a report how he wasn't even being consulted on legislation that's coming through. This is the report. He wasn't even being consulted.

The Privacy Commissioner found it so serious, what was happening, that he wasn't even being consulted on legislation that was being put through this House of Assembly by the same group that's telling us, trust us. It's pretty hard. I've got to say, it's pretty hard.

This should have been a great, easy process. We should have been standing here, now, all of us standing, looking at the names. We all agree upon the reason why that person is number one. This is no reflection on that person. I don't even know the person. I have no idea who the person. I'm sure they're well qualified. I am sure of that. I have no issue with that whatsoever.

We all should stand up and be welcoming the new Privacy Commissioner here in Newfoundland and Labrador, walking him into the House of Assembly. We all say that we'll work with him or her so that we can help the process flow along and make sure whatever information they need to make the government work better and individuals, get the information that they're looking for.

That's what we should be doing. What are we doing? We're standing up, now, and complaining about the process, which we should complain about, by the way. It's not just for the sake of complaining. This is not saying, oh, we're just against the government. This has got nothing to do with that. Absolutely nothing to do with that.

This is saying we have to stand up for the legislation that we're governed under. But when you take a certain part of the government and say, we're not going to follow legislation now but, now, you've got to vote for it anyway, it's wrong. I'm telling you, it's wrong. Once you continue to go down that slippery slope, that's when bad government comes in.

So I'm going to take my seat, Mr. Speaker. Thank you for the time and for allowing me to speak on that and I just trust that whenever this happens again, that we'll follow the act that we all voted on, on how this should be done.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

I am pleased to get up and make some points on this debate. The Privacy Commissioner is a very prestigious role, no doubt. The Privacy Commissioner answers to the House of the people of the province, not to the Premier or the Cabinet. It's

something that the House of Assembly has taken great pride in.

The role of the Commissioner is to be the watchdog to protect the privacy and the rights of the people, and to ensure proper access to information that ought to be in the public domain. Through that Privacy Commissioner, we know that there was a Committee formed to compromise the applications. There were a group chosen, the Selection Committee. They chose those names and it was passed to government.

So anyway, our job as the Opposition is not to stand over here and criticize because of the sake of criticizing. I've said this a number of times. We're not here just to criticize. If we see something that may not be right, we'll address it. We'll make sure that it does what we feel is right for the people of Newfoundland and Labrador and what happens in this House of Assembly.

We feel, sometimes, we can throw along suggestions. We feel that we like to see processes done fair, done right, in the matter that it's supposed to be. But in this case, I think we do find some discrepancies when it comes to transparency and accountability. We know that in the process, it was chosen. There was a Committee, of course, and there was a roster chosen. That roster amounted to be one. A roster consists of a group, numbers of people. If you're going to put a roster on the ice to play a game tonight, you wouldn't just put one person on the ice. There's a full roster.

Now, I know we've been beating around rosters and how many people are on a roster, but I think the roster word speaks for itself. It's more than one – it's more than one. But what do we see? We see one person, which puts doubts of transparency and accountability. Qualifications, you say there were 50 people who applied. The Selection Committee narrowed it down to five, which means five should be qualified. If there was five people on that roster, there

was five qualified. So how was it chosen for one? How could it be one on the roster?

So for only choosing one in that way, there seems to be something – and that one could be the candidate, no doubt but we don't know this. As Opposition, when we are choosing this position, we'd like to know that we're choosing this for the best of the House of Assembly and for the people of Newfoundland and Labrador. But we don't know what happened in that process. We just don't know. If we could see that, if we knew how it was done, then yes, that one perfect candidate, wouldn't deny it. It's not the candidate; it's the process. It's what has taken place.

When it comes to transparency and accountability, the Member for Humber - Bay of Islands just noted it now. I can remember back in 2019, first when we got elected, we needed a Privacy Commissioner. I can remember this debate went on. Through the jigs and the reels, the squabbles and the back and forth, government wanted the second candidate, not the first.

That's through transparency, and they wanted us to rubber-stamp that, the government did at the time. How could you choose number two when number one was the proper candidate? It didn't make sense. So how could you rubber-stamp that?

Now, we're back to basically the same ordeal of trust, transparency and accountability. The Minister of Finance just stood up and says that she doesn't know the person, don't know the candidate, but she is a stellar candidate. If she doesn't know the person, how can she be the stellar candidate? Anyway, that's it.

So the transparency and accountability come to mind here. In order for us to choose and make that person to be the person that can be that candidate, we just want to see the process. We want to see the candidates, be part of it and choose that

candidate that would be the best person to do the job as Privacy Commissioner.

We know the Privacy Commissioner is a very important job, on both sides of the House of Assembly, for the people of Newfoundland and Labrador. It's a job that is highly regarded.

So it's not the position, it's not the person, it's how it was chosen. All we wanted was to see how that roster was chosen, how the person was chosen to be selected to bring into the House of Assembly to be the Privacy Commissioner.

Through all that, we can stand over here and we can say: Yes, give us the name, we'll rubber-stamp it, we'll put it on through. No problem, we trust you. We trusted you before. But it didn't happen that way.

That's why we're questioning how it was done; how the process came to where it is today; how we got down to one person on a roster, when we all know a roster is more than one person.

Again, we can stand up here and say, you know, we have the right person. I'm sure we probably do. There might not be another candidate there that's able to do that job, other than the candidate that you figure, but we don't know that. That's why we'd like to see how it was done, like to see the roster and the people that were there.

For 50 people to apply and only one show up on a roster, and we don't know what points were made, how the point system went, all that sort of stuff. So it's very difficult for us just to say yes and rubber-stamp this and vote for it and say, yes, we'll take it. We believe you.

We need more concrete evidence than that. We need to see exactly what went down, what happened and why exactly this person was chosen. We're not asking for a lot, we're just asking for the process that was used and how it was chosen and that

person can be, certainly, the person that needs to do the job.

It's good to be able to just talk about the Privacy Commissioner, we went through it before, but that's what's creating the doubts in our minds, creating the doubts of how it was chosen. I can remember this clearly, back in 2019, when we came in and there were two people that were going to be chosen. One was going to be the Privacy Commissioner, yet he was number two.

Now, five years later, coming back in looking for another Privacy Commissioner for us to just rubber-stamp that again, I don't feel like doing that. In 2019, I was a bit young, I suppose, in here – younger – choosing the Privacy Commissioner. I figured you fellows, yeah, okay, that's okay. But not now – not now. We need to see how this is done. If we're going to choose something, if we're going to rubber-stamp something, we're going to do it for the people of Newfoundland and Labrador in the manner that it's supposed to be and supposed to be done right. That's all I'm saying. We certainly need more concrete evidence of the way it was chosen.

Other than that, Speaker, I will take my seat. As it stands right now, I won't agree with the position, with the debate, but if we see some more or whatnot, we can certainly have a different opinion of that, but I won't be voting for it.

Other than that, that's just the way we feel. That's just what happen. That's the way we see it. When things are not done in a transparent way and the process is flawed, when transparency and accountability is not held, it puts forward doubts. It shows as a flawed system.

With that, Speaker, I'll take my seat and let someone else speak.

SPEAKER: Thank you.

I now call on the Member for Bonavista.

C. PARDY: Thank you, Speaker.

I don't think I'm going to use all my time. I just want to start with this little, short anecdote, which is related. I've attended two fire department banquets, recently. The most recent one was in King's Cove that I attended. I checked the hon. Member who's got roots in the area, who's here sitting in the gallery, working security tonight, I know. But I was there and Derek Keough MC'd the event. It was a wonderful event, but he had some political humour in there.

I was sat down at the function and he said about a touch of humour regarding a politician and everyone laughed. I laughed and we all laughed. Then I thought, the weekend before that I was in Trinity Bay North when Darryl Johnson was MCing and what did Darryl Johnson do in Trinity Bay North, but he had humour, which again wasn't very flattering, but we all laughed.

What I say that for is to impress that I think we've got a very high threshold of behaviour in what we do that I think we want to make sure that we don't trip each other up in how we conduct the people's business in our province.

My hon. colleague from Baie Verte - Green Bay spoke and two terms he used were transparency and accountability. My friend and Member for Torngat Mountains said we have to ask for responsible legislation, but then she mentions transparency. Transparency is a word, I think, Speaker, you would agree that we've used lots in this House. I think it's contingent on all of us as politicians to make sure that we are transparent.

Here's a definition of transparency. I only have one source and I'm not even sure what the dictionary is but these two terms and two examples sound good: The quality of allowing light to pass through so that objects behind can be distinctly seen – transparent and the transparency of ice; you can see clearly.

The other one was: The quality of being easy to perceive or detect – you do it easily. So when we talk transparency in the House, we want to make sure that when we present something, people don't perceive that there's something other to it or that it is transparent, it is clear. It is easy to perceive. I want to use an example, with your permission, Mr. Speaker.

SPEAKER: Keep it nice and relevant and we'll be all good.

C. PARDY: Oh, relevance for sure, count on me because transparency is important.

When I was an administrator for Clarendville Middle School, as was I'm sure the principal who sits across from me, my friend, the CSSD Minister, we interviewed prospective teachers for our staffs. We solicit all the applicants who come in, and I know that at the Middle School sometimes we exceeded 100 candidates for a position at our school. We went down to eight that we've interviewed and that's what we did.

Then we had a committee that interviewed the eight candidates and when we interviewed the eight candidates, we used a sorting instrument which was called the Q-sort. We rated them so that at the end we had a numerical value which my colleagues talk about, the quantitative piece. We had a numerical value that each one on that committee presented. At the end, we compared those results. It served two purposes. One is that one person on the committee didn't rule, everyone had equal voice because we Q-sorted. At the end, we collaborated on what we think and who we think to be the best candidate.

I can't recall too many times that the one who didn't get the highest assessment in the Q-sort didn't get the job. I can't recall, not to say it didn't, but I can't recall a situation where it did. That's how we rolled.

This government, in a collective bargaining process, changed all that and here is where

the link would come in. They changed it all back in a collective bargaining act where they said, you don't need to interview anymore. You don't need to interview in our schools, in our K-to-12 schools anymore, like I just referenced we did for years. Now you go on seniority with the qualifications that a person has.

An example would be, if a teacher was teaching for 25 years in Elliston in a small room school. There's no school in Elliston but I just used it as an example. So total transparency. So in a school in Elliston, if they taught there for 25 years and they got a science degree, Holy Heart of Mary comes up, much bigger school, and they've got a job opening for someone with a science degree. The person with the greatest seniority, now, goes to that job. The person with the greatest seniority goes to that job. No Q-sorting now because this government changed that. There's no interview process. If the person got one year left in their career and they've been teaching for 29 years with a science degree and they're interested in going to Holy Heart, they've got it.

Now, everyone in this House would think which process would be better, which one would yield the best result? At Clarendville Middle School, we wanted to make sure that we had teachers who were going to spend time with children. They had their credentials, they had their degree, but, boy, we want them to spend time with children, whether in basketball, volleyball, the chess club, the music program. It doesn't matter now on the interview process – it does not matter.

Now, Mr. Speaker, here's where it ties in and just a little bit of redundancy here, but redundancy, I think, has occurred a few times when we're talking about 2019.

I came into the House in 2019 with my colleague from Exploits. At that time, we were hiring a new Information and Privacy

Commissioner. We were really green, new to the seat that would be here.

P. FORSEY: Young.

C. PARDY: Young, younger and we only found out that there was a list and the government was looking to hire and to give number two, not number one. Keep in my mind, my school system that we were part of, we did the Q-sort and we gave it to the highest recipient. I can't recall a time where we didn't.

In 2019, number two was what the government were looking to hire, not number one. That's where we had an objection. Number one ended up getting it, Mr. Speaker, as you know. Mr. Michael Harvey took his seat, he was number one in the Q-sort, or in the ranking, in the roster. To think that we'd go from 2019 to the next time, which is 2024, now there's no list – now there's no list.

Now I would say that in any court of law, we all know in a court of law – and I'm no lawyer – but we know how important precedent is. True? When they have rulings from the court, they'll go over precedent and say, well, here's what happened before; go back 20 years, here's what happened before.

The Minister of Fisheries, Forestry and Agriculture, in Crown Lands, he would say: Let's do a title search and let's go back 20 years.

AN HON. MEMBER: (Inaudible.)

C. PARDY: No, they don't do that, not in Crown Lands, no, sorry.

SOME HON. MEMBERS: Oh, oh!

C. PARDY: Transparency to the viewers, I'm mistake because Crown Lands don't do that. The Registry of Deeds, sorry. Sorry, Speaker, Crown Lands should do that. They

should do that but they don't. So there is the transparency piece.

I would say, how can you drop something so valuable as a roster from 2019 to 2024? The Member for Humber - Bay of Islands has said he was invited upstairs to try to influence him to go with the number two selection. The Leader of the Third Party was invited upstairs to try to influence him to go with number two; don't take the highest point getter.

That is a breach of transparency. We can all see it. We see it here. That's a breach of transparency. The viewers watching now in the District of Bonavista, thousands of them, they're all saying that's not right. That is not right. That's a breach of transparency, and that is where we stand.

A minister in this House stood a short time ago and gave us a lesson in shall and may. Now I know my colleagues by the side of me here, they know the difference between shall and may. But we listened like we always do, listen intently, because we knew what story was going to unfold and, boy, they came out and said shall is a definite – and the lawyer across from me now, I'm sure he's thinking to say, that's right. May: may is not so. It may, it may not, but shall, you know you've got it nailed down.

So just listen to section 85. Now, think of the words shall and may. Let the lawyers that are in the House tune into this: (4) The Selection Committee shall develop a roster of qualified candidates and in doing so may publicly invite expressions of interest for the position of commissioner; (5) The Selection Committee shall submit the roster to the Speaker of the House of Assembly; (6) The Speaker shall – and then – consult with other parties. Not may, but they shall.

So I never heard, I can't say that the Deputy Premier said that she saw a roster. I didn't hear that, but I know that the Member for Humber - Bay of Islands said he did and the Member here before me for Terra Nova

states he did. Anyway, all we're asking for is transparency. But how, from 2019 to 2024, did we lose the roster? How in the world did that happen?

Now, the Minister of Finance –

SOME HON. MEMBERS: Oh! Oh!

SPEAKER: Order, please!

C. PARDY: The Minister of Finance and Treasury Board stood, and she said tonight – and this I've written down so I'm not getting this wrong – she was perplexed. She was perplexed about what was happening here tonight.

But I don't think she was perplexed with what we're saying here and what we're calling into question. She wasn't perplexed by that. Every one of us and speakers who spoke – our leader spoke – this has nothing to do with the candidate that was selected. The Deputy Premier said it three times, she didn't know her. I say I don't know her and I never heard of her name before. I don't doubt her credentials. Please, we're not doubting her credentials.

But on the transparency piece, based from 2019 to current, that we would question. We don't question the Committee; I can vouch that the HOA is operated by a group that I would think are top notch. The controls in place on the House of Assembly I think are top notch.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

C. PARDY: But, Speaker, how can you engage the Leaders of the Opposition when you don't have a roster? How can you fully engage and, say, the word trust came up, and I know people – and I don't want to be redundant. I never want to stand as the Member for Bonavista and say I'm going to be redundant, but the only thing I would say is that the trust factor would come in. I think

back to 2019; this is a replay. What happened to the roster?

If someone said there was such a big gulf between the first one and the second one, well let it come out in the roster. Let it come out in the queue sort. Everyone would know and say, well, there was a wide margin between number one and number two; number two and number five were pretty close together. We'd be all on board with that. There's no questions on that.

So we do say that, listen, there's a stellar Committee, and I would say stellar, there's no doubt; but what happened to the roster? The process was breached. Now it's opened up the door for people to question, like the viewers I was saying in Bonavista. They're question now the transparency. It's not as clear as ice. You know that. You can't see through this. There's something here. How this would occur in this Chamber, I don't know. That puzzles me.

Now unless somebody is going to speak up and rationalize that a little better than what I've heard so far, but all I can say is the Member for Bonavista has some doubts in the process. Move the players out of the picture. But the process was not fully adhered to the way it should be.

Thank you for your indulgence, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Thank you.

I now call on the Member for Conception Bay South.

B. PETTEN: Thank you, Speaker.

Unlike a lot of my colleagues, I'm not going to read a lot of documents into *Hansard*. That's not the way I operate. My colleague from Bonavista, I thought he hit the mark on a lot of points, and he was entertaining as well. But the point he makes, I think, is that

you're hearing this repeated conversation go around all sides over here.

To make it clear, we have no problem with the Committee, no issue. I know there are some comments being made. I know the Deputy Premier made references earlier about the quality of the Committee for doing the selection. There's nobody – and I mean nobody – quietly, privately or in this Chamber has ever questioned any of those individuals.

Like my colleague just said, we do not know this person. I've never heard tell of this lady's name before. That's not the issue. I'm sure she's a very competent person. We're not there. I think this very important key point to all of this debate that comes on, and I hear sometimes these other ones weren't qualified. It's not about that. It's about the process.

But what it's really about – and I have sat listening to pretty much everyone speaking here tonight, but what we're missing is – and 2019 has come up a lot. The trust has been broken. The trust or goodwill on these selections was broken in 2019. That's it. Once you lose the trust – it's like the age-old saying in a relationship, relationships sometimes go that route and you can't repair it. There's no difference in this. Trust is everything.

I'm a person, on my personal opinion, I'm a handshake, you're a man of your word. I always take myself, if I give you my commitment, I never waver from that. If there were even remotely thoughts of wavering, you'd be the first to know but it never happens. When I give my word, I'll follow through, if at all possible, to do it.

That's where, I think, the crux of this problem comes in. Our leader spoke lengthy and gave lots of examples and read lots of information into the ledger and it's all really relevant. We can talk here until this time tomorrow, but ultimately the problem we see is, in 2019, only because we had a minority

government here, it was a minority Parliament, the number two person would have been picked. That's a violation of the process. Pure and simple, a total violation of the process.

What you're seeing now is, as has been said many times, a roster. The definition of a roster is not one. It says candidates, not candidate. Candidates means plural. That's been said repeatedly. We're given one person.

So why not do a reapply? Why not do a new call? Keep the person you think is really qualified, do a new call. I have a question, if you did a new call, you had 50 people, originally, it was narrowed down to 10, that 10 was narrowed down to five and they were all given interviews, how do they get from 50 to 10 if they weren't qualified? How did they get from 10 to five if they weren't qualified?

I read some of the letters we were provided. The first two, they failed because they did not have considerable and progressive responsible experience in management and senior leadership. The exact same reason is given for interviewees B and C. Exact same, verbatim. All is changed on it is the letter.

Maybe that is the case, but how do we know? We don't know these people. We don't know anything about them. We're given this but we're told one person reigned supreme over everyone else. It's all about process, Speaker. It's always been about process. This issue came up, it never came up last week. Our leader has been involved in conversations and I've been part of conversations with him and I've had conversations with the House Leader, I know you've been involved in it and it's been full on things since September. This is December; it's not a new issue.

But them concerns being raised here today, by us as Opposition, the Third Party, the NDP caucus, and even the independents, this has been made clear. I know our leader

and the Leader of the NDP have been very lock and step on this issue and rightfully so. Because it's not about so much more about politics, it's a bigger issue here. People have to realize the Information and Privacy Commissioner, it's really the core of your government. It's core of democracy. You look at transparency, we heard that same many times, it can't be overused. People like to use it and it's a used word. Sometimes it's misused. In fairness, let's be honest, sometimes it's misused because that's a keyword, it sounds great, but it's not actually always practiced.

Information Privacy Commissioner and information and privacy act, you don't need to go back – and I've been around this Legislature for a lot of years and I know the Minister of IET, he was on this side, same position I'm in now, I think. I grin sometimes because it was a long debate, the Bill 29 debate went on for a long time. I was a staffer, I remember sitting up in the gallery, it could be on TV, sometimes I would come over here as they go through the night. They kept it relevant; they kept debating this Bill 29.

I remember it went on until just before Christmas, if I'm not mistaken. I think it was late December, people were wondering if they were going to break before Christmas that year. But the debate was relevant. I remember full well – and I've said this in the Legislature before, it wouldn't be the first time I said it – I did not agree with the government, the administration I was part of, that I worked for. I did not agree with that approach. I didn't agree with what they were doing.

At end of the day, it was probably one of the most progressive ATIPPA legislations that was ever brought in the country, I think it was referred to as, when former Premier Marshall commissioned former Premier and Chief Justice Clyde Wells to head a committee to do our new ATIPPA. It was heralded as probably the best in the country, and so it should have been.

But that's what this same administration was fighting for. This is what they fought for. To be honest with you, I never shouted out – it wasn't probably a smart career move, but I wasn't out screaming in the corridors that I agreed with them because that wouldn't play well either, obviously, but I did deep down, I understood what they were doing.

I understood, I had been around long enough to know that transparency is very important; you can't be secretive. People have a right to know. This is the people's House; the people's money is spent. We're just guardians of the people's House and the people's money. No one here owns that money; we're responsible for it.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: So when you question transparency and you question secrecy, it's the crux of our democracy. You have to have that to have a proper democracy. You can't rule that way. So when I hear, and I heard it repeatedly here today, questioning the Committee or questioning this person's pick, it couldn't be further from the truth. I can't be more straight with you, and that's the way I operate here, anyone who knows me, I don't cut corners; I'll be straight up. If I'm wrong, I'm wrong. If I had a certain belief that was not in line with the rest, I'm okay with that, too.

My question is: Why? Why, with all these three months, why couldn't this be revisited? Why couldn't it be more transparency to our leader, to the Leader of the Third Party? Why couldn't this information be provided? I don't think it's that unreasonable.

You know, Speaker, we have the Fowler report, the review of stat offices. The report was commissioned in – it's been almost two years I think since September 2023, the report was submitted to your office. It was commissioned by government to do a stat

review of all stat offices. It's still collecting dust.

That report was commissioned; there are lots of things in that report. I don't know if everyone here has read it; likely not, but it's an interesting read when you read a lot of the articles. They address some of this stuff. Some of the existing processes are good. Some of them are not so good, but there are recommendations there, recommendations on the composition of the Selection Committee. There are recommendations there on how we hire the Privacy Commissioner; how we hire all at our stat offices.

There's a recommendation there for an ethics czar. Maybe that would have been a person on the Kenmount Road deal. This is all part of what we're talking about when we look at the Privacy Commissioners and any of these stat officers. It's the crux of government. It's what makes government work. It's what makes Oppositions be effective. You have to have that ability to hold government to account. It can't all be one way.

So when we stand here and we speak, our leader and the NDP leader went out and had a news conference this morning, it's about concern. This is legitimate concern. I'm in that caucus room with my colleagues here. We have concerns.

Sure, if we decide to do everything over here to satisfy what's best if you were in government, you'd probably be going the other way. I make the joke sometimes, you argue for a lot of these things but if the shoe changes and you're in government, you probably won't like them, but that doesn't mean you do that. You have to do what's right.

I watched Members stand in their place, right where I'm standing right now, and argued, impressive arguments on the reason to have open and transparent government. Now they move on that side

and all of a sudden it's not so open and transparent anymore. We're going to challenge client-solicitor privilege.

We had a former Privacy Commissioner here who was really challenged in trying to do their job on a day-to-day basis. That was not lost on me. It was not lost, I think, on a lot of Members of this House. At least two or three times when we we're doing legislation, Bill 22 comes to mind, I received a letter or an email from him that he wasn't even consulted.

Another one was the merging of the health authorities, the health council I believe it was, they were not given a heads up on that. How could that person do their job properly?

I'll come back again to what I started with, the trust factor. How can we sincerely and honestly, as much as I'd like to, because like I said, I am a person of my word, how can you trust this? How can anyone here truly trust what we're being told? We're given pieces of paper that – I mean, the leader can read it, I can't read it. This means nothing. We're given numbers that mean nothing. They're numbers on paper.

What's written there, we don't know. We're not saying it's wrong, but how do we know if we don't know the details? It's because we don't have any trust left. That's why. That's why we question everything. We don't trust the process. So, again, it's not about the individuals. It's not about the individual chosen. We don't trust the process and we have reason not to trust the process. We've been down this road and it wasn't a nice road.

I'll tell you, it's a good thing we had a minority parliament in 2019 because it would have been a travesty, in my mind, because you were picking someone for political reason to occupy an office that should never be picked politically. There was a time that was probably happening. I'm sure it was. I know it was, but that's not

right. I never agreed with that and I've made that clear and I'll continue to make that clear. I never did agree with it. I agreed with the current administration who were in Opposition when they fought it. So that's a full disclosure.

Speaker, I could go on, but I think I've kind of hit the points that I wanted to hit. Before I finish on this comment though, I do believe, when we look at the offices of the House, the stat review of offices, I really think the Fowler report should be implemented. It's like a lot of their other reports, they're paying money for them sitting on shelves. We're holding up the hiring and appointment of people waiting on the review for the stat offices. We have a temporary Chief Electoral Officer; we have a temporary Commissioner for Legislative Standards, because we're waiting on this report. We've had the report now a year and half and guess what we're still doing? We are waiting on the report and we got people in temporary positions.

Maybe they should be made full-time? It's nothing about them. The reason they were put in temporary positions, we were waiting on this report. Why haven't we implemented this report? Because government don't like what's in that report; that's the only reason. They don't like what's in the report. They don't like an ethics commissioner; they don't like being controlled and taking the politics away from a lot of these appointments.

The Executive Branch wants to control the Legislative Branch, which is not the way good government is supposed to be. It's not the way it's meant to be and if you read a lot of the reports that go through this Legislature over the years, you go back through it, and the Green report will tell you, there's a role for everyone. The Executive Branch should not be controlling the Legislative Branch.

Speaker, I want to move an amendment. I move the amendment and it is seconded by the MHA for Ferryland: That the motion be

amended by removing the words “that Kerry Hatfield be appointed as the Information and Privacy Commissioner effective December” and replace with the words “that the appointment of an Information and Privacy Commissioner be deferred until such a time at which a ranked roster of three candidates be presented to Members of the House of Assembly.”

Thank you very much.

SPEAKER (Bennett): Order, please!

This House will stand in recess to review the proposed amendment.

Recess

SPEAKER: Upon review of the proposed amendment, it is found that the amendment is not in order.

The hon. the Member for Conception Bay South.

B. PETTEN: I probably should say I’m not shocked. I won’t belabour it, but the message, I think, it is important for me to have on record as saying that had there been a Liberal majority in 2019, Michael Harvey would never have seen the inside of the Privacy Commissioner’s office. If we had a minority Parliament today, we’d have more than one person being sent forth for picking.

There’s no other –

AN HON. MEMBER: How could you say that?

B. PETTEN: They are saying, how could we say that, and that’s fine. How can I not say it? I’ve been given no other reason but to say that, Speaker. I say that with the utmost respect because there is a lot of awkwardness to this debate that’s happening before us here tonight. Between yourself and the Clerk, who’s involved, and

it’s not for individuals; it’s about a process and I want to clear that.

I will say people can make whatever comments if they want, again –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I ask the Members if they’ve got conversations, instead of going across the floor, take them outside, please.

The hon. the Member for Conception Bay South.

B. PETTEN: Thank you, Speaker.

As I’ve said repeatedly – and anyone in this House knows me, I’m being as straightforward as I can – I really, truly feel that’s correct. I’m not the only one who shares that view. But again, when we’re picking an Information and Privacy Commissioner that’s going to protect the ATIPP legislation, transparency, the core of democracy, really, I think that the processes need to be better and if this is a glaring problem within our legislation, we need to fix it.

We need to review the Fowler report that is sitting on the desk. Maybe there’s something in there we can use. This stuff should be more progressive. Because it doesn’t suit you – the Government House Leader mentioned about changing legislation. Follow your own legislation. Follow the legislation that’s there and provide us a roster. That’s all we’re looking for and some details. If you can show it to us and prove to this Legislature that this process has been an open and fair and transparent process and everyone are satisfied of what they see, we wouldn’t be here now debating this. This would have been done long ago.

On that note I’ll take my seat, but I think comments here, people may like or dislike,

but I think everyone and all my colleagues' comments as well have been well pointed, well founded and well delivered and it's important for the people of the province to understand what we're debating here. It is about democracy. Ultimately, it's about democracy.

SOME HON. MEMBERS: Hear, hear!

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

A. PARSONS: Thank you, Speaker.

I'll start off by saying I had no intentions, originally, of speaking to this. In fact, I didn't know the resolution was on the Order Paper when it was originally put on. But I did want to speak to, I guess, the debate as a whole to make some points just responding to the commentary during this debate.

Now I'll apologize, I've got them marked down but they may not be presented as coherently or as in straight a line as I wanted, but it's just sort of a response. I have to refer to my phone here because I took a picture of section 85 of the legislation. Again, by all means, I'm asking these questions sincerely and responding to points and sort of putting it out there.

The first thing I will say, though, having done the job of a House Leader, I know how thankless it is. Because being a House Leader sometimes means that you are the vessel through which certain things enter the House of Assembly that it was not your decision in which to do. I'll sort of make that point now.

My understanding is that resolution we are debating here today comes from section 85 of the Access to Information and Protection of Privacy Act. I'll point out that the Opposition House Leader was right in that that was debated. It was the 2012 Bill 29 debate which led to the government of the day, led by Premier Marshall, putting in this legislation. So this legislation, which has

been amended since, was brought in by Premier Marshall at the time, so it was debated here in the House.

The process we have here – and I'll tell you perhaps my issue with this now because I understand some of the points that the Members are making on the other side here. It says here, section 85(2), "The officer shall be filled by the Lieutenant-Governor in Council on resolution of the House of Assembly." That's the first issue we need to discuss here because, normally, as when the Opposition House Leader mentioned Bill 29 or when we do a bill, that's a bill that's decided, yes, by the LGIC but it's government direction. It's government policy. It's a decision made by whoever sits in government.

Whereas this that we're debating here today is a resolution of the House of Assembly. That's not the same, so a lot of the commentary that I heard here is talking about government needing to be transparent, about government needing to show why they did something but, again, we need to go through this specific section to see how it's actually different. And, again, I guess my end point, my thesis here is that I think there might be a valid point here as to maybe this specific section needs to be debated or amended or changed. No matter who's in government, it seems like this could present an issue.

It says here: Before the appointment is made, the Speaker shall establish a Selection Committee comprising of the Clerk of the House of Assembly, the clerk of the Executive Council, the chief judge of Provincial Court and the president of Memorial University. Okay, so we had that. Again, a stellar Committee. Nobody disagrees. We didn't disagree at the time because it seemed like, again, the reason we agreed, if I call recall, back then, is because it took it out of the hands of government. That's why.

Again, I was here for Bill 29, five days. It was crazy. It was ridiculous. The reason you think about when we fast-forward into this new ATIPPA coming in, and they had a great Committee recommending that, one of the reasons we agreed to that back then in Opposition was because it took it out of the hands of government. So, again, the same logic stands to exist now. It's not in the hands of government. It's in the hands of this Committee, of the individuals, none of whom are partisan.

Now the Selection Committee shall develop a roster of qualified candidates, and in doing so, may publicly invite expressions of interest for the position of Commissioner. Now that's the point, I think, that is absolutely drawing some contention here, when you look at the terms "roster of qualified candidates."

I get the point that's being made by the Opposition here, which is we're not seeing candidates in the plural. We're not seeing a roster. Although you could have a technical disagreement. Depending on where you're sitting, I can see the point on either side, but I get that point.

But, again, the problem that I think exists here is that the House Leader and the government, essentially – the House Leader is putting in a motion from the Committee. So while multiple Members on the other side make clear to say we do not question the Committee, you are questioning the Committee because that one candidate, that decision to put one candidate in was from the Committee.

I'm not questioning the Committee. I think I know most of them. I like them. They're qualified people. So I get the point that the Members are making about the one candidate, but it's not fair to say government is not being transparent here because it does come from this Committee, from this section, from this act that was brought in by Tom Marshall, that we agreed to in the Opposition. Just making sure we're all clear.

The next part – and again, technically you could say this doesn't apply, but you could make the argument that it should. Under the IAC Act, the IAC Act brought in – again, because that's always been a point of contention as we talk about people being brought in and making sure they're non-partisan or qualified. So the IAC was appointed, and certainly we heard less of these complaints that we've heard over the last number of decades.

Section 10 "The commission shall (a) together with the Public Service Commission, administer a merit-based process for appointments; and (b) recommend 3 persons for those appointments." Then it says in sub (2) "Notwithstanding paragraph (1)(b), where, in the opinion of the commission, it is not possible to recommend 3 persons for an appointment, the commission may recommend fewer than 3 persons but in that case it shall report to the Lieutenant-Governor in Council or minister, as appropriate, outlining its efforts to comply with paragraph (1)(b)." So the IAC is able to bring three or two or one, theoretically zero, but they have to explain.

Now, this part I might have wrong, but my understanding is that the Committee – and, Speaker, again, sometimes I feel bad because we should probably ask you questions, but you're in the Chair, I'm not allowed – the Committee, I do believe as per the legislation, section 85, invited the leaders to come to the meeting. That's my understanding; I could be wrong.

My thing here is I was not invited to the meeting because I'm not a leader; I wasn't supposed to be invited. But the reason I would have went, even with reservations, is I would have had an opportunity to ask the people on the Committee directly of their reasoning or logic or why they did or didn't do something.

Now, regardless of what meeting did or did not happen, the two things we have to point

out, again, going back to the legislation under section 85 here, it says here: They shall consult with the Premier, the Leader of the Official Opposition and the leader or member of a registered political party that is represented on the House of Assembly Management Commission.

So my understanding is that was followed. The invitations were made, the meeting was not attended for various reasons. That's not where I am. That's not my concern. My concern is that we're asking a lot of questions here. There are a lot of accusations being made here. The problem is they're not being directed to the right place. The right place is the Committee.

Now what I would suggest here, there are a couple of things that could be done. I think if I was in the Opposition and I didn't agree with the legislation and how it was applied, you can ask for a judicial review of the legislation. In that case, go right back, but that doesn't stop the fact that right now there is a valid, binding resolution in the House. In fact, I don't think I've heard any Member of the Opposition, or government, question the person in place. I don't think that's the question. No one is being besmirched here.

My issue comes down to the fact – and I've heard these comments – I heard one Member say this is a dark day for democracy. It's a black mark on the government. But the problem I have with that, as someone who sat here for a long time, I've talked ad nauseum about it, I was over there when the government brought in Bill 29, which is a government decision. I was over there when the next premier came in and brought in the most progressive ATIPPA legislation in the country, which has this section, and I'm here now. The problem I have is that I find it hard to listen to that.

I know that we all get into theatrics and stuff. Look, I'm certainly not immune to that either, Speaker. But what I'm saying is you can't stand here and say it's a black day for

democracy when we're arguing legislation – a resolution validly there. We're debating it. It emanates from an act that nobody disagrees with, coming from a Committee that everybody says is stellar. That's my problem here, is that, in fact, this a good point of democracy.

Now, you can disagree with the act. In fact, I'm a firm believer in that if I make a decision and it's good or bad, I take what comes with it. In fact, I get disappointed sometimes, especially sitting on the governing side, I detest when somebody else makes a decision, but you get the proverbial smack in the mouth for it. That's what's happening here because the decision wasn't made by the House Leader. It certainly wasn't made by me, not made by anybody over here. It wasn't made by Members on the other side. We're following this Committee of good people, following legislation that's good, but I think we do have a disagreement.

Now, I understand the one person being put forward, I questioned that, too – I questioned that, too. But the problem is I cannot answer those questions. I don't think anybody on this side can answer those questions. I do think an opportunity was given to answer those questions, but the opportunity was not taken. There it is.

Now, can that be changed? I don't know. But the fact is, we are where we are. I don't think this was something that sprung up. I think this has been weeks, if not more than a month in the making, I don't know.

So I guess in sitting down, because I don't need to take all my time, but I will take the opportunity, I have to point to my friend from Bonavista, I have to point this out because you talked about you were at the firefighter events and then you mentioned the teacher interviews. You pointed over and you said government changed that and took away the qualifiers in the interview to put in seniority. So what I did is, I consulted with the leader of the NLTA during that period,

who is the Leader of the Third Party. He did not seem to – and I'll leave it to him to speak for himself – agree with your assertion.

SOME HON. MEMBERS: Oh, oh!

A. PARSONS: Again, I trust the Leader of the Third Party if I mess up his words, but I do believe that there are still qualifications that seniority still plays a role, but there was nothing done at the time that was not contested by the NLTA at the time.

Now there are many other things that were done by government that I know the Member will contest and disagree with, but I wanted to point that out because I think what you were trying to do is use that as a chance to move into the trust and the transparency. So I disagree with the point, is what I would say to the Member for Bonavista, but it was a good try – it was a good try.

I guess the last thing I have here, the one thing I do want to point out – and, again, I've only been told this from representatives that did take the opportunity to attend the meeting, I don't know how many candidates started. I know there's one left now. I don't know anything about the interviews, so I don't know how they ranked. But I do know that there are people that often interview for jobs that do not want their names mentioned, certainly not in this House, if they were unsuccessful, if they had other employment. That's the issue.

So that's one of the things –

L. PARROTT: That doesn't mean they can't be ranked.

A. PARSONS: Again, I say to the Deputy House Leader, he said that doesn't mean they shouldn't be ranked. I'm not saying they should or shouldn't, I'm not disagreeing. But, again, it goes back to a question that should have been asked of the Committee at the time.

So in sitting down, what I want to point out is, it is a good debate, it is a proper debate. I think there are good points here. But I will disagree wholeheartedly that this is something where government is not being transparent or accountable on, that it's something that government is doing wrong. The fact is, we are following the legislation laid out by Premier Marshall to the letter of this. If there's a disagreement on what we do in the future, I think that's a worthy conversation because I think when government does something, they should take responsibility. In this case, we have a different process by which we are governed that we are sticking to.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

It's certainly a great opportunity to get up and speak in the debate on this. I will go back to 2019, and it's been mentioned before.

AN HON. MEMBER: They forgot to bring it up.

L. O'DRISCOLL: They forgot to bring it up, yeah.

In 2019, we were here and the names came forward. There were four names at the time. We were new here. We just got here at the time. The four names came ahead and, again, it's the same thing, I didn't even know the names, other than the one that got it. So I didn't know who they were.

So it's four names here and they decided they were going to pick the second one. That was on government at that time. It just happened to be that they were a minority government, so they didn't have enough votes to carry it forward. They were going to

pick the second-place person on the list. There were four names. They're going to pick the second-place person on the list, if I'm not mistaken. With the numbers that were in here, they couldn't win a vote. They couldn't win the vote if they had to go ahead with the second-place person.

That was a roster of four names, by the way. We didn't get to see them. It was in the Committee. I am sure whoever it was – I don't even know who it was. It was probably there in the notes I got. That doesn't matter. Same as the Committee here. They're doing a great job. I didn't know until today who they were. I don't need to know.

If they come back with a roster of four names and they're ranked in order, then we'll pick who the top one is and we move on from there. That's what our leader is asking for. That's what the Third Party Leader is asking for and if they went back and if they gave them four names, we'd be done and gone. But they didn't give them four names. Speaker, you had an opportunity to take that list, get the four names and give them to them and we move on. There are the four names, we pick the top one and move on.

So it's a trust factor. That's where it is. It's trust. I can tell you that that's where it's to. For me it is, anyway. I don't know about the rest. For me, it's definitely a trust factor. You had an opportunity to go get four names and you didn't do it to give it back to them. So what would you do if you were over here? You wouldn't let it pass, that's for sure. And it's going to pass. That's the other side of the equation. It's going to pass now because you've got the majority. No matter how long we stay here, they're going to pass it. It doesn't matter.

If it's 22-18 or 21-19, it doesn't matter, it's going to pass. We're all elected here for the same reasons but we're all going to just pick your own side and go and do it. It would just turn your stomach from politics to be truthful. It'd turn your stomach. It turns mine,

anyway. I don't know about the rest of them, but it turns mine because that's exactly what happens.

You put in motions – and I said this story before. I put a motion when I was on council. I made a motion. It had to be seconded. We debated it. I don't even remember what it was but when I listened to the other people talk about it, I voted against my own motion. The first time in record ever in the Town Council of Bay Bulls that that ever happened. That's what he told me.

I voted against my own motion because when I listened to people and heard the other arguments, I voted against it and that was it. Move on and get onto the next issue, whatever it is, but that is the issue we get to every single time we come in here. If they don't make the motion or don't make amendment, then it goes nowhere. Next time we'll let you write our amendments so you can get them voted on and we get our own way, probably. That's the way it should work.

It's perplexing that you don't remember. I listened to the Minister of Finance saying it was perplexing. Well, I'm perplexed that she doesn't get up and think about back in 2019. That's when it happened. Government on that side then had to vote for it. They had no choice. They'd look bad if they didn't vote for it. It went through unanimously and they had to vote for it. They had no choice because they would have looked bad. That's where that ended up that day, and that's the trust factor. That's where we started with it that day.

So that's the way that works in here all the time. Too bad it's not minority now. We'd see where it would go. They'd be voting for it, again, if it was minority. It's only because they've got majority that it can go through and there's nothing wrong with the – I don't even know the person. You brought three people in here and she was one of them. I couldn't tell you who she is.

That's not the factor. The factor is the roster that we didn't get and we should have had the list. They asked for it and you said, well, they didn't confer; they were invited to a meeting. They were invited to a meeting, yes, but they didn't get what they were looking for, so that's why we're here tonight. They didn't get what they were looking for. They didn't get the roster. If they got the roster, we wouldn't be here. Did they get the rankings? So that's the trust factor.

It's annoying I have to say. This is what it's always about. It's always about how you look and your picture taking and all that stuff. I can tell you, it happened this summer. This is a trust for me. This is trust, and I have no issue with one person over there, not one. I dearly talk to them and they talk to me excellent, no problem. Everything is good. Everything is great. But what happened this summer is when the Gushue Highway had their big announcement, I drove by and I said I'm not going to go in, I'm not invited.

SPEAKER: Stay relevant to the bill.

L. O'DRISCOLL: It's relevant; it's about trust.

SPEAKER: Not to this bill.

L. O'DRISCOLL: That's why it's relevant.

So what happened was, you could drive by, no announcement, but the mayors from both communities got invited but the Member for Mount Pearl - Southlands, who was asking for it and the Member for the District of Ferryland has asked for it, he didn't get it either.

SPEAKER: Order, please!

I remind the Member to stay relevant to the bill. We're talking about the –

L. O'DRISCOLL: I'm trying to tie it to trust, that's what I'm trying to tie it to for the bill.

Whether that's out of order and not relevant, I don't know but that's the trust. So to me, that is not wrong.

AN HON. MEMBER: (Inaudible.)

L. O'DRISCOLL: Well, I can tell you when we get government, you'll be invited to the announcements, I can tell you that. If it's me, you'll be invited to the announcements.

SOME HON. MEMBERS: Hear, hear!

L. O'DRISCOLL: That's the trust factor I have for you. I can guarantee you, if it's down in Harbour Breton, you'll be invited. I can guarantee you.

Speaker, on some of this stuff, when you talk about the appointment is made, the Speaker shall establish the Committee, and we went through that. Many people have repeated it and said it: the clerk of the Executive Council, or his or her deputy; the Clerk of the House of Assembly, where the Clerk is available, or the Clerk Assistant of the House of Assembly; the chief judge; and the president of MUN.

It goes on to say: The Selection Committee does not choose the Commissioner. That is the role of the House of Assembly. The Selection Committee does not choose a single candidate for the House to rubber-stamp. It's not about the Committee. We're trying to say it's not about the Committee.

The action says the Selection Committee shall develop a roster of qualified candidates, and that's what their job was. They had a roster of qualified candidates. If we had asked for them and if you had given them to us, this debate would be over and we'd look at them, there's one to four, selection would be done. That's all they asked for.

Now, is that that hard? I don't see what the problem is. Up here debating this and they asked for the meetings, the Third Party asked for it and our leader asked for it. They

didn't go to the meetings, that's what they were asking for and this is where we are to today and then they get ticked off because they call a press conference and put it out there.

This is embarrassing for us not to be able to give four names so these people can make a decision. There is nothing on anybody. It would be done. We wouldn't be here talking about it. Trying to say that we had reputable people, I guess they are, no doubt about it, no question, but to not give the four names, to me that's not acceptable. We should have the four names and it's done. It's moved on, you picked the highest ranked one.

The trust factor to me is where it's to. It really is the trust factor. Again, in 2019, if they weren't a minority government, it would never happen. But they were a minority and they had to take the top ranked – just imagine, you were qualified, you were going for a job yourself and you were the third-ranked person or somebody in there is third ranked is going to get the job ahead of you if you were doing the ranking system and you didn't get the job. Well, that'd be terrible.

The problem here for us is we don't know. And that is the big problem. To me, that's an embarrassment for us in here as officials, to say that all we're looking for is four names, and you picked the top one and we can't get it. That's not acceptable. We should be better than that. We should be able to have those names and be able to pick the top person. We don't even pick it. The top person is there. But we just need the roster of four names. We don't need any more to do with it. That is the four people that we have, and you pick the top one.

Now, how hard is that? They had 50 people, cut it down to 10, cut it down to five, and then just put it on a paper and here's your ranking, here's who we picked. That was their job. Here's who we pick. They gave you the five names, put them out there and

let them know and that's it. It doesn't matter who it is. She's probably the most qualified person there is. But we don't know that. We don't know that, and we are going to trust back in 2019. You were going to take the second-ranked person. Luckily, we had a roster back then. Luckily, we had a roster, and you were going to take the second-ranked person.

Why would you want to take the second-ranked person when the Committee who picked him – number one was Mr. Michael Harvey and you were going to pick the second-ranked person? It doesn't make any sense, Speaker. So we're here and we come in and debate this all the time, and people come up here and just talk on, talk on, and there's no need of it.

You had the Committee in place. They did their job. They did a great job on it. They gave you the list of names and you should publicly put the names there and that's it. They should give you a list of names. If they never gave it to you, then you should be asking for it. If the two leaders have asked you for it, then maybe go back to them to give you the names.

Speaker, I had my piece with that, and hopefully somebody else gets a chance.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West-Bellevue.

J. DWYER: Thank you, Speaker.

It's always an honour to stand in this hon. House and represent the people of Placentia West - Bellevue, who I know would not be pleased with how this is unfolding and the process that was, kind of, eluded to get to our selection.

Section 85 of the *Access to Information and Protection of Privacy Act, 2015*, is what we

are debating today. Again, I will reiterate what my colleagues on this side have said, is that the candidate that was chosen is not up for debate. We don't have a problem, as long as that person is qualified as one of the candidates that was rostered down, that's fine. So it's absolutely nothing to do with her, we don't think anything ill there.

But the problem with it for us is that the process wasn't transparent and open. It was almost like there was a cherry-picking of what rules we're going to follow. If we were told the candidates that were rostered, then I'm not sure that we'd be going into this late hour of the evening in debate because I would say that if we were shown the way they were rostered, it's our understanding that there were 50 candidates. I mean, it's awfully insulting to say that only one person was qualified out of 50. I don't know if you did a percentage out of a hundred and you have 50 per cent, I have a feeling that more than one person would come out of that 50 per cent. So, to me, to say that is pretty insulting to the people that were on the list but never got an interview or got rostered out or whatever.

When the Deputy Premier stood up and she said it's a very important position; we agree on that. There's no doubt about that. But how we find that best person for the job is mapped out. It's in legislation. We have to follow the right process to get to the right result. That is what we are looking for here. That comes through openness and transparency. Again, we got burned and figured it out in 2019, but like I said, it was a minority government then so I guess now it doesn't really matter, they have a majority. But in this case, the process wasn't completely followed. All we're asking is that the right process be followed. That was it.

The Deputy Premier also said that you have to defend the reputations of the people on the Committee. No you don't. If there is wrong doing, there's no need to defend anybody's reputation. It's all about how you perceive things and how you take in the

information. Some people might think that I'm raising my voice or yelling, but I'm very emphatic about the people that I represent and I want to make sure that their voice is heard. Therefore, I want to be clear and I want to be concise when I speak in this House of Assembly on their behalf.

That's what I'm trying to say is that when we look at a reputation, their character, the people on that Committee, their character speaks for themselves. It's not an issue of the people who are on that Committee, but I'll tell you another thing, it's awfully insulting to the other people of the province to say that these are the only people who are qualified to be on that Committee. I never heard tell of the like that we have five people in the province that can sit on a Committee because, to me, we have lots of intelligent people.

SPEAKER: Four on the Committee.

J. DWYER: Four on the Committee, sorry about that, Speaker. Thank you for the heads up on that, I appreciate that.

So the four on the Committee are very well qualified. They have great reputations. They have good character. That's not up for debate. We just want to make sure that when they bring a roster forward to government, that's supposed to be brought to the floor of the House of Assembly, it's what they recommend.

I don't have a problem with that, but when you only recommend one and you're saying that only one candidate – so when you only bring one candidate forward, out of all the people who applied, you're saying that the percentages would never work out. We're saying that 0.5 per cent of the people in Newfoundland and Labrador are qualified for any job. That's ludicrous. We have very much intelligent people in this province that can be on any of these Committees. Like I said, it's awfully insulting.

The thing is, what we're asking for is that the checks and balances be followed and we're out of checks and balances.

We want to make sure that these people and the reputation of the candidate, the other candidates, and the Committee does stay in tact. There's no need to defend that because they have good character, but we want to make sure that the process that they were involved in is followed. That's the reason why we asked people with a good reputation and good character to come in and be on this Committee because we trusted in the fact that they're going to do the right thing, because it's the right thing to do and it's what's guiding them through legislation and the process.

So like I said before, I think it's awfully insulting to the other 49 candidates that they're not even given an interview or they're signalled out that they're not even qualified to be interviewed. I don't know, that just seems to be an awfully large number of people to me that wouldn't be qualified because, I have to be honest, I've worked a lot of jobs in my life, I never ever applied for one I wasn't qualified for, or that I didn't think I was qualified for. Probably I wasn't, I might not have been qualified for it, but do you know what? At least the person who interviewed me or took in my resume said these are not the specs that we're looking for in that employee. Therefore, I accepted that, and if I wanted to be that employee or to gain that position, I'd have to go educate myself and become better.

That's not what happened here. What happened here is we just blanketly said we want that person and everybody agreed on the Committee. One person, I guess, did the evaluation and there was no real qualitative or quantitative process used. To me, I'm sure that there are definitely three more. If we need to come up with a roster of four people, I bet you \$10 there are three more people in this province that will be able to be the Privacy Commissioner.

So if the process was followed correctly, this would be rubber-stamped because we'd have all the information, everybody would be laid out, we'd see it, it would be upfront, transparent and open.

We're here to debate this amendment or this recommendation or motion, but the problem is we would never have to go into this late in the night if all the information that we needed to make an assertive decision or a conscious, responsible decision was offered to us.

It's part of the process. It's in legislation that the Leader of the Opposition and the Leader of the Third Party be part of the process. We understand that they were invited, Minister, but they weren't given the information that they needed to make an educated decision. That's the problem here, Speaker.

So what I'm saying is that when we have legislation and we want to bring things forward, then let's make sure we're doing the right thing because it's the right thing to do. That's our job here. We've got 40 Members that have to look after 530,000 people. Out of 530,000 people, I guess we take the 40 off here, you're looking at 40 less than that, and we don't have three more candidates to go on that list? I mean, come on, I've got three more candidates in my family that could be on that list. Not a problem.

What I'm saying is that I know that I can find three candidates in the District of Placentia West - Bellevue that are qualified. That's what I'm saying, if there was more than one person that applied, then even if there was only four people that applied, put the four of them out there, show us the ranking and we'll say, yes, you picked the right candidate. We would agree with what the Committee done. But we don't know who the other people were on that roster. So that's the issue that we have.

It is clear that the process is intended to be consensual, a largely informal one, leading to the appointment of an individual who would be considered both excellent for the office and independent of government. So if you're going to be independent of government, then I guess being open and transparent would mean that you'd have more than one person on the list. Because to me, if there's only one person on the list, that means you selected somebody as opposed to you went through the right process. So that seems to be the issue for me.

We don't want the erosion of legislation here; we don't want to water down anything that we have. We want the future that are coming into this House to follow the process as well, and that's the reason why we debate legislation and we put it out there. Because we want the best legislation moving forward, so that any future generations that come to this House of Assembly understand where we came from and they get then a chance to make it better.

But if we don't follow the process today, we can't expect them to follow the process in the future, because we've set the precedent of not following the process. So I would really hope that going forward we can follow the process. Because we have recommendations that came from the Seniors' Advocate and the Child and Youth Advocate that have, for all intents and purposes, been ignored. That's unfortunate because these are statutory offices as well. So are we trying to rubber-stamp a Privacy Commissioner, that is going to bypass any government legislation, or is going to be ignored by government, or is going to be delayed by government or anything like that? We've kind of seen that in the past as well, right?

We also have recommendations by the Auditor General that weren't acted on. There was a failure to bring forward electoral reform after a catastrophic 2021

pandemic election that exposed glaring inaccuracies in legislation.

Can we put up with this latest erosion like it's no big deal, or can we stand on the side of what's right and what's lawful? Because that's where I stand. I want to do the right thing because it's the right thing to do, because that's what I told the people of Placentia West - Bellevue that I'd do when I entered this House of Assembly on their behalf.

So we choose and stand in defence of this watchdog of the people's rights and we insist on things being done properly. Any failure to do this will hold the statutory offices in disrepute and people will not have confidence that the office is doing its work if the appointment process is fatally flawed.

So what we're saying is that we just want the process to be followed. It's laid out. It's mapped out. We ask for the Committee to make a selection, bring it to the House and then we make the assertion from there. We want to be part of the process. I think that's the thing. What we're trying to say here is that the process that's in place has its own checks and balances and that gives us an opportunity to make an informed decision if all the information is laid out there.

So what I would say is that, clearly, this government does not respect these offices and does not like being held accountable by them. Therefore, on behalf of the people of Placentia West - Bellevue, I will not be supporting this resolution because I would ask that it be repealed and brought back and the process be followed. If it has to take another couple of months to do that, then no problem.

What I'm saying is that in order to have the confidence of the people, understand that the Privacy Commissioner is so important to our province, that I would ask that we go back and redo the process. They can still keep the same Committee, just go through

the right process. We can't cherry-pick what we're going to go through.

So with that said, I'm going to take my seat, but I want to make sure that we understand here in this Legislature that we have to do the right thing on behalf of the people on Newfoundland and Labrador.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Mr. Speaker.

It's always an honour to stand and speak in the House of Assembly. The Minister of Health and the House Leader for Government said so many times over the last two days that the best way to determine future is to look at the past.

I think that's where we're falling apart here. If we go back to 2019 and the process that was followed, there was a definite roster that was put forward. There were four people and oddly enough, this government wanted to hire the second-ranked individual on that roster. Now, it was a minority government and they got backed into a corner and they had no choice but to hire Mr. Harvey.

The Minister of IET, this evening, failed to say that they were in government when this happened. Then they say that for some reason we don't trust the process. Well, in 2019, the same four people, not the same four people, but the same positions comprised that Committee. At that time, they didn't trust them. They didn't trust one of them because they didn't take their word on who the number one candidate was and they wanted to go with number two.

SOME HON. MEMBERS: SOME HON.

MEMBERS: Hear, hear!

L. PARROTT: Tonight, they stand here and they look across at us and they tell us that we're getting it wrong; that we're questioning the chief justice. Well, here's what I would say about those four people on that Committee, as the Minister of Finance said this evening, stellar individuals. As a matter of fact, I believe that they're so stellar that I question the fact that we're being told that they didn't rank these candidates. I find that almost impossible to believe, that we have four people as high ranking in this government as they are, that would not send rankings forward when the process is laid out as clear as it is in the legislation and in the Fowler report. This is what this government expects us to believe, that there were no rankings. I don't buy it and I have lots of reasons not to buy it.

Let's go to this: Why won't I buy it? I don't know, maybe because of people that were appointed at The Rooms; maybe because of the number of companies that have cannabis contracts; maybe because of the high bids getting the mental health facility; maybe because of a recent land deal; maybe because of the hotel lease that was signed or travel nurses that were signed without any consultation. I don't know, maybe because we have a failed Liberal candidate out in Central running an office for the Premier. So now it's our job to trust everything they say.

So while we sit here, the Minister of Finance comes in and she sits down and her words – and *Hansard* will reflect that she said this – she said that she was there and seen the roster and the rankings, plural. *Hansard* will show that tomorrow when you guys read it.

So then we're told not to believe that. So she said they're a stellar Committee. She said the roster had rankings. She said she seen them. She said she seen the roster. But now, we're led to believe that none of that happened. What we're being told is that there's only one candidate, one candidate only.

There were 50 candidates. They were sorted out to 10. Those 10 had to be qualified as per the legislation. Those 10 were then sorted down to five. There were interviews done on five people and the legislation is clear as to what comes to the Speaker and we're given one candidate and I'll add, the same as they tried to do in 2019, the exact same as they tried to do in 2019.

Here we are tonight and we're being told that we're not trusting the people who did it. Well, I trust the people who did it. I believe with all of my heart, I find it hard to believe that they didn't put in all the numbers. I find it hard to believe that they didn't go through a competitive process where they highlighted and talked to these people and indicated every single ability that they had, but we're being told they didn't, but we're the ones that got it wrong.

You're telling me that the chief justice, the clerk of Privy Council, the Clerk here in the House and the vice-president of MUN, all who I would say have done multiple interviews throughout their life, didn't follow the process. That's what this government expects us to believe.

AN HON. MEMBER: (Inaudible.)

L. PARROTT: I never said you said it, Minister. I said that's what is being said by this coming forward with one ranking. I don't believe it. I don't buy it.

So our leader stood up and he outlined exactly the process that we followed. We didn't refuse a meeting. The Speaker knows we didn't refuse a meeting. We said we wanted staff to go to the meeting. Staff wasn't welcome to the meeting. That's what we said. So there's no refusal.

At the end of the day, we are here to hire the best person for the job. No one has questioned this candidate; not one person in this House has questioned the candidate. It could very well be the best – not only the best candidate in this province but could be

the best candidate in this country. We don't know that. Do you know why we don't know it? We don't have anything to compare her to, not a thing. This process says that we should have people compared to.

By definition, rosters: qualified candidates, a list, a plan, a list of members of a team or organization. I would argue that this government doesn't know the difference between a roster and a rooster. I don't know what is going on here.

SOME HON. MEMBERS: Hear, hear!

L. PARROTT: At the end of the day, we do not have this process followed closely enough and where it should be. We can see it. We can see it clearly.

We listened to the Member for Humber - Bay of Islands talk about how, in 2019, he was brought upstairs and asked to support him so they could get it through. They were trying to push it through behind the scenes, yet we're supposed to come here today and believe that they're not doing the same thing when they've got a majority. They tried to do it when they had a minority; why wouldn't they try to do it when they got a majority. I would argue that this process is flawed.

I'll tell you what else, the only process is not a judicial review, as the minister would lead us to believe. He actually said tonight there is no flexibility. The first words he said when he presented the bill.

AN HON. MEMBER: (Inaudible.)

L. PARROTT: Not you, the Minister of Health said there's no flexibility. There's lots of flexibility here. This government can withdraw the bill and go back and come back with a better process. It's simple enough. They know that they can get the scorings because there's no way that these people weren't ranked. There's no way that when these rankings were done, candidate A, B, C, D and E were all disqualified for the exact same reasons. That is what the letter

said that was provided to us, the exact same verbiage for every one of them, and I find that hard to believe. I find it hard to believe that a chief justice, a vice-president of Memorial University, the Clerk of this House and who?

AN HON. MEMBER: The president at MUN.

L. PARROTT: The vice-president of MUN would allow that lackluster of work to happen.

So I don't distrust them. I actually believe that they followed the process. I believe that they got this right. I don't believe that what they did is here in front of us, and that is what we're questioning tonight. We're not questioning them; we're questioning what has been brought here in front of the House. At the end of the day, there's something not right here.

It's about the process. This individual is one of the most important officers in the House of Assembly. We know that. Their role is to be a watchdog and to make sure everything is done correctly and we've seen when that falls apart. We've watched it here in the House. We've seen exactly what happens.

When these résumés were narrowed down to five candidates, we're left to believe there were four of these candidates that weren't qualified. We're being led to believe that these individuals would interview four candidates that weren't qualified and couldn't tell that by looking at their résumés. Not possible – not possible. We're talking about some of the most intelligent people in this province and we're saying that they did that. Zero probability.

I think that anyone that's in this House of Assembly who knows any of those people knows that what I'm saying is absolutely right. There's a zero per cent chance that they went through process.

AN HON. MEMBER: What are you saying?

L. PARROTT: I'm saying that there's more to this than we're seeing. Stand up and talk when you're ready, Minister. It's good to see you're awake over there.

SPEAKER: Order, please!

L. PARROTT: I will say something about the Minister of IET. When he stood up and talked about the process tonight, I get that, but what he failed to talk about was in 2019, he brought it forward. Actually, it's kind of funny, I have *Hansard* here. In 2019, he referred exactly to him being a vessel and having to bring this forward. I agree, it's not a great position to be put in.

But at the end of the day, when we look at the process, it's all of the same wordings, and I can go in here and tell you. He talks about Chief Judge Pamela Goulding, someone who has a long, significant history with the public service dating back – he talks about how great she was. He talks about the Clerk of the House and what a great job she does. It's all in here. All the same things that we've been trying to say here tonight and all of the things that lead me to believe that there's no way that this process came to the House the way it should have. Because we know these people are qualified and we know that they did their jobs and there's no way that there was only one candidate presented.

On that note, I'll take my seat.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Order, please!

Point of order?

A. PARSONS: I'd like to stand on a point of order. I didn't want to do it during the speech because I didn't want to stop the Member's flow, but there's reference to 2019. What I will point out, as having been there, was that in 2019 there was no number one or two recommended. There was Harvey, beginning with H, and

Woodworth-Lynas, which was second.
There was no one and two.

Thank you.

SPEAKER: No point of order.

The hon. the Member for Torn gat
Mountains.

L. EVANS: Thank you, Speaker.

There seems to be a lot of chatter going on,
Speaker.

I'm just going to talk on the process now for
selection of the Information and Privacy
Commissioner. There's quite a lot of heated
debated here tonight because, of course,
it's something that's really important, we talk
about the access to information and privacy,
Speaker.

One of the advantages of going practically
last is you get to hear what everyone has to
say. What really impressed me were the
words from our leader, the Leader of the
Opposition, and also from the Leader of the
Third Party. They talked about the role the
Commissioner has to play, how important it
is in the province.

Our leader, the Leader of the Official
Opposition, talked about the Commissioner
acting as a watchdog, protecting the privacy
and protecting access to information. The
Leader of the Third Party referred to it as a
bulldog. That's symbolism, basically of the
character and the strength the
Commissioner must have.

Our leader also talked about the process
being vigorous. Because the Information
and Privacy Commissioner, the process
must be vigorous because – and I'm going
to quote our leader. He talked about
because the people's right to access
information from government is fundamental
to transparency and openness. The
people's right to have their privacy protected
from misuse by government is vital. That's

why the two leaders on this side spoke so
passionately and talked about the role of the
Commissioner.

We're not disputing the actual name that
was put forward, we're disputing the
process by which the name was put
forward. Everybody talked about it. The
Member for Harbour Main, the Member for
Baie Verte, the Member for Bonavista, they
all talked about transparency and about the
strong, competent person the
Commissioner must be to carry out their
duties. Because at the end of the day, when
we look at democracy, the role that the
Information and Privacy Commissioner
plays is the cornerstone to democracy. With
democracy you have to have transparency
and also you have to make sure that
people's rights are protected.

So when we look at the act, we're talking
about the process. So the act of this
legislation states that after receiving the
roster of candidates to put forward from the
Selection Committee, the Speaker shall
consult the Premier, the Leader of the
Opposition and the Leader of the Third
Party. We're not questioning that. But at the
end of the day, we're questioning where's
the roster? Where's that process? It talks
about consultation with this side. That's
what we're questioning.

Speaker, I had a lot of notes and then
listening to people speak passionately, I
changed some of the notes to actually
reflect what was being said and to add
supporting information. So I'm trying to stick
to what I need to say about the legislation,
about ATIPPA.

ATIPPA is so fundamental to good
governance. That's what I'm talking about
when I talk about democracy, that it has a
built-in provision. Speaker, before I got
elected, I wasn't aware of this, but when
you're talking about good governance, this
legislation has a built-in provision for regular
statutory reviews. That's so important.
That's about continuous improvement, that's

about making sure it's effective, making sure that legislation is meeting the needs of the province.

So looking at these statutory reviews where authorities look at how the process is functioning and how it ought to be strengthened because, at the end of the day, access to information is vital to us. It's about transparency for decisions and how processes are done through government. The people have a right to access that information and to question government and to understand how government works. It's so, so important.

That's why when our leader spoke, I was paying attention. The Leader of the Official Opposition, the Leader of the Third Party and, also, the MHAs here in this House, who have a vested interest in transparency. Unfortunately, we witnessed a lack of transparency. We watched it.

One of the Members on this side talked about legislation that was brought forward where the Information and Privacy Commissioner wasn't even consulted, and then he wrote to government, to the leaders, to the Clerk, to the Executive Council and his correspondence was ignored, to the point where he had to come over and actually talk to the Members on this side, the House Leaders, and basically make the Opposition aware that he wasn't consulted.

So that is where we see the erosion of trust. That's one of the things we talk about when we talk about the history of lack of transparency and where, I guess, our sense of distrust comes from.

We talked about the process, we talked about section 85 that was referenced on that side, we talked about the legislation. It says here: Before an appointment is made, the Speaker shall establish a Selection Committee. We've all talked about that. Yes, we know that process. But what's the role of the Selection Committee?

The Selection Committee is they to actually find a suitable candidate and crown them the Commissioner? Is that the role? Because that's what we're seeing playing out here. We stand on this side and we question that. We question the process, because the Selection Committee is not about that.

Also, I want to mention my colleague for Ferryland, he listed off who the Selection Committee is made up of. The Member for Terra Nova talked about the fact that we actually respect the members on this Committee, and I'm not going to read them out again.

We're not challenging their credibility. In actual fact, the Member for Terra Nova said that he believes that they were following the process, that they actually followed the process that we want to see done, but there's something not being reported here. We're not actually getting the true story. That's what he basically said; I'm paraphrasing him.

So we're questioning the process of why a candidate should be put to us as a roster and for us to decide if that candidate is suitable, right? When I say us, I'm talking about the leaders: the Premier, the Official Opposition and the Third Party Leader. Because that's a part of the process and that's a part of the consultation. That's all in here. My colleague there from Placentia West - Bellevue said: the selection does not choose the Commissioner. We know that. You can look at section 85, you can read the legislation, you can go back to Hansard. The Selection Committee does not choose the Commissioner.

So why are they giving us one candidate? Because by taking 50 applicants, down to 10, interviewing five and then giving us one, they're selecting. They're choosing the Commissioner. As my colleague from Placentia West - Bellevue said, that is not their role. The Selection Committee does not choose a single candidate for the House

to rubber-stamp. How many times did we hear the words rubber-stamp? That's not our role. The process does not say that it is to rubber-stamp, right? The act says the Selection Committee shall develop a roster of qualified candidates.

Now in this entire province and across the country, do you think that they can't find more than one suitable candidate? That is what we are concerned about. Also, to hear what the Member from Humber - Bay of Islands spoke about when he so eloquently talked about what happened in 2019 about the mistrust, about the lack of transparency when there was a minority government. Speaker, there are a lot of things at play here.

I want to go back to one of the things that I learned about, these statutory reviews, to make sure ATIPPA is functioning properly; looking at the process of ATIPPA is functioning and how it ought to be strengthened. So I want to talk a little bit about those statutory reviews.

Now, basically, in 2014, the review stated – and I'm going to quote here and our Leader quoted as well, page 216: "... the Committee is of the view that the perception of a Commissioner who is independent from government would greatly enhance if the choice resulted from the efforts of a selection committee" Basically, what it is, is talking about the public perception of the Commissioner as being independent. That perception is important to confidence. You have to have trust. The public has got to trust in the process, have to trust that this Commissioner is going to actually be a bulldog, is going to be a watchdog and make sure the public interests are protected. That's basically from the report of 2014.

It says here that the Select Committee would identify leading candidates for consideration, not the whittle them down to one – identify leading candidates for consideration, candidates being plural and

consultation with the leaders, the Premier, the Official Opposition Leader and the Leader of the Third Party.

Looking at these statutory reviews, the 2020 report, the review has a similar statement on page 271 talks about: The Selection Committee is required – is required, I have that circled – to provide a roster of candidates to the Speaker. Again, they use candidates.

What I'm talking about is statutory reviews, to make sure the legislation, ATIPPA legislation is effective, is meeting the needs of its intent and meeting the needs of the people.

I talk a lot about the leaders who represent the parties, who represent the elected Members in this House of Assembly: the Premier representing the government, the Official Opposition representing us, the Leader of the Third Party representing his MHA well.

Page 274 in the 2020 Statutory Review report refers to a consensus of the party leaders who have been consulted. That's the process. We're not judging – the Minister of Finance talked about the stellar candidate that's put forward. She referred to her as stellar. The minister said: I'm trusting the process. But over here, in Opposition, there's a history where we can't trust this process because it's not transparent. It's actually not fulfilling the requirements.

Speaker, that's why we're upset. We're all upset over here. But, more importantly, I think the people of the province should be upset –

AN HON. MEMBER: Outraged.

L. EVANS: Yes.

I want to go back to what the Member for Baie Verte - Green Bay talked about. He spent a life serving in the military. What does the military do? They protect

Canadians; they protect us. To serve and protect. But a part of that process is about basically making sure you're on the side of right. This is very, very important, because the consequences are dire if you are not. No offence to the Member for Placentia West - Bellevue, right?

AN HON. MEMBER: (Inaudible.)

L. EVANS: Yes, sorry, I'm going to get it right one of these days, Speaker.

He talked about a black mark, and some people over there on the other side were offended by black mark. But he comes from a place of trust, doing the right thing, serving the greater good. We thanked him for his service.

SOME HON. MEMBERS: Hear, hear!

L. EVANS: And I'm not sorry if people over there are offended that he called this a black mark. I'm not sorry. Normally, we go along and if something is uncomfortable, you say, oh, I'm sorry. Do you know something? I'm not sorry, because I can relate to what he's saying. He wants good governance; he wants transparency. He came into this House of Assembly and the first thing I said was you're going to be disappointed at the way this operates.

Do you know what I'm sorry about? I'm sorry that I'm probably right. He's probably disappointed. When we look at ATIPPA, what does that legislation stand for? Regardless of how you interpret what ATIPPA stands for, it's a means to make sure that we have the public trust, and this is an erosion of public trust.

I've just got to refer to what the Member for Humber - Bay of Islands talked about earlier. Anyone out there listening, anyone out there reading this in the future, they can go through ATIPPA and read his words. He was the independent here when it was a minority government in 2019. Actually – because I have a tendency to write things

down, especially if I'm going to be quoting them – he talked about the list of people who were ranked. He referred to ranking one, who scored the highest, and ranking two.

He's here as an independent in a minority government in 2019 – and you can go back and read his words that's going to show in *Hansard* – he talked about how he was lobbied for his vote. In a minority government, they wanted their candidate, and their candidate didn't score the highest. That's what we were told. I remember the Leader of the Official Opposition and the Leader of the Third Party, the thing about it is they wanted the best candidate, the most suitable candidate.

So he talks about trying to be lobbied to vote for the second candidate, and he talked about trust and he said, in actual fact, do we have to trust everybody? Do we have to trust this government? Shouldn't we require transparency? When we don't get transparency and we see things that's unfolded that's not really on the up and up, we have a responsibility to question.

Also, you can go back through *Hansard* and he'll talk about the number two candidate – and these are his words – a good friend of somebody in the party. That's his words, not mine – in the party. Now, we've got to look at we've got one candidate come forward. The Committee is supposed to bring forward a roster, but they bring forward one candidate. Should we question that candidate and say: Okay, where's the ties? Let me read what he said: A good friend of somebody in the party. So is this candidate a single candidate of the supposedly roster, a good friend of somebody? We have to question that.

People can come back and criticize me. They can try to roll me over. At the end of the day, we have to question. I'm here firstly to represent the constituents in my district, and I do that. You hear about the conditions that we have to endure, the lack of services

and infrastructure. I do my job every day. It doesn't win me any friends. I've got to tell you, I'm not a very well-liked person.

In my previous life dealing with safety, when you've got to go over and talk to workers about safety, usually you're not very well liked. But I've got to say, they liked me and they respected what I was saying because –

SOME HON. MEMBERS: Hear, hear!

L. EVANS: – my job was to make sure they had the tools and knowledge to keep them safe, and that's where I would start. This is about you not getting injured. Here in the House of Assembly, I have to question, especially when it's not transparent. I'll go back and say the list of the people ranked, they've lobbied the Member for Humber - Bay of Islands to select the second rank candidate – lobbied.

So, Speaker, when I stand here and I listened to everyone who spoke, the Leader of the Opposition, the MHAs on this side, we're not talking about the individual whose name was put forward. We're not criticizing her, we're not judging her and we're certainly not referring to her as stellar – she could be stellar. But at the end of the day, we're talking about the process. We don't want anyone selected or pushed forward, one person, where we have no say, no choice and who could be a good friend of somebody in the party – and I'm quoting the Member for Humber - Bay of Islands.

With that, Speaker, I'm going to sit down.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I'm going to start by saying very similar things. I don't know who this candidate is.

I'm not sure what other (inaudible) has been presented so far. But I want to take an approach, this is how we've talked about a lot of things. But I want to talk about where do we go from here.

Obviously, we've come to this point, this motion eventually, when we're all said and done, will be voted on in some form or fashion. But I just wanted to add my commentary on where do we go from here.

October 5, 2023, the *Structural Review of the Statutory Offices of the House of Assembly* and the hon. Robert A. Fowler. So there was a review, obviously, and a report was created in 2023. There's a section there: "Information and Privacy Commissioner Appointment Process Issues." The hon. Robert Fowler goes on to discuss: "As discussed previously, the Information and Privacy Commissioner appointment process is different from the process for other statutory officers. Having discussed the Information and Privacy Commissioner process in detail with various participants, I noted three practical issues regarding the Information and Privacy Commissioner appointment process, as set out in s. 85 of *ATIPPA*."

The first one he mentions "the legislation is not clear on what happens when a consensus is not reached by the individuals consulted by the Speaker." So it's something that was pointed out and it seems to be noticeable here.

Two: "It is not clear how the Speaker is to 'cause to be placed before the House of Assembly a resolution to appoint as commissioner one of the individuals named on the roster." Obviously, that is something I guess that was mentioned or touched on by the Minister for IET when he discussed how this motion is actually brought to the House and how it is debated and how it operates.

A third thing: "...the composition of the selection committee is not practical.

“I have come to the conclusion that these issues could very well contribute significantly to delays in the Information and Privacy Commissioner appointment process ...” So in 2023, after the review and actually consulting with former Members, current Members, different individuals who have had dealings with the House and the operations of the House in this review, and it’s not just the Information and Privacy Commissioner, but all statutory offices of the House.

Consulting with all Members past and present, it is obvious that there were some structural issues when it came to the appointment process and, I guess, narrowing or where things will not flow correctly or properly. Clearly, this is shown here today.

We understand there are issues with the process, there are issues in that there and there are issues that are going to come, but once we walk away from this House this evening, after voting, this is something that would have to be, obviously, corrected.

It’s obviously something that we really need to take seriously in the process of how this is done and how the Committee is structured, how it’s brought to the House and everything like that. There’s clearly a glaring flaw here in which the whole process has come to and something that I think, at some point when we walk away from here, we’re going to have to deal with, and we’re going to actually have to have that conversation.

Robert Fowler goes on to say: “... significantly to delays in the Information and Privacy Commissioner appointment process and could also indirectly affect the recruitment of an Information and Privacy Commissioner position.” So this could actually have effects in the future of when we try to appoint another Information and Privacy Commissioner. This is what we don’t want to see, having more trouble getting people in positions and filling

positions that are very critical to the operations and roles of this House and the statutory offices of this House.

The hon. Robert Fowler goes on to say, “I agree with the Orsborn Review that the practical issues of the Information and Privacy Commissioner appointment process should be addressed to avoid disruptions in the appointment process in the future.” He also agrees that the recommendations for section 85 of ATIPPA “would add much needed clarity to the process. However, former Chief Justice Orsborn did indicate that in making his recommendations, the Speaker understandably did not offer suggestions for change. Within this Review’s mandate, I have had the benefit of collecting specific commentary, suggestions, and proposals for alternative process for appointment, not only for the Information and Privacy Commissioner but other statutory offices as well.”

So it just goes on to show that there is an issue with the process, there is an issue with how it comes to this House and how individuals are consulted and individuals that are appointed. We do need to take this away at some point and actually have another, bigger, broader conversation of how the process works. It is all kind of pointed out pretty clearer that a year and a bit ago that there was going to be some issue with the process. Obviously, it did to some form of fruition at the end of the day when they did talk about this.

Another example for the submissions from Members of the House, even from my own leader, the Member for St. John’s Centre, suggested that the House of Assembly be presented with the final roster of candidates and consulted on. Also, though the Information and Privacy Commission appointment is subject to a different process, the Privacy Commissioner himself noted it does not have any fundamental problem with the composition, but it does have some issues there.

In the 2020 ATIPPA Statutory Review, the hon. David Orsborn said there are some issues as well with the process and the former, former Leader of the NDP explained that MHAs are expected to vote on nominations of someone of a position without being part of the process. There are some objections that they would have to raise on the floor of the House when nominations are presented, MHAs and individuals would have to stand and ask questions of the government choice publicly and the nominee is watching.

It is a process that obviously there were some issues. They were brought up a year and a bit ago in a report and, obviously, here right now in this actual moment in the House of Assembly, some of those issues have come to fruition. This is something that we have to have a conversation about, how do we adjust the process, how do we take away from what was recommended a year a bit ago and how do we go forward after this process is done.

The Minister of IET kind of hinted at that as well, that there could be some issues and there could be some solutions and maybe something eventually change on how this is done.

We talk about rosters, we talk about the process, we talk about consultation and how all that looks and, obviously, the hon. Robert Fowler talked about that process in his report and talked about consultation and clarity and actually adding clarity to ATIPPA on what those means and how would that process work. He also talked about collecting specific commentary and suggestions and proposals for alternative processes maybe to, you know, not delay these processes, but make it open and transparent and also move with the functions of the House, obviously.

It didn't work out in the way it was envisioned when ATIPPA was originally written. Clearly, there were some stumbling blocks there that actually need clarification

and some polishing and whatnot. Also, clarity on roles and responsibilities of different parts of the process and how consultation works; on how this roster works; this ranking system works and how we are all consulted and brought forward so we don't have these issues, and he does make a good point: This could indirectly affect recruitment of an Information and Privacy Commissioner in the future.

So it legitimately could affect trying to find appropriate candidates for positions for statutory officers of the House; also positions that are not everywhere. These are very specialized individuals with very specialized talents and we need to remain competitive and also work to get the best possible candidates we can for the very important function that it is.

Coming from a world where trying to find specialized individuals and trying to recruit and retain, it is a very big concern. Having issues with the appointments process here in the House of Assembly for statutory officers, it would probably narrow the pool down very significantly in the future trying to find these positions and trying to appoint these positions to very, very – this is a very specialized role. It's a very specialized individual with a very specialized skill set and we do not want to cut our nose off to spite our face when it comes to trying to get the correct people in these roles.

I think the big take away here and what I'm trying to say is that when we walk away from here now this evening and after we have this conversation, I think maybe the next conversation is how do we smooth this out? How do we define the roles and responsibilities in the different consultation processes? How will we make sure that we're going to move this forward and make sure we have a competitive process but also a process that is equitable, it's transparent, every step of the way is well clarified so that each process throughout the appointment process, the roles and

responsibilities and the different processes, are made clear and understood by all?

I think both Orsborn and the hon. Robert Fowler both said that clarity under that section of ATIPPA needs to be defined. I think that's something that we can all appreciate and understand when it comes to the process. I really think that this report here just had some information a year and a bit ago on this – and it's just interesting that this pretty much played out with the problem that was already noted in the current process.

I don't want to belabour this much more, but I think when we walk away from here, I think that's the next step. I think hopefully we can all agree that maybe we need to flush out this process and make sure the roles and responsibilities and everything is clarified, and how we actually do this because I don't think we want to be in a situation where we can't find the next Information and Privacy Commissioner.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

It's great to get up as prime time TV hours hit, and I'm sure everyone's home watching the legislation channel. Hello to everyone in Topsail - Paradise.

It's too bad we're here to this hour of the night when simply if the roster was presented, we wouldn't be here. That's as simple as it is. We would not be here. I listened to the Member from Terra Nova, as well as from Torngat, and as they've said, we're not at all questioning the Committee. We're not at all questioning the process they went through.

If we listen to the Member for St. John's West, the Deputy Premier, starting a discussion earlier tonight, her own words were they followed the letter of the law, as required by the law, and many, many times referenced to them as a stellar Committee. Nobody, on this side of the House for sure, disagrees with that.

SOME HON. MEMBERS: Hear, hear!

P. DINN: We don't disagree with that whatsoever.

We read down through the legislation and other Members have talked about it. They've talked about the Selection Committee shall develop a roster of candidates. That's pretty straightforward. None of us are arguing that that wasn't done. They go on: The Committee shall submit the roster to the Speaker of the House of Assembly. It goes on and talks to that. The Speaker shall consult with the Premier or the Leader of the Opposition, the leader and members of registered political parties and it goes on.

So what's happening here is when we don't see and we're not being presented with that roster, then we think back to 2019 and it becomes a matter of trust. Trust is hard to get back once you lose it. It's hard to get back once you lose it.

We're here simply asking for what the legislation says should be done and that we be provided with the roster. To say, like the Member for Windsor Lake earlier tonight said, they submitted the names of those that were qualified. They would not put forward the ones that were not qualified, and there was only one person qualified. I'm paraphrasing that but that's, essentially, what was said.

You've had how many applications?

AN HON. MEMBER: Fifty.

P. DINN: You go through 50. There is a job description. There is what's required: education requirements, qualifications, experience, competency. Some applications don't make the cut. Some make the cut, are qualified and others fall in that middle category. Are they in or are they out?

So from what I understand was done, 10 were interviewed –

AN HON. MEMBER: Five.

P. DINN: I thought it was 10 earlier. It went from 10 down to five. So we had five that were interviewed at the end, not a pre-screening interview but a final interview. So these five individuals were deemed to be qualified. All you had to do was do the interview and find out who is the most qualified. That's the process.

If you look at what the Public Service Commission does – and I know the Member for Burgeo - La Poile quoted section 10 of the *Independent Appointments Commission Act* and that piece he quoted from was, essentially, what we call the rule of three. This is government's site; this is the Public Service Commission site. When you're going through an interview process or recruitment process, you establish a bona fide merit criteria, including knowledge, abilities, personal suitability and competencies that will become the basis for assessment.

So that's how you do your initial screening. You go through that whole process and then the rule of three kicks in. The rule of three says that in order of merit, the board shall recommend a maximum three candidates – a maximum of three candidates. You see that in government all of the time. But it also goes on to say: The board may recommend less than three candidates if there are fewer than three candidates who are qualified – that's the key word there: who are qualified.

So we have five that were deemed qualified and all we're getting is the one name. And

nobody is here debating that person, whether he or she – well, we found out tonight it's a female, so whether she is qualified or the most qualified, no one is debating that. But as per the act, as per the regulation, we are supposed to be provided with a roster – a roster – of who has gone there. That's what it says there. That's a roster.

The Public Service Commission, I mean, why would you question it? The Members across the way are probably questioning that but the Public Service Commission is a government entity. They've done it all their lives; they should know what a proper hiring process is. They should know that. I trust them on that process that they follow.

When we're talking about the Privacy Commissioner who is responsible for ensuring compliance of the act and its regulations and has the power to conduct investigations, can also monitor and audit practices and procedures of employed bodies and it goes on and on, it's an extremely, extremely important position. One of the acts it oversees, of course, is the Access to Information and Protection of Privacy Act, which gives individuals the right to access all records that are in the custody and control of public bodies, and again, it goes on to outline a number of other things covered under that act.

So why is this important? We know, through the past number of years that I've been here, how many times that office came into play. It's a very important office; especially, when you're talking about personal information and overseeing that and making sure that nothing is released that shouldn't be released or no information gets in the hands of those that it should not be in.

It's a very, very important position and, again, I go back to what I said first off. I said, why are we here tonight when it could have been very well dealt with by providing us with a roster, a list, of those candidates who were interviewed and where they fell,

where they were ranked. It gives us, I guess, a greater level of confidence that, yes, the process was followed.

Now, I think the process was followed. I think the Committee followed the act and went through it, but somewhere along the lines, we haven't seen the roster of those positions and how they were ranked.

It's interesting because – and I'll stand to be corrected on this – I took some pretty good notes, I guess, starting off, and when the Member for St. John's West, the Deputy Premier stood in the House, she said they followed the letter of the law, that was required by the law, they followed the right process and rankings were brought forward – rankings were brought forward. It went on to say she did not know the individual, but the individual is a stellar individual.

So where are those rankings? Where are the rankings that were brought forward? That's simply all that's being asked for here tonight. Follow the legislation that these rankings that were brought forward by the Selection Committee, show us where are they. Where is that roster? That's the essence of why we are here until after 9 this evening.

It's a very simple request. Five individuals applied for a job – well, more than five applied, five got through the screening process – met the matrix, met the criteria laid out in the job description for the position. They met all that, they got to the interview stage – five.

If anyone's been involved, as I have, in hiring processes, when you get to the interview stage you're starting to determine, okay, what's their communication skills in terms of responding and verifying some of their information that's on their résumé and talking a little bit about what they said is their experience. That's what you're doing. You're trying to pull that package together to make a final decision on who you feel is the best, most-qualified individual for that job.

Again, nobody is arguing that this individual, whoever she is, no one is arguing that she is not the best candidate. We just want to see that there was a process followed, that there was a roster that was available that indicated they went through and ranked the individuals. As I said, the impression I received from the Member for St. John's West was she said rankings were brought forward. So this is all we're asking for.

We probably wouldn't be questioning this as much had we not experienced what we did in 2019 when the minority government wanted the second person on the list, apart from the one who's most qualified. So that's why we question this. We want to be open, transparent and accountable. Words, in a lot of respects, people throw around like they're feeding the pigeons in Bowring Park. These words mean something.

Why are people so critical of us out there when we use these words? Because people don't trust us. They don't trust politicians. How can they trust us when we're in here seeing situations of mistrust? That's the problem.

So in this House, we each represent our communities and we take an oath of office to do the best we can for our individual districts and the province as a whole. That's what we do.

SOME HON. MEMBERS: Hear, hear!

P. DINN: That's what we signed on for. We should be willing to carry that through to this House. People would always say to me when you're dealing with situations is that the sword you want to die on, meaning is this a big enough issue to create more about it or more argument about it than it needs. That's what puzzles me tonight, is this really something that we need to be talking about hours into the night, when it could've been very well solved by just presenting the roster of eligible candidates. That's where we are with this.

Unfortunately, because I believe in openness, transparency and accountability, because I believe in that and believe that's what the people of Topsail - Paradise want and the people of this province, I can't support this because what's being presented, to me, is not transparent.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Fogo Island - Cape Freels.

SOME HON. MEMBERS: Hear, hear!

J. MCKENNA: Thank you, Speaker.

This is my first time taking part in a debate and I'm proud to be able to stand up here tonight and pass my five cent's worth into this serious situation that we're in to here.

I don't know if some people believed but this is a serious piece of legislation. Protocol has to be followed. I don't know if there's a roster or there's not a roster, because if there's a roster, there's more than one. If there is more than one, than somebody has to select and they have to bring it back to our Leader of the Opposition, the Third Party and the Premier. The Committee cannot choose this person for the Privacy Commissioner. That's my understanding from what I'm hearing here tonight. That's the process.

I'll just quote a couple of quotes here. The role of the Commissioner is to be a watchdog to protect the privacy rights of the people and to ensure proper access to information that ought to be in the public domain. We need this because there are a lot of things going on in this government, in this province, that needs to be analyzed and checked in to. There are a lot of wrongdoings in my books, from what I can see.

The Selection Committee does not choose the Commissioner, that is the role of the House. The Selection Committee does not choose a single candidate for the House to rubber-stamp. The act says the Selection Committee shall develop a roster of qualified candidates.

Interpretation: the act states that after receiving the roster from the Selection Committee, the Speaker shall consult with the Premier, the Leader of the Opposition and the Third Party that is represented on the House of Assembly Management Commission. No one asked for the names to be read out in the House.

SOME HON. MEMBERS: Hear, hear!

J. MCKENNA: We're talking about openness and transparency. Our Leader and the Third Party should have been consulted when we got down to the roster of one candidate. Now they're saying we went from 50 to 10 and then 10 down to five. We don't know. They might have went from 10 down to one. How do we know, and who chose the Commissioner? Who has the right to do it? Only that Committee, and they're part of that Committee.

So the question that I have is I'm not sure why we're here, like everyone else is saying, tonight. Why this couldn't be resolved earlier in the day? We're only asking to show us the roster and the names that's on it. It's not a question about who's going to be the Privacy Commissioner. That's not the issue.

I'm just going to read out another one here. Notice this carefully: The statutory review made clear that its Legislative Branch, the caucus of the House, they should have a meaningful role in choosing appointee, preferably by consensus.

As everyone talked about here tonight, and I'll just go back over it again, all we're asking, and this could have been resolved a lot earlier today, is bring those names in to

the Committee. Bring it into the Leader of the Opposition, the Third Party and the Premier. We don't have to see the names, but the Committee should. They're part of the committee.

The roster is narrowed down to a single name for resolution. Before I get any further, I want to applaud the Member for Humber - Bay of Islands.

SOME HON. MEMBERS: Hear, hear!

J. MCKENNA: He stood in this House yesterday and again today, and he challenged every one of you over there, what he knows what is right and what the wrongdoings are. But nobody came back at him. He stood ground. He challenged you. So you call that openness and transparency? No, not at all.

Another example of the erosion of statutory offices of the House and the government's contempt for democrat reform of the legislative institutions, I'll give a couple of examples. Findings and recommendations of the Seniors' Advocate and Child and Youth Advocate ignored. Findings and recommendations of the Auditor General not acted on.

I cannot support this bill. I'm not going to rubber-stamp it. It's not right. I'd be doing wrong. I'm here to represent my district and the people of Newfoundland and Labrador, therefore, I will not be supporting the bill.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Seeing no other speakers, if the Minister of Health and Community Services speaks now, we will close debate.

The hon. the Minister of Health and Community Services.

J. HOGAN: Thank you, Speaker.

I appreciate the last, I'm not sure, five hours of debate or so.

AN HON. MEMBER: (Inaudible.)

J. HOGAN: Someone's still debating over there, but anyway, that's fine.

Really, Speaker, what it comes down to is looking at section 85 of the statute that we're talking about here today, the appointment of the Information and Privacy Commissioner. It's like a bunch of lawyers in here, really, you get paid by the hour and we would've made a lot of money, collectively. But really what it comes down to is looking at one section here.

AN HON. MEMBER: Close debate.

J. HOGAN: Closing debate, part of the rules. Good?

AN HON. MEMBER: (Inaudible.)

J. HOGAN: Yeah, who? Yeah?

SPEAKER: The minister is closing debate.

AN HON. MEMBER: (Inaudible.)

J. HOGAN: What's wrong with that?

As I was trying to say, Speaker, really the focus is on subsection (4) there, and there seems to be two interpretations and that usually happens in a debate. That's the purpose of the debate, to say what I think is the interpretation of section 85(4) and what they think. Actually, I misspoke. It's not what I think is the interpretation; it's what the Committee thinks.

I heard a lot of Members on the opposite side of the House today and tonight say they agreed that's a great Committee, they respect the members of the Committee, I'm sure the Committee did a great job, but at the same time when they say that they say we don't agree with what the Committee did. You can't have it both ways, Speaker.

Either you agree it's a good –

AN HON. MEMBER: (Inaudible.)

J. HOGAN: So what they are saying is that they don't agree with the decision of the Committee. And as –

AN HON. MEMBER: (Inaudible.)

J. HOGAN: That's great. So the debate has ended. They have agreed with our side of the House, Speaker. They're saying they do agree with the decision of the Committee.

So it's very, very great that after five hours you do have the opportunity to convince either this side or that side. Clearly what has happened is that through our debate, through our Members speaking or maybe they talked themselves into it, because they spoke a lot on it, that they've now convinced themselves that there can be a roster of one individual, Speaker. That is great news.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: It's like being in court, at the end of the day someone has to make the ultimate decision. Clearly, all Members of this House now, it sounds like to me, they agree that what the Committee did was the right thing to do and they provided a roster of qualified candidates to the House. They did their duty.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: I appreciate that they've done that. I want to thank the members of the Committee. I want to thank all Members of the House for participating in this debate tonight. I want to thank all Members of the House for again, what sounds like to me, agreeing that the right thing to do is to support the process that has been followed under the legislation and, again, thank everyone for participating and I look forward to the vote.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

SOME HON. MEMBERS: Nay.

AN HON. MEMBER: Division.

SPEAKER: Division has been called.

Call in the Members.

Division

SPEAKER: Are the House Leaders ready for the vote?

All those in favour of the motion, please rise.

TABLE OFFICER (Russell): John Hogan, Lisa Dempster, John Haggie, Fred Hutton, Bernard Davis, John Abbott, Gerry Byrne, Pam Parsons, Elvis Loveless, Krista Lynn Howell, Andrew Parsons, Sarah Stoodley, Paul Pike, Scott Reid, Sherry Gambin-Walsh, Perry Trimper, Jamie Korab.

SPEAKER: All those against the motion, please rise.

TABLE OFFICER: Tony Wakeham, Barry Petten, Lloyd Parrott, Paul Dinn, Jeff Dwyer, Lin Paddock, Lela Evans, Loyola O'Driscoll, Craig Pardy, Pleaman Forsey, Chris Tibbs, Jim McKenna, James Dinn, Jordan Brown, Eddie Joyce.

CLERK: Speaker, the ayes: 17; the nays: 15.

SPEAKER: I declare the motion carried.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

This House do stand adjourned until 10 a.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.