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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 visitors.

Before we begin, I would like to welcome everyone in our public galleries this afternoon.

Also, I'd like to welcome a new face to the Table today, Jennifer Peckham, who's joining us from the Policy, Communications and Committee Support Division for a one-year development opportunity in the Committee Analyst position, including responsibilities as a rotational journalling Clerk at the Table. Jennifer joined us from the House of Assembly where she served as the Manager for Hansard.

Welcome, Jennifer, to the House of Assembly.

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

### Statements by Members

**SPEAKER:** Today we'll hear statements by the hon. Members for the Districts of Conception Bay South, Exploits, Ferryland, Fogo Island - Cape Freels and Grand Falls-Windsor - Buchans.

The hon. the Member for Conception Bay South.

**B. PETTEN:** Thank you, Speaker.

I rise today to acknowledge two exceptionally talented students from Conception South, both winners of Heritage NL's Heritage Places Contest.

Mariell Sánchez is a Grade 11 home-schooled student. She is the 2025 Overall and Senior High Winner of the Heritage Places Poster Contest for her depiction of the St. Patrick's Roman Catholic Church in St. John's. Mariell explains that the church is quite captivating and has been a core part of the community, standing majestically in St. John's.

Chloe Regular, a Grade 12 student attending Holy Spirit High School, is the 2025 Avalon Regional Winner of the Heritage Places Poster Contest for her depiction of Deadman's Gulch in Ferryland. Chloe learned about a devastating storm in 1823, during which 42 fishermen sought refuge in this cave. Unfortunately, the cave collapsed, resulting in the tragic deaths of those 42 men. She notes that if this report is accurate, Deadman's Gulch is the site of the worst geological tragedy in the province's history.

Their beautiful posters can be viewed on Heritage NL's website and Facebook page. Congratulations to Mariell and Chloe for receiving these well-deserved awards. I wish you both continued success in your future endeavors.

Thank you.

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

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

**P. FORSEY:** Thank you, Speaker.

Speaker, today I would like to recognize Tracey Porter of Bishop's Falls. Tracey is a dedicated and compassionate employee with the Exploits Valley Community Coalition, Family Resource Centres in Grand Falls-Windsor, Bishop's Falls and Botwood for the past 26 years, helping well over 1,500 families.

Tracey is always there to support single mothers and expectant parents, offering help, advice and a listening ear, even during the late hours. One example of her selflessness occurred a few months ago when she was asked by an expecting couple from Ghana, who had no family support nearby, to be present for the delivery of their newborn. Tracey, without hesitation, spent her entire weekend at the hospital with this family offering her support after and before birth. This family has now called her Nana Tracey.

Speaker, I would like for all Members of the House of Assembly to join me in recognizing Tracey Porter for her unwavering support and dedication in helping expected mothers and families.

Thank you.

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

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

**L. O'DRISCOLL:** Thank you, Speaker.

I rise in this hon. House to recognize the Jacob Puddister Memorial Foundation for the incredible work they do daily to support those in our province struggling with mental health and addiction. Today, I want to particularly acknowledge the organization's dedication in creating a remarkable new space in the Town of Bay Bulls.

Jacob's Garden of Hope is a beautiful, thoughtfully developed ocean space in Bay Bulls, across from the Town Hall. This space stands as a tribute, designed to honour the lives and legacy of those lost to suicide or addiction in our province. It's a place where visitors can come to reflect, relax and find solace.

I invite all Members of this House to join me in congratulating the Jacob Puddister Memorial Foundation and everyone involved in bringing this meaningful space to life. May it continue to be a place of peace and healing for those who need it now and for those who may find comfort there in the future.

Thank you.

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

**SPEAKER:** The hon. the Member for Fogo Island - Cape Freels.

**J. MCKENNA:** Thank you, Speaker.

A few weeks ago, I had the pleasure to recognize a hard-working and dedicated worker from Fogo Island. I was pleased to

present Clifford Rowe with a 75th Anniversary of Confederation Medal. Mr. Rowe is the owner of Fogo Island Freight Inc and, after 55 years, he's still going strong. He operates his trucking company throughout our province.

This honour recognizes Newfoundlanders and Labradorians who have made significant contributions to their communities and their province over the past 75 years. Fogo Island Freight Inc has been a lifeline for the Island, ensuring goods and supplies reach families and businesses year after year. Mr. Rowe's company also is key to moving fish products to and from Fogo Island for the co-op.

Congratulations, Clifford, and thank you for your dedication to Newfoundland and Labrador.

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

**SPEAKER:** The hon. the Member for Grand Falls-Windsor - Buchans.

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

Many wonderful volunteers have emerged from Grand Falls-Windsor over the years, including one amazing man doing extraordinary work, Harvey Sheppard. Mr. Sheppard has been feeding people in Central Newfoundland through the Community Kitchen in Grand Falls-Windsor for many years now.

His hard work and compassion have also ensured meals were provided to many volunteers and emergency workers during the forest fires in Central during times of uncertainty. Harvey Sheppard's generosity has no borders. During the COVID-19 pandemic, he made his way to Port aux Basques where he fed truckers who were caught in limbo, again making sure people were fed.

Harvey gained his work ethic and will to help others from over 20 years as a member in the Canadian Reserves. Each Labour Day for the past five years, Mr. Sheppard was kept busy helping to prepare

the Labour Day breakfast in Grand Falls-Windsor – another tradition we are all proud of. Harvey Sheppard also gives his time to the Park Street Citadel where his work is valued by such a beautiful church.

Join me as we thank Harvey Sheppard for a lifetime of volunteer service, helping the people of Central Newfoundland with full bellies, thanks to his huge heart.

Thank you, Speaker.

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

**SPEAKER:** Statements by Ministers.

### Statements by Ministers

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

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

**S. COADY:** Thank you very much, Speaker.

I rise today as a proud Newfoundlander and Labradorian to recognize our government's new Buy from Newfoundland and Labrador, Canada campaign.

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

**S. COADY:** Launched just weeks ago, this diverse, multimedia awareness campaign is designed to help businesses highlight their products and services and help consumers to easily identify Newfoundland and Labrador and Canadian products, and we thank the many businesses who are participating so far.

The success of this campaign will depend on the actions that we take as a community to buy from Newfoundland and Labrador, Canada when possible. We have seen the power of the program as people encourage, promote, recognize and support buying local and buying Canadian.

Speaker, we have taken decisive action to assemble leaders of industry, community and labour to develop strategies for securing new trading partners that reduce

reliance on the US market for Newfoundland and Labrador businesses.

This collaborative approach aims to leverage the expertise and insights of various sectors to build a robust and diversified Team NL trade network.

As part of our action to identify new export markets for Newfoundland and Labrador products, we are leading a series of market development and expansion initiatives.

We will deepen our connections in Europe and abroad to grow our trading opportunities.

Let's all work together on this campaign. With our Team NL and Team Canada approach, we are embracing new potential.

Thank you.

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

**SPEAKER:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Speaker, I thank the minister for the advance copy of her statement.

Speaker, those of us on this side of the House are delighted to see the Liberal government finally stand in voicing support for this province's small businesses – something that we on this side of the House will always support.

Local businesses are the lifelines of our communities, both rural and urban. Providing employment and many benefits to those they serve, and our overall Newfoundland and Labrador economy. So, Speaker, we find it ironic that it has taken an extraordinary threat towards our province and our country to finally see some government action towards supporting our small businesses.

According to the Fraser Institute, this government leads Canada in red tape, which causes endless hardships for our local business owners and those considering starting their own business.

After 10 years, why has this Liberal government still not taken this issue seriously?

The Liberals are asking people to buy local, but they have not made it easier for people to do so. They have not made it easier for farmers to make their products available.

**SPEAKER:** Order, please!

The Member's time has expired.

The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Speaker.

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

The New Democratic caucus applauds the Buy NL campaign, but it's the least this government can do to insulate the public from the effects of tariffs.

We call upon this government to impose a suite of measures to respond to the tariffs. Ones that could keep down inflation, keep down the price of goods, direct supports towards workers directly impacted, and support businesses that are in vulnerable industries. But also find new markets for Newfoundland and Labrador products.

Thank you.

**SPEAKER:** Are there any further statements by ministers?

### Oral Questions

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

**T. WAKEHAM:** Thank you, Speaker.

Speaker, while some things change, lots still stays the same. That includes another secret Liberal land deal that this Liberal Cabinet approved over Christmas that sold off 32 acres of Crown land off Snows Lane for \$5,000 an acre.

I ask the minister: Why?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

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

**J. ABBOTT:** Speaker, thank you for the opportunity to respond.

I think it's fair to say this has gotten a lot of commentary in the public domain, and fair enough.

As the Minister of Transportation and Infrastructure has commented publicly, all of the transactions related to that particular land transaction were transparent and open.

All I can say to the Leader of the Opposition, if he doesn't accept the facts, he doesn't want to acknowledge the facts, then there's nothing else we can do about that. But what I will say to the Leader of the Opposition, if he doesn't accept the facts, take the file, go over to the Auditor General, and ask her to investigate.

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

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

**T. WAKEHAM:** That'd be a great opportunity but let me speak about facts.

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

**SPEAKER:** Order, please!

**T. WAKEHAM:** Let me speak about facts, Mr. Speaker.

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

**SPEAKER:** Order, please!

**T. WAKEHAM:** Let me speak about facts.

The facts of the matter are the taxpayers of this province paid \$25,000 an acre for this property and this Liberal government sold it for \$5,000 an acre.

Since when does land depreciate and how can the minister justify that?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** Again, Speaker, thank you for the opportunity to respond.

Again, the Leader of the Opposition has enunciated some facts. And that's what they are; they are facts. But the conclusion he's trying to draw from those facts are erroneous, misleading –

**AN HON. MEMBER:** Shameful.

**J. ABBOTT:** – and shameful. Thank you.

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

**J. ABBOTT:** What I want to say, Speaker, is – and I will repeat – if he doesn't want to accept the facts, he thinks there's something nefarious or whatever you want about this transaction, take the file over to the Auditor General and ask her to investigate.

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

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

**T. WAKEHAM:** Speaker, I'll repeat it again: \$25,000 an acre it was bought for, sold for \$5,000 an acre. Fact – that's a fact, Speaker. The fact of the matter is that building lots on Snows Lane, right now, sell for \$200,000 a building lot. Again, a simple transaction to a Liberal friend.

I ask the minister: Why did this transaction not go to public tender?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** And a few other titles here today, Speaker.

Look, again, the facts are – and as the Leader of the Opposition said – this transaction was above board, it was transparent, it was recommended by senior officials in the department. We have explained it on numerous occasions, why

and how this transaction happened. Again, if the Leader of the Opposition doesn't want to accept the facts, thinks there's something behind them, then let him go to the Auditor General.

Thank you, Speaker.

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

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

**T. WAKEHAM:** Speaker, the people of the province are the ones we are talking about here. With all due respect to the minister, the facts of the matter are that this land was sold for \$5,000 an acre. It was said by the minister – who's not here today – that this land was actually –

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

**SPEAKER:** Order, please!

**T. WAKEHAM:** Sorry about that; I'll retract that.

It was said and quoted by the Minister of Transportation that this land was landlocked and worthless. Yet at the same time, it wasn't that long ago that the government was looking at building a school off Snows Lane.

I ask the minister: Does he think that this land is worthless?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** Well, I would suggest the land is worth more than the value of the question being asked right now, Speaker.

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

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

**J. ABBOTT:** So, Speaker, not to repeat myself, I have the documents here which I want to table, copies of the purchase and sale agreement between the department and the Crosbie Group, the appraisal report

completed by Altus Group for the vacant land at Outer Ring Road at Logy Bay Road, the Snows Lane area, and we have an appraisal report and estimate of the current market value completed by Kirkland Balsom of the vacant land at Nils Way in St. John's.

Speaker, I'm tabling those documents.

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

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

**T. WAKEHAM:** Speaker, no tender call, as we know, for this piece of property that was sold off. Certainly no requests for proposals for the land that they bought at \$400,000 an acre at Kenmount Crossing.

Can the minister actually table the documents showing how much that land was worth when they paid \$400,000 an acre and spent \$23 million of the taxpayers' money?

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

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** Well, he may have missed my previous comment, Speaker, it is in the appraisal. It's in the document I just tabled, so I cannot do any more than that.

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

**J. ABBOTT:** Speaker, in terms of any land transaction, when you buy at one point in time and when you sell it at another point, the price can change: It can go up, it can go down. But the important thing is what the value of that piece of property at Snows Lane was when it was to be returned back to the family from whom we expropriated it.

It is common practice and in common policy for us to return the land that we do not need to the family at fair market value at the time we do that transaction.

Thank you, Speaker.

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

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

**T. WAKEHAM:** Speaker, I'm not sure if the minister heard the question. I was asking him for the independent market appraisal that was done on the property they bought at Kenmount Crossing.

So maybe the minister can respond to that one? If that appraisal has actually been tabled?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** Putting it simply, it is in one of the three documents that I just tabled.

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

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

**T. WAKEHAM:** Speaker, when we think about land and the commodity that we call Crown land, it's one of the most important assets belonging to the people of Newfoundland and Labrador. It is imperative that we get the best value for it. I've heard from people who have said they would have paid much more than \$5,000 an acre for this Crown land on Snows Lane, yet they were never given any opportunity.

So we have a land deal at Kenmount Crossing that's not defensible; we have a land deal at Snows Lane that's not defensible; we have a lease of a hotel called the Comfort Inn down in St. John's here, a \$21 million lease for three years with no tender, that's not defensible; but yet we have people in Newfoundland and Labrador, and I ask on behalf of them, who were forced to pay more than \$5,000 an acre to keep the land that they've lived on for 40 years, why? Why?

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** Well, Speaker, again, thank you for the opportunity to respond.

There are obviously a lot of questions within the question, but let me speak of the Airport Road hotel, Horizons at 106 and what we are accomplishing through that particular initiative. At the present time there are just over 70 individuals living at the hotel; 14 people have already pumped through the hotel and found permanent housing.

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

**J. ABBOTT:** Speaker, the program is working.

We are providing the supports that they need. It's a transitional housing facility. It is working; we will continue to invest in it. We have also looked at that model and how we can apply that across the province.

Thank you, Speaker.

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

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

**B. PETTEN:** Thank you, Speaker.

Speaker, none of this stuff is defensible and this government can do whatever they want in this House of Assembly, but the people of the province deserve better answers. We hear it day to day. The answer the minister has just provided, the government is providing, is ridiculous. It's not satisfactory and the public will decide, Speaker.

Speaker, it's not just taxpayers' dollars these Liberals are mismanaging. They are also mismanaging the health care system. The Registered Nurses' Union has presented options for retention – and I mean retention – with solutions that this government has failed to act upon.

Why are we still ignoring the 700 nursing vacancies?

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

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

Déjà vu all over again. The answer is 1,133. That's the number of nurses that were recruited into this province between April of 2023 and December of 2024.

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

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

**B. PETTEN:** I guess we're only going by Ms. Coffey and we're all going by what the Auditor General discloses but the former minister has got very shaky ground to get up and be really nonchalant about his time in health. The big reason the health care crisis exists today, he was the architect. That man was the –

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

**B. PETTEN:** – architect. History will tell you that he was the architect.

Speaker, this government loves to run the cameras every time they say someone new is coming to work in the province, but what they aren't running to tell you is that the Auditor General said, just last week, that nursing vacancies – I repeat – nursing vacancies have been growing over the last five years.

Why don't we have a health human resources plan?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

Health human resource plan has been something that the department has been working on in various forms. There is a formal document nearly ready, so I would say to the Member opposite: stay tuned.

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

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

**B. PETTEN:** Ten years and we keep waiting. I guess next year we'll say stay tuned. We've been staying tuned for a long time, Mr. Speaker, and we'll still continue to stay tuned. I think when he was minister back when – fortunately he's no longer the minister – he was telling us that then, so we stayed tuned. We continue to wait.

Speaker, the Registered Nurses' Union estimates that over a quarter of a billion dollars has been spent on private agency nurses. Dozens of nursing students and internationally recruited nurses still sitting home waiting for permanent full-time job offers.

Can someone explain why?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

I'm pleased to say that this year we will graduate 246 new RNs in this province.

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

**J. HAGGIE:** From the point of view of agency nurses, as my predecessors have said, it was agency nurses or no nurses. Care or no care. The number of agency nurses in this province is currently down by 42 per cent and that trajectory downwards continues and we are committed to reducing our reliance on them to an absolute minimum. But I will warn the Members opposite that they are essential and have been for decades in Labrador.

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

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

**B. PETTEN:** Speaker, it's fine to say you have these nurses, but how many are

staying here? How many are actually staying in this province? How many of them are agency nurses?

We were told last year that we're reducing our reliance on agency nurses. Now we find out last week, by Dr. Parfrey, that we're increasing usage of agency nurses.

The messages are all mixed, Mr. Speaker, no one can keep track of it. The government seems to think that they have it under control, but I question that.

Speaker, NAPE has spoken out about contracting out of ultrasound service in Labrador-Grenfell, calling it an insult. The union suggested solutions last fall but never got a response.

Speaker, why is the minister ignoring front-line health care workers when they put forward solutions?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you, Speaker.

I think it would also be good to point out that of the nursing class last year, 2024, 95 per cent of them stayed in the province, 95 per cent.

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

**J. HAGGIE:** With regard to the Member's question about ultrasound services, we are ensuring that those services in Labrador continue, and we are doing so whilst continuing to recruit for a difficult to recruit position.

We have recruitment initiatives in place, and we are confident that in time we will find a publicly funded full-time employee.

Thank you.

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

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

**B. PETTEN:** Speaker, I have the same question as Jerry Earle, president of NAPE: Why can private agencies get staff and government cannot? Simple question.

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

We've be working closely with NAPE, Allied Health Professionals, RNU and other stakeholders in the union sphere to ensure that we listen to what it is they suggest about how we can recruit and retain.

I would argue that we have been partially successful. Is the job done? No, but it is getting done and we are making strides in the right direction. I would argue that 1,133 new nurses is something to be pleased with. It is not the end of the problem, but we will continue to work on it until we get a state where it is.

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

**SPEAKER:** The hon. the Member for Terra Nova.

**L. PARROTT:** It's always amazing how the minister takes these numbers and jumbles them together. The comment was on RNs, we'd love to know how many RNs were hired.

Speaker, this past week – and this government has known about it for a year – there were no internists available in the whole eastern rural area again, forcing patient transfers and diversions and I've been told the Health Sciences Centre had to take in nearly 30 patients from rural Newfoundland.

When will this Liberal government prioritize specialist recruitment in rural Newfoundland and Labrador, specifically at G. B. Cross in Clarenville, so patients can receive closer to home care and rural Newfoundlanders and Labradorians can get the care they deserve?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** I take a little bit of exception to the concept of jumbling numbers; I thought I was quite clear, 1,133 nurses. In answer to the Member opposite's specific question, the answer is 761, that's the registered nurses. If you'd like me to break it out further, I can.

The Member opposite does highlight an issue with general internal medicine in rural areas. We are working closely with the NLMA to come up with a package that will further enhance their compensation and be more attractive.

In the interim, we have increased the number of general internal medicine residency slots here to train our own. In addition, my colleague, who is currently sitting three rows behind me, has just come back from Europe on a further recruitment tour, looking at bringing Canadians training abroad back to this province.

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

**SPEAKER:** The hon. the Member for Terra Nova.

**L. PARROTT:** The recruitment scheme for internal medicine specialists was to take them from rural Newfoundland and bring them into St. John's and mislead the public by telling them that they've hired all of these doctors, when in fact, it's addition by subtraction.

Speaker, critical wound care services still remain unavailable at G. B. Cross in Clarenville. Surgeons are raising the alarm, not just the patients now, but the surgeons. They are performing procedures knowing the lack of wound care is setting patients up for complications. When will wound care resume in Clarenville at G. B Cross?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

That's an excellent question. Having spent 15 years running what was rural Newfoundland's only surgical wound clinic, wound care is a topic close to my heart and certainly I'm not aware of the issue that the Member opposite raises. I do know there have been several nurses who have completed the NSWOC wound care course and are certified and are currently looking for jobs. So maybe there's an opportunity here for us to match them up.

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

**SPEAKER:** The hon. the Member for Terra Nova.

**L. PARROTT:** If the minister had paid attention in the last sitting when this was all over CBC and it was asked in the House of Assembly, he would know that the individual that was performing wound care at G.B. Cross was taken out of her job to answer phones for pre-admission surgeries.

We have a wound care specialist in Clarenville who is not practising. The answer that was given to me by the department is because it's in every nurses' scope of care, which this minister knows is wrong. Every nurse is not qualified to do wound care. It is not a part of their scope of care.

Speaker, surgeons at G.B. Cross in Clarenville are being told there isn't enough funding to increase the number of procedures like colonoscopies. I've been told there is a wait-list for over 1,000 patients – a massive wait-list. That's G.B. Cross alone and it's cut because of budgets. These surgeons are ready and willing to work through the backlog, but the resources are not there and are not coming.

Why won't the Liberal government give specialists the tools they need to provide the health care to the men and women in rural Newfoundland who need these services?

**SPEAKER:** The hon. Member's time has expired.

The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much.

I think we're experiencing some jumbling of concepts from the other side, Speaker. It is in every RN and, actually, LPN's scope of practice: wound care. They are trained and taught to do that. It is to different levels and in different levels of complexity. Every physician who receives their degree and accreditation can suture a wound but not everyone is a surgeon. There are variations in practice that mean that some people specialize in wounds to an extent that are complex and difficult.

I have no problem taking away the Member's comments opposite about the distribution of wound care resources in his area. I do not have the answer for him specifically with relationship to Clarenville, but we'll get it for him.

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

**SPEAKER:** The hon. the Member for Terra Nova.

**L. PARROTT:** I would like to ask the minister to clarify his statement.

From NLHS's own website: "Negative Pressure Wound Therapy." Click the markers on the image to learn how NPWT works – application performed by an RN – yes; requires an order from a physician or a nurse practitioner, or a skin and wound care consultant.

That is not what every nurse does; it's part of training that is available to them, but there should be a wound care specialist in Clarenville. We got all kinds of people coming out from bowel cancer that surgeons are saying it's required and it's not there. So when is it coming back?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you, Speaker.

It's been a long time since I discussed the intricacies of negative wound pressure and I didn't expect to do this in the House of Assembly quite frankly, but the bottom line is any competent RN who has been appropriately trained can apply negative wound pressure. The need and the directive to do that may require advanced skills and training.

So the Member opposite is conflating things and making a situation into something that it is not. I am not saying that wound care as a specialty is missing from Clarendville. I'm not arguing the point. What I'm saying is he is making mileage out of a specialty he knows little about.

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

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

**J. DWYER:** Speaker, there are too many people in my District of Placentia West - Bellevue that are without a family doctor, and this is completely unacceptable.

How many of this year's medical graduates have the Liberals secured to provide care to the residents of our district?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

I won't have this year's figures because the CaRMS match hasn't started yet. I certainly don't immediately have at hand the numbers for last year. I've got numbers for just about everything else here.

What I can say is that in May of 2023, we had 32,000 people connected through Patient Connect with Family Care Teams. That number, as of January of this year, is 73,370, an increase of 41,000 people who are now rostered to a primary care team who didn't have primary care before.

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

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

**J. DWYER:** Thank you, Speaker.

Again, I didn't hear an actual answer to my question from the minister. My constituents certainly deserve an answer, not more of the Liberal talking points.

How many medical professionals have been recruited to provide health care in my district? Are there any job fairs going to be happening for Whitbourne, Placentia, Burin Health Care Centre and G.B. Cross?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

I can't give him the breakdown for his district, but I will certainly get it for him. In relation to job fairs, the answer is yes. In actual fact, there are, I believe, 16 going to be held across the province in various locations. These have yet to be determined. If he would like to make a bid for Arnold's Cove or somewhere, I would be happy to put that in with NLHS.

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

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

**L. EVANS:** Speaker, our children are the heart and soul of our communities. What specific protocols are in place to ensure timely medevac transportation for sick and injured children, such as a 22-day-old infant from Northern Labrador to the Janeway Children's Health and Rehabilitation Centre?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

The Member opposite is right about the importance of our children. They are fewer

and further between now than they used to be. I can't speak to specifics without specific consent from the families concerned and, even then, we have a precedent or a tradition here of not bringing personal health matters before the House.

In principle, a call from a physician or a health care provider at any location requiring a medevac to a higher level of care is triaged through a medical control centre since the integration of the air and ground ambulance here as part of the Health Accord. This is all done by clinicians. It is not done by administrators or bureaucrats.

Thank you.

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

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

**L. EVANS:** Mr. Speaker, I didn't ask about a specific incident. I just used that as an example. I can actually stand up here and talk about a lot of specific examples where our children and our infants were not transported to the Janeway – the only hospital situated to deal with sick and injured children and infants. A 22-day-old infant or a 13-year-old seriously injured child or an eight-year-old who's got a leaky shunt, these are some of the examples where our children have not been able to access the Janeway.

My question is: Is the Janeway access denied to the people of Northern Labrador, to the people of Labrador, when in actual fact all these delays are impacting their overall health and undermining how people in Northern Labrador and people in Labrador feel about how they fit into this province?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you, Speaker.

The short answer to that question is no, of course, no one's being denied access to the

care based on where they live or, indeed, on any other circumstance. What I was trying to say in my previous answer, to cut to the quick, is that if a physician or a health care provider needs to have a patient, be it a child or an adult, transferred to a higher level of care, that is a clinical decision and it is sorted out and prioritized by clinicians, not administrators, not bureaucrats and, certainly, not politicians. It is a clinical decision.

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

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

**J. BROWN:** Thank you, Speaker.

Speaker, the privatization continues to creep into our health care system. Last week, NL Health Services contracted out diagnostic imaging in Lab-Grenfell. The week before, they announced travel nurses are going to staff long-term beds in Western.

I ask the government: Why does this government continue to outsource public health care to private, for-profit companies?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you, Speaker.

We are not privatizing health care. The bottom line here is that it is agency nurses, agency nurse care or no care until we continue to complete, as far as it can ever be completed, our recruitment and retention initiatives.

We are making progress. We have not got it finished yet, 42 per cent reduction in agency nurses but is the Member opposite arguing that we should have no care or is he arguing that we should have the care that we can get as a transition until we get a publicly-funded, publicly-delivered system?

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

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

**J. BROWN:** Thank you, Speaker.

This government claims to be prioritizing recruitment and retention, yet it continues to rely on private, for-profit companies. The AG report shows that they aren't even monitoring correctly whether the incentives are working.

I ask this government: When will they act on the AG's recommendations and make it more accountable in recruitment and prioritize recruitment in rural and remote areas?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

Again, I go back to some of my initial comments. We have recruited 1,133 nurses including 761 registered nurses. In the last 18 months we have added 146 physicians. We are working to recruit. We are competing in a global market, against some very competitive jurisdictions. I would argue, however, that at \$500,000 as a starting sign-off stacked bonus, we're doing well in the physician world, and we have comparable measures for other health care providers and we'll continue to do until we get it right.

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

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

**J. BROWN:** Thank you, Speaker.

It was great to see that Manitoba became the first province to sign on with the federal pharmacare plan championed by the New Democrats. This program would help so many across this province afford medications they need.

I ask this government: When are they going to finally sign-on and help provide

medications to Newfoundlanders and Labradorians?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

Certainly we would be delighted for the federal contribution towards pharmacare to increase. Interestingly enough, what we're looking at is making sure that the people in this province don't lose what they're getting from the province at the expense of a federal program.

Our staff are working with the federal government, who seem to be a little distracted with other things at the moment, but as soon as we can focus them on it, we'll have something to report back to the House, hopefully.

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

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

**J. BROWN:** Speaker, it's interesting that the minister talked about losing things but yet they haven't changed the caps on it, so Newfoundlanders and Labradorians are losing out on their medications.

So I ask the minister: When are they going to change the cap so Newfoundlanders and Labradorians who are currently losing out on the program will be able to keep what they have as well?

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

At the risk of speaking in someone else's portfolio, if it's the fiscal caps and financial thresholds the Member opposite is referring to. Those are actually not set by the Department of Health and Community Services. We fit in with government. It is my understanding, and certainly from

discussions around the tables, that these are under review at present and that would naturally fall into a budgetary cycle.

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

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

**J. BROWN:** Thank you, Speaker.

Speaker, this government likes to talk about how much they want Newfoundlanders and Labradorians to be healthy in this province, including access to medication.

So I ask this government: When are they going to continue to add to the program instead of denying people medication? Because there are so many people losing out on medication or are unable to get any medication that they need.

**SPEAKER:** The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Speaker.

The NLPDP budget has increased significantly and steadily over the years since 2015 and continues to do so.

The challenge is keeping up with medication and also not spending money on me-too drugs that may not be a significant improvement. Those are regular activities within the department, and I would argue that our package with the NLPDP is as competitive, if not better, than at least half the jurisdictions in this country.

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

**SPEAKER:** The time for Oral Questions has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

### Tabling of Documents

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

**S. COADY:** Thank you, Speaker.

Pursuant to section 26(5)(a) of the *Financial Administration Act*, I'm tabling seven Orders-in-Council relating to funding precommitments for fiscal years 2025-'26 to 2029-'30.

Thank you.

**SPEAKER:** Any further tabling of documents?

Notices of Motion.

### Notices of Motion

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

**S. COADY:** Thank you very much, Speaker.

I give notice that I will on tomorrow move that this House approve in general the budgetary policy of the government.

Thank you.

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

**SPEAKER:** Further notices of motion?

The hon. the Deputy Government House Leader.

**L. DEMPSTER:** Thank you, Speaker.

I give notice that I will on tomorrow move that the House resolve itself into a Committee of the Whole on Supply to consider a resolution for the granting of Interim Supply to His Majesty, Bill 105.

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

**L. DEMPSTER:** Do I need a seconder for that motion?

**SPEAKER:** No, not for the notice.

**L. DEMPSTER:** Speaker, I give notice that I will on tomorrow introduce a bill entitled An Act to Amend the Revenue Administration Act No. 7, Bill 106.

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

**L. DEMPSTER:** Speaker, I give notice that I will on tomorrow move that the House resolve itself into Committee of the Whole on Supply to consider resolutions for the granting of Supply to His Majesty, Bill 107.

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

**L. DEMPSTER:** Thank you, Speaker.

I give notice that I will on tomorrow move the following motion: That notwithstanding Standing Order 63, this House shall not proceed with Private Members' Day on Wednesday, March 5, 2025, but shall instead meet at 2 p.m. on that day for Routine Proceedings and the conduct of government business.

**SPEAKER:** Are there any further notices of motion?

The hon. Deputy Government House Leader.

**L. DEMPSTER:** Thank you, Speaker.

I give notice that I will on tomorrow move in accordance with Standing Order 11(1) that this House now adjourn at 5:30 p.m. on Tuesday, March 4, 2025.

**SPEAKER:** Are there any further notices of motions?

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

**C. PARDY:** Thank you, Speaker.

Residents in the lower part of the Bonavista Peninsula have to frequently travel up Route 230 or 235 for health care, banking and other services.

In addition to the cost of fuel and time, it is quite frequent that the replacement of a windshield will be added to their stretched budgets. It is adding additional and unnecessary costs to the residents and visitors travelling the District of Bonavista.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to replace the broken filtering screen at the Amherst Cove depot to reduce the size of the aggregate of stone and salt on our highways.

Many people have brought this up and all you need to do is to drive around on the lower part of the peninsula and you'll find that a large number of windshields are broken. I recently spoke with Mr. Gary Monks of King's Cove, 43-plus years in municipal politics and has never seen it so bad as the large stone that's found on the lower part of the district.

To replace a windshield, you're in excess of \$400 and I would think if you travel with any degree of frequency Route 230, the main route down to Bonavista, you're going to find that chances are, with a high probability, you're going to lose a windshield. You can keep your distance from the car in front of you, but it's the oncoming car that's going to shoot a piece of stone or a large piece of salt in.

This is not a problem that would cost the government more money. The ask is that regular maintenance would be done on the filtering screen that would keep the large stone and the large chunks of salt off our highways and that is where we are. It is not a big ask. It is an operational issue for which

we can keep more money in the pockets of those on the Bonavista Peninsula as opposed to an unnecessary burden of costing them more, taking them out.

We have several situations that are operational issues in our district. Culverts that will be blocked, where Transportation and Infrastructure would have to send down a piece of equipment, trailer it down, like in Tickle Cove, for an area, to free it up temporarily and keep going back and forth.

What would make sense is fix the culvert and then you don't have to go trailering large pieces of equipment on such a high frequency to that area. But we would need to get the stone off the roads, and I would say that is a small ask, no budgetary increase, but one that's going to keep more money in people's pockets in the District of Bonavista.

Thank you, Speaker.

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

**J. BROWN:** Thank you, Speaker.

Speaker, this is a petition to bring back the Residential Energy Rebate. These are the reasons for the petition.

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

**SPEAKER:** Order, please!

**J. BROWN:** In 2011, the provincial government lifted the 8 per cent provincial portion of the HST on residential heat by introducing the Residential Energy Rebate; the RER was later cancelled by the provincial Conservative government in 2015; heat is a necessity of life and a health concern, particularly for seniors; and the cost of living is rising, and the current measures by government are not doing enough to combat inflation.

Therefore, we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador

to bring in the HST rebate on home heating again.

In 2011, obviously, we removed the provincial portion of HST on home heating and then it was later cancelled, very swiftly, within four years. Now we are, once again, seeing the cost of inflation on heating. It's quite easy to see this past year, you see a lot of people noticing their bills, realizing they're steadily increasing, and most residents now are finding it very difficult to continue to pay these bills while, on top of that, paying all the other inflationary pressures that residents in this province are forced with. You see a lot of comments and stuff there lately.

We did bring a private Member's motion into this House in the last sitting talking about removing HST from home heating, from residential electricity and other heating products to try to help combat some of the rising pressures in cost. Unfortunately, that PMR didn't make it through this House, so now we continue to see HST applied to residential electricity and other heating products.

Now we are seeing that those costs, in themselves, are rising as the rates of electricity went up on the Island, and seeing that other products and stuff, their prices are rising as well, and now you're having people trying to pay for medication, having to try to pay for heating and electricity, and even try to pay rent and mortgages, which are both also steadily rising – so we see the residents of this province strained when it comes to the necessities of life, which is unfortunate because should we be actually taxing the necessities of life, like heating.

This is where, in this petition, we hear from the residents of the province. Once again, I ask, we really need to take a serious look at what we are actually taxing and should we continue to be taxing things that are considered a necessity, like home heating.

So, once again, we're calling upon this government to do the right thing and remove the provincial portion of HST from home heating and try to give residents of

Newfoundland and Labrador a break on that. But also, you look at the point of it is that heat is a necessity of life, shelter is a necessity, so maybe we have to rethink why we are taxing these things.

Thank you, Speaker.

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

**P. FORSEY:** Thank you, Speaker.

Volunteer fire departments are very important to the Exploits District. Many times, they find themselves in dire straits in order to provide the service needed, due to inadequate equipment to perform their duties and provide safety to their communities.

Therefore, we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to provide adequate tools and equipment in a timely manner to our volunteer fire departments.

Speaker, I brought this to the House before. The volunteer fire departments in our district are very important. That's what we depend on – we depend on our volunteer fire departments, especially in the rural area. We don't have career firefighters; we have volunteer firefighters who do their job effectively when they can. We depend on them and thank the fire departments for doing such a job.

But, in the past couple of years – and I get calls from the smaller fire departments of their rejections, not getting their tanks and not getting their cylinders and that sort of stuff that they need and require. Just this January, they got rejection letters. I got one here for the Town of Northern Arm, January 13; the Town of Norris Arm, January 13; Town of Leading Tickles, January 13; January 14, the Town of Botwood – rejection letters for equipment for the volunteer fire department.

In November, the minister announced \$730,000 for 39 fire departments. I can tell

him that it's not in the Exploits District. They didn't come there, but we need this sort of funding so that those volunteer fire departments can do their jobs efficiently and as adequately as they can.

If funding is the problem, there's a Premier's office in Grand Falls - Windsor that's going through \$250,000 a year. Put that towards the volunteer fire department and put the money where it should be.

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

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

**L. O'DRISCOLL:** Thank you, Speaker.

The background to this petition is as follows:

The breakwater on the lower coast in Trepassey is in urgent need of repair. This breakwater is necessary to protect the one and only access road to the lower coast.

Therefore, we petition the House of Assembly as follows: We urge the Government of Newfoundland and Labrador to complete the necessary repairs and install a more durable and sustainable breakwater.

Speaker, I have spoken on this a number of times and, only the weekend past, they had another storm surge on the lower coast down in Trepassey where they needed the town to hire somebody to go in and clean up the roads for the sixth time, I'm going to say, since February – maybe the seventh.

I spoke to the former minister last year. I asked him a question in the House of Assembly. He said it wouldn't cost the town anything. They're going to replace the breakwater and it didn't happen. It is not done yet.

This October, we had a meeting with the minister, in his office, where the mayor and councillors from Trepassey had to go out there to meet him in his office. No correspondence with the people in the Town of Trepassey to let them know what was on

the go with the breakwater. Here we are, today, six or seven times have paid dearly to get these roads cleared.

When they put it in there, the people in the district had told them it wasn't going to work. Now, they're not engineers, nor am I, but they know what could work. In October, they said that they'd do a temporary repair or go up and fix the issue. At that time, we figured they were going to put in some armour stone out in front of the breakwater where it was, or what's left to it now, and they haven't done that.

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

**SPEAKER:** Order, please!

The level of conversation is really loud and it is hard to hear the Member speak.

**L. O'DRISCOLL:** Thank you, Speaker.

So now they had the armour stone that we thought they were going to put out there and it's still not done. When is this Liberal government going to get up and fix this issue for the people of Trepassey? It's costing the town an absolute fortune to hire people to go down.

I did ask the minister, previous, and the current minister, if they'd send down the depot trucks to be able to clean the roads that are in the district. There's a depot right there in Trepassey; go down and clear off the road when it comes in and be able to alleviate for the town. But, no, they couldn't do that.

So they've got to pay for it themselves through the town with a population of 350 to 400 people. They can't afford it. Get up and fix the problem. They have a tender going out. We don't know when.

**AN HON. MEMBER:** Send them out the bill.

**L. O'DRISCOLL:** It's not acceptable. Yes, they can send them the bill. They're not going to pay the bill.

I've been asking about this since last year and the former minister said it wouldn't cost them anything. It's costing them every time we have a storm surge. Lots of times, a storm surge doesn't happen on every part of the Island. There was a storm surge up there Friday. There was nothing down in my area, in Bay Bulls, Witless Bay, Tors Cove that really affected it. But when it's down our area, it's not up there. It's a different wind. So they have to get up and fix this problem for the area.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Minister of Housing, and Mental Health and Addictions for a response.

**J. ABBOTT:** Speaker, I just wanted to respond to the Member's comment about the work that needs to be done in Trepassey. I know the Department of Transportation and Infrastructure is fully engaged on finding the solution. There have been design flaws in some of the previous work they've acknowledged, with our consulting engineers.

Obviously, we want to get it right this time. Options have been presented to the department last week. So we're working on a solution that I trust the Member and the Town of Trepassey will find acceptable.

We're working on it, and we'll get it right.

Thank you, Speaker.

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

**L. EVANS:** Thank you, Speaker.

We, the undersigned, are concerned citizens of Newfoundland and Labrador –

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

**SPEAKER:** Order, please!

**L. EVANS:** – who urge – can I start again?

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

**SPEAKER:** Order, please!

The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Speaker.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to advocate on behalf of the residents of Northern Labrador for timely and adequate access to the Newfoundland and Labrador Janeway Hospital.

The Janeway Foundation website states: "The Janeway Children's Health & Rehabilitation Centre provides excellence in specialized health care in a compassionate, supportive environment, to our province's sick and injured children."

However, some parents and grandparents of children in Northern Labrador communities have expressed concern that their children were not transferred to the Janeway in a timely manner for serious medical conditions, and/or were in a very vulnerable medical situation.

This raises the concern that delays in accessing the proper medical care have detrimental impacts to the children's health.

We, the undersigned, call upon the House of Assembly to urge government to advocate that all children – all children – in our province have equal access to the Janeway, and to ensure that the children of Northern Labrador communities do not face barriers that may limit this access.

Now, Speaker, I asked questions in the House of Assembly just a few moments ago and the Minister of Health did talk about politicians – the Acting Minister of Health. Now, as a courtesy I actually went to the acting minister this morning to give him a heads up that I was going to be asking those questions.

Because for me the children, the infants, if they don't get timely access to the

specialized, care their health could be jeopardy. Not only their lives, but the impacts that the delay can have. So for me I think it's disrespectful to talk about me asking those questions as a politician. For me, I'm asking those questions on behalf of my constituents, and not one –

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

**L. EVANS:** – specific incident. And it's not just Northern Labrador, it's all of Labrador. We need to make sure that when our children need the care, they have access to the care that every Newfoundlander and Labradorian should have.

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.

Speaker, I call from the Order Paper, Order 9, second reading of Bill 100, An Act to Amend the Revenue Administration Act No. 6.

**SPEAKER:** And a seconder?

**L. DEMPSTER:** Seconded by the Deputy Premier and Minister of Finance and President of Treasury Board.

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

**S. COADY:** Thank you, Speaker.

I move, seconded by the Government House Leader that Bill 100, An Act to Amend the Revenue Administration Act No. 6, be now read a second time.

**SPEAKER:** It is moved and seconded that Bill 100, An Act to Amend the Revenue

Administration Act No. 6, be now read a second time.

Motion, second reading of a bill, "An Act to Amend the Revenue Administration Act No. 6." (Bill 100)

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

**S. COADY:** Thank you very much, Speaker.

Thank you to my colleagues, it's wonderful to be back in the House this afternoon. I will say that this bill, you know, I'm standing here in the hon. House to bring forward the amendments to the *Revenue Administration Act*. My colleagues would know this is quite frankly a regular occurrence. It is routine and housekeeping as we evolve.

The purpose of the updates to the legislation is primarily administrative or technical in nature, to update for current language and administrative practices, and to remove uncertainty and address any gaps there are in the legislation.

As an overview, I'll provide some background regarding the role of the Department of Finance in administering the act. The department is responsible for the administration of the provincial tax statutes under the *Revenue Administration Act* and the *Revenue Administration Regulations*. Taxes administered include the gasoline tax, the Health and Post-Secondary Education Tax, known mostly as HAPSET and many others.

Through the administration of the tax statutes, various issues have been identified where an amendment is proposed to correct an issue or update or clarify the legislation.

So this is why it comes to the House on a regular basis – I call it regular– it's probably once a year, we kind of update the *Revenue Administration Act* and really it's to clarify things that we've discovered during the year or make mirror amendments to something that's happening in Canada.

For example, one of the amendments being proposed today, is to clarify how the HAPSET, which is a payroll tax, applies when remuneration occurs outside the province. We've run into this now and we're going to clarify.

If an employee works some time in another jurisdiction, the employee's remuneration will be included in the employer's calculation of HAPSET where the province of employment, under the federal *Income Tax Act*, is determined to be Newfoundland and Labrador. This is consistent with the method of determining payroll deductions in Canada, we're just clarifying it.

Another clarification: Employers who are associated corporations and pay remuneration to employees are required to file an amendment for purposes of allocating the exemption threshold. For greater clarity, we are adding new provisions to the *Revenue Administration Act* to ensure that the exemption threshold is allocated between all associated employers whether they are corporations, partnerships, joint ventures or trust. This is a consistent approach with other jurisdictions.

It's worth noting another amendment being made to the act that is beneficial to taxpayers. It's proposed that the time period within which a taxpayer is required to notify the department of an overpayment of tax for a refund is to be extended from three years to seven years so that we have some consistency. It gives the taxpayer, you know, should they have been overpaid, they have some extra time by which to claim it and I think that's fair and reasonable. This will provide more favourable treatment for taxpayers as it will provide them with more time to request a refund when an overpayment of tax is identified.

There are amendments related to gasoline tax to improve the accountability of fuel within the province, similar to what is taking place in other jurisdictions. We are also clarifying the legislation to specifically allow consignment sales for gasoline, as it is

standard business practice within the industry.

As mentioned, many of the amendments being made are administrative in nature, this includes changes to the definitions of motor vehicles to ensure consistency with other jurisdictions that are part of the International Fuel Tax Agreement or IFTA. So you'll hear me talk about IFTA today, the International Fuel Tax Agreement, and so you'd want all jurisdictions to be consistent across that. IFTA is a co-operative agreement among Canadian provinces and most American States to make sure it is easier for jurisdictional carriers to report and pay taxes on the motor fuels they use. We're getting rid of red tape.

Speaker, we must modernize, clarify and improve our legislation regularly. That's why I come before this House on a regular basis, doing these updates, to ensure that we're following best practice.

Technical amendments to the *Revenue Administration Act* are being proposed today to clarify current language and practices, to remove gaps identified in the current legislation and decrease risk of tax loss.

Thank you, Speaker.

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

**SPEAKER:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Thank you, Speaker.

These legislative amendments are mostly technical amendments to the *Revenue Administration Act*. As the minister highlighted, they will provide additional clarity and to make sure our province is in line with agreements and practices already in place both nationally and internationally.

One thing I would like to highlight with it is what the Auditor General highlighted in her recent report: "... there have been changes to financial management and comptrollership practices, leaving the

current Act with outdated language and practices. It is important for the Financial Administration Act to be modernized to reflect current practices and terminology."

I agree with what the minister is doing in bringing in these amendments. It needs to be done. Overall, these types of amendments are really housekeeping for our *Financial Administration Act* and for good financial management. Where I am concerned is what the Auditor General also highlighted was that 28 of the management points that were generated in the audit this year remain unresolved from previous years.

So we have to be careful not just to look at the regulatory and the documentation side, but how we also execute and implement as well. We need to ensure that we look at what the Auditor General is highlighting and taking action on it.

Overall, this side of the House, we have no major issue with these amendments. I do have a couple of questions for clarification. One with regard to motor vehicles and one with regard to the seven-year time limit going from three to seven, with regard to repayment.

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

**J. BROWN:** Thank you, Speaker.

We look at the tax here and it is, I guess, coming in line with the rest of the country and other jurisdictions, especially when it comes to the administration of some of these things, in line with the international fuel tax agreement and changing the definitions on association corporations. It's a cleaning up, I guess, of a lot of things that have piled in over the years and streamlining it into a more consistent way and changing some of the feedback with the three to six years on the audits and that.

So we don't have much for that, but I do have a few questions that I will ask in Committee regarding some of the changes that are coming in and just kind of finding

out where they are and why some of these changes have been made. But other than that, we do agree with some of these changes and trying to streamline this system in the process as best as we possibly can for administration.

Thank you.

**SPEAKER:** Seeing no other speakers, if the Minister of Finance and President of Treasury Board speaks now, we'll close debate.

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

**S. COADY:** We're very efficient, Mr. Speaker. Thank you very much.

I thank the Member for Baie Verte - Green Bay and, of course, the Member for Labrador West for their overviews and their involvement. I will say, again, we repeat it. It is routine to address the Member for Baie Verte - Green Bay's questions – I'm going to try and address them one at a time.

First of all, this is the *Revenue Administration Act*. The Member opposite was referring to the *Financial Administration Act*, which the Auditor General did point out is due for review and I completely support that. I absolutely support a review of the *Financial Administration Act* and, certainly, that is on our agenda. It is time for us to renew that act – separate, completely different act than this *Revenue Administration Act*.

The Member opposite also mentioned the 28 recommendations, I think, from the Auditor General's report. I think the number was about 30 per cent of the Auditor General's recommendations and she wanted an update. So allow me to do that. I know it's not specifically to the act but a question from the Member opposite.

There are 28 recommendations, as the Member opposite posted. About 70 per cent of those 28 are in entities. So they are outside of government. They're in entities. You're absolutely right. We are going to

chase down and talk to entities about those, certainly. The other 30 per cent, which I think is a total of 9, they're either completed or nearly complete within government.

So I want to reassure the Member that of the nine that are in the purview of government, they're either complete or nearly complete, but the Auditor General was right. We don't want outstanding recommendations. We very much value – I think all of us in the province value the work of the Auditor General, so we're asking departments to chase down and speak to entities and make sure that those are under way, if not completed.

I thank the Members for their involvement. I look forward to their questions, and I'll take my seat to listen to what questions there may be.

Thank you, Speaker.

**SPEAKER:** Is the House ready for the question?

The motion is that Bill 100 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 (Hawley George):** A bill, An Act to Amend the Revenue Administration Act No. 6. (Bill 100)

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

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

**L. DEMPSTER:** Now.

**SPEAKER:** Now.

On motion, a bill, “An Act to Amend the Revenue Administration Act No. 6,” read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 100)

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

**L. DEMPSTER:** Thank you, Speaker.

I move that this House do now resolve itself a Committee of the Whole to further consider Bill 100. That is seconded by the Minister of Finance and President of Treasury Board.

**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 100.

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 100, An Act to Amend the Revenue Administration Act No. 6.

A bill, “An Act to Amend the Revenue Administration Act No. 6.” (Bill 100)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Thank you, Chair.

Paragraph (ggg.1), on the bottom of page 2, it defines qualified motor vehicle means a motor vehicle, other than a recreational vehicle, that is used, designed or maintained for the transportation of persons or property. Is the intent that that will also encompass motorcycles?

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

**S. COADY:** Thank you very much.

The new definition of recreational motor vehicles added as it is used in the new definition of qualified motor vehicle – and these will line up with IFTA. But specifically on motorcycles, I’ll ask my team and they’ll respond. I’ll be happy to give you where their view is on motorcycles, but it is to line up with the IFTA.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Then, subsequent to that, on the top of page 3, paragraph (i) has two axels. So if we’re talking about motorcycles and even bicycles that are using some type of electrical motor, then it should be two axels or spindles.

That was my point there, because we want to be encompassing with this and not excluding, given that the definition is transportation of persons with a motor vehicle. We have a lot of people now based on need that are using, essentially, a motorcycle for a sole transportation purpose.

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

**S. COADY:** Thank you, and it is clearly defined here. I understand that it does not include motorcycles. Just for clarity, I wanted to make it for certainty but it does not include.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** My next question – and this will be my last question – comes back to the extension from three years to seven. This is at the top of page 6; subsection 21(2) of the act is amended by deleting the number three and substituting the number seven.

I understand why that's done, given where Revenue Canada is for six years and then if an audit is conducted. We could have special audits then that starts and if forensic accounting needs to be done, so it can go for an extended period of time. As I reflected on that, wouldn't it make sense, in addition to seven, or after being subject to an audit?

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

**S. COADY:** Thank you very much for the question. It is a very important one.

The amendment is to extend the time limit for a taxpayer to request a refund – I'm just making sure that everyone is on the same understanding – for an overpayment of tax. So they overpay their tax and right now if you overpay tax, you only have three years and we're now going to seven years. This will provide, obviously, more favourable treatment for taxpayers, as it will provide them with more time to request a refund.

It's really limited for overpayment and then making sure you have time to request a payment. It gives people more time to request that payment. It's not tied to audit. So if they have overpaid and an audit happens to pick it up, they still have seven years.

So it's not tied to an audit, but should an audit pick it up, they have now more time, because – I know you're an accountant. As you know, it usually takes some time for your audit to pick up on these things, so that's what we're trying to do is allow more time for it.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Thank you, Chair.

Minister, I understand all of that. I was just trying to highlight, we could have an exception here where an audit was to start, you have to do a forensic analysis of the accounting, it could go beyond the six or seven years and where an overpayment is required. So to protect both the province and the taxpayer, should we look at including, instead of excluding – this would be really just for very specific cases, if indeed it did happen – after being subject to an audit?

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

**S. COADY:** Thank you very much.

It's a valid point that if you're subject to an audit and it goes beyond the seven-year point, should we – now we have not picked up on this issue. We've not had anybody have this issue. We'll certainly take that away and see – you know we can always make that a subsequent amendment if we need to.

Right now, moving from three, which is far too low in my opinion, to seven lines up better with other jurisdictions. But if you do have an exception where someone is just getting an audit done later and – we'll look at that exceptional circumstance and it can be included in a future amendment. It's a good point.

Our audit period is generally limited to seven years, as you know. So I can't think of a circumstance where your audit is generally limited to seven years and then you might come back afterwards for your rebate. We just haven't had that circumstance, but it is worth considering.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Thank you, Chair.

And then another way around that could be subject to ministerial authority. Right?

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

**S. COADY:** Yes.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Okay.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

The question for the minister is, did you conduct a cross-jurisdictional scan to see whether other provinces do away with the appeals board for their legislation and put the power of voting on appeals in the hands of the deputy minister? Did you do a jurisdictional scan to see if that is a standard practice across Canada, or are we one of the first ones to go down that route?

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

**S. COADY:** Thank you.

We generally follow suit with other jurisdictions, but I'll ask my team specifically if we're being a leader in this particular area. They'll come back to tell me whether or not it is most other jurisdictions. I would say in a general sense, most of these, they have ongoing discussions among provinces to see what anomalies they may have and then we make changes to legislation based on current practice across the jurisdictions.

I'm getting – no, I haven't gotten a response yet. As soon as I get it, I'll come back to you.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Could you tell us which groups you consulted with when drafting this? Can you give us a summary on what you heard back when you started, I guess, consolidating some of these things and I know some changes to definitions and that? What groups did you work with and who did you

speaking to on trying to consolidate a lot of this work?

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

**S. COADY:** Just for clarity, I want to go back to your first question for a moment because maybe I misunderstood it. Were you asking about appeals boards? Yes. There's nothing in this that talks about appeals boards. No amendments that really do speak to appeals board.

The second part is we generally consult with people who are affected by it, so we talk to other jurisdictions. We'll review other changes to legislation that may have occurred across. There's an ongoing discussion or rapport across all provinces to see what they're seeing. Is there an anomaly? Is there something that they're seeing that we need to tweak? But there's no real consultations on technical amendments because they're just that, they're technical. They're just clarifications of something that may have occurred.

Lots of times somebody may call us and say, how come I can't get my rebate back on my overpaid tax, and it's because in the legislation it's only three years and then we'll put it on the list to fix the next time out. So there are no real consultations.

The IFTA changes are consistent with other jurisdictions.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

When you came up with the definition of motor vehicles for transportation would include people, where was that definition taken from or used? Is that IFTA for that? Was that consistent with their definition?

Also, I noticed that you said it's the types of vehicles of transportation of people, is that preparing for also autonomous vehicles that might possibly come into play here as well in the future?

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

**S. COADY:** Thank you very much.

It is following other jurisdictions and the IFTA, so that's where the definitions are coming from. It's coming directly from there.

Good question on autonomous vehicles – very good question on autonomous vehicles – and this does not really speak to that particular piece. It is something that we should be considering going forward so we'll take that away and consider what possible tax implications autonomous vehicles might have. We do have changes that are done to ensure that we are identifying where tax is being paid, you know, removing some barriers so that people who are reporting don't have as much red tape in that regard, but no, there's nothing in here because autonomous vehicles don't exist, really, at this moment.

They'd still have to pay the tax if there's no one pumping it or not. If they're not using fuel, they're using electricity. All those things have to be worked out in the next number of years.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair. Thank you, Minister.

Do you have any clear idea on how many tax refunds were denied and the amount of money withheld because of the overpayments discovered during the audits occurring after the three-year limit and, I guess, leading to the change to the seven-year limit?

Was there a significant amount that were unfortunately denied because of this limit, and do you have an idea of how many that possibly could have been denied?

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

**S. COADY:** Thank you. I had to wait for my light to come on.

Thank you for that. I can't tell you; I will ask my team. Generally these are circumstances where before a challenge arises they have already considered it. I can tell you we have a great tax team who are always reviewing and considering and looking across jurisdictions. There's, I'm sure, a discussion going on behind the scenes now saying if there've been any.

I am not aware, as minister, of any. And I'm sure they would've risen to my desk, because if they were denied they would've written a letter to me to consider what could be done.

So while I'm waiting I don't think there's any, but I'll get clarification from those that deal with this on an hourly basis.

Okay, they said there may be some, and they'll go back to review if it's now appropriate. So if there were any they're going to go back and see what the change, what they can do.

But again, I say, I'm sure if someone overpaid tax and it came to the department and the department referred them to the legislation, I'm sure they would've written me a letter to say what is it we can do.

So there are none that I'm aware of, but they'll go back and make a review. It's a good question.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Now that we are extending the limit from three to seven, was there any review about the possibility of any liability or any costs to government that would be incurred when we change this now. Or has any review of that taken place, of any liability?

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

**S. COADY:** Thank you very much. A very interesting question.

But I would say it's only if someone overpaid their tax. And therefore, if they overpaid their tax that is exactly their money. So the liability to government shouldn't be there, because it was an overpayment of tax.

So we have not identified any costs. And I think it is right and responsible of government if someone overpaid their tax that they should have it returned to them, quite rightly, right?

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

And thank you, Minister.

Will we be forgoing any revenue by putting into effect these changes to how the Health and Post-Secondary Education Tax will be applied to (inaudible) incurred outside of this province? Or is there going to be any worry of any loss of revenue or any implications on these changes that might lose revenue into the province?

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

**S. COADY:** Thank you very much.

Again, a good question, but no, we don't anticipate any major changes. It is clarification. There are times when a company may have an employee that travels repeatedly to – and I'll use Alberta, because that seems to be where we always tend to go, but they're spending a certain amount of time in Alberta and the company wants to know how to treat that tax.

So no, we haven't identified any real loss or any real gain either; it's really about clarifying current practice.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Thank you, Minister, for that.

Are you aware of any cases that are associated where employers have tried to claim the \$2 million threshold?

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

**S. COADY:** I'm sure you're referring to HAPSET. Yes, many companies, I don't remember how many but there were hundreds, maybe even thousands, that because we changed the threshold from \$1.3 million, and we changed that threshold to \$2 million, that means there was a number of companies that didn't have to pay that tax. Now, there are companies and we can name lots of them that have more than \$2 million in payroll and they would be paying the tax. But what we were trying to achieve was ensure that small business were paying less tax.

We've done many things to support small business, that is one thing that we've done: change the threshold from \$1.3 million to \$2 million so less tax was being paid by those companies. As you know, we also lowered the tax rate for small business. We did that last year. We did HAPSET the year before. We've had a multi-year plan of improving tax liabilities for business and to lower their costs.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

And with the HAPSET and I guess, the \$2 million threshold, since that came into effect and the changes, has your department reviewed the results of that and are you looking at any other changes in that area right now given that, like you said, you adjusted the threshold to, I guess, mitigate some of the smaller businesses inside that threshold. But has your department reviewed the efficiency of that and making sure that there's a fair balance there?

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

**S. COADY:** Thank you very much.

You know, going from \$1.3 million to the \$2 million really made a big difference to small business because they are paying their employees more. Their rate of pay is going up, they want to hire more people so what it did was it allowed small business to not pay as much tax, to hire more people, to really grow their businesses.

It was a very important signal by this government to actually do that and to encourage it. It wasn't a small increase. I know I increased it from \$1.1 million to \$1.3 million and then I said, no, we've got to do a quantum leap, right? The payment to employees is going up, we want small business to expand and grow. The \$2-million threshold was quite a good leap and, yes, we're always reviewing it.

I will say that eventually it would be best if we could get rid of that particular tax, all things being equal, because it is a payroll tax. We want more expansion. But I will say that there are always things that we're discussing with the business community. As you know, I do a lot of consultations on budget: where should we be placing our emphasis? That's why we've been able to put in so many special tax credits. We put in a new manufacturing tax credit because that was important. We put in a technology tax credit. Credits that businesses put in for their tax credit and get money back. Really great things and inducements and encouragements for business.

I can say that we've put in I think three, if not four, tax credits. We've increased the threshold, as we're talking about. We've also lowered the small business tax rate. All of that frees up capital and investment opportunities for small business and that's why you're seeing small business is growing in this province and I'm very glad to see that happen.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I know, like you said, one of the changes there in section 2 is how you talk of associated employees – like if a business broken down into associates and partners. Are you aware of any cases where they broke it down for associated employers to each try to claim the \$200 threshold individually, instead of as a whole, to break it. Are there any cases of that that happened?

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

**S. COADY:** Thank you.

I will ask my team to see if there are any known cases but we wanted to make sure that we didn't create, I'm going to call it a loophole – I hate that word – but create a scenario where you set up a partnership, I set up another one and we'll create a place where we're having multiple different ways that you can claim \$2 million in each of these ways. You know, you have to look at this holistically and so that's exactly what we're doing.

I'm getting a note that it has happened where people have come in and said, you know, I'm going to create a little sub-company, now, to escape that \$2 million threshold. So it has happened. We're clarifying that. Most people don't do that but there have been cases. I have been talking about the difference between the \$1.3 million threshold going to the \$2 million threshold. Almost 1,300 businesses – 1,250 businesses were now excluded from paying the HAPSET because we changed that threshold: 1,250 businesses. That's a lot. Right?

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** Thank you.

I just have a couple of quick questions, and they are, again, related to the payroll tax issue. I'm wondering, Minister, I don't have my book in front of me but I'm wondering if

you might know how much actual payroll tax you collected last year.

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

**S. COADY:** I don't have my book in front of me either, but I am sure my team will tell me, but it would be in the budget documentation. Of course, I just – I don't have the number, and I hate to spew a number off the top of my head I'm not aware of. So we'll get that for you. As they're looking it up in their book behind the scenes, I'll certainly come back to you.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** And my second part of that question was, did the payroll tax go up in terms of revenue or go down? So that's something that they would be able to provide as part of that.

The other question is related to agencies, Crown corporations, for example the health care corporation. How much revenue from payroll tax did we collect from the health care corporation or the four previous health care corporations because they pay payroll tax? What other Crown corporations that government funds actually pay payroll tax? So maybe they could get some of those numbers as well.

My last point is related to the fact that we have a \$2 million threshold, but if somebody hires an additional employee, or if wages go up. So as the payroll for companies increases, they effectively pay more payroll tax. Is that correct?

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

**S. COADY:** Thank you very much.

As people are looking it up, I can tell you that in '24-'25 it was \$146 million. I'm waiting for more information on what it was in '23-'24, different books but they will get that for you – \$146 million. I will say that if it has gone up, then it's because of growth

within the businesses and that's what we want. I will say that 1,250 businesses were exempt from paying HAPSET or Health and Post-Secondary Education Tax because of that incredible change. I think your point is very valid in that we have to keep an eye to that threshold at all times because as people are paid more and we've just come through a spurt in the country and around the world where we've come through an inflationary period and that's why it was so much of the increase that it is, but it is something that we should continue to pay attention to so that we are aware and make sure that the 1,250 companies that may have been exempt now don't start to hit the ceiling even without growth.

If payroll increases tax increases. It's 2 per cent of payroll in excess of \$2 million. We knew that. In '23-'24, it was \$144 million and in '24-'25, it was \$146 million so a slight increase, but that's because of growth in the economy and growth in wages. As you know in the last year, I think, it was in '24-'25, we lowered, that's when we lowered so we'll get that full year when we come through this year.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** So why are we charging Crown corporations and the health care corporation? Those amounts that we take out of our health care corporation, for example, I will just focus on that one for a minute. Do we have a number on that? Do you have a number on how much the actual – whether it's the four or whether it's the one paid in payroll tax?

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

**S. COADY:** All government entities pay HAPSET because, of course, they're not exempt from it. I don't know if we have a breakdown, but I will ask for the breakdown as to whether what it is – I think your point is on health care. So I'll ask for health care and they're getting those details for me.

This is starting to feel like Estimates.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** So, in effect, what we're doing is we're inflating the amount of revenue we're taking in from this payroll tax in one sense because we fund these Crown agencies. We're funding health care on one side and then we're charging them payroll tax on the other – taking the money back. So whatever number that is, there's a funding that comes out from government, obviously, to our Crown corporations, and then we turn around and charge them payroll tax.

Part of those budget numbers that are reflected in Crown corporations actually include having to pay payroll tax. Is that correct?

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

**S. COADY:** Thank you very much.

HAPSET long predates either one of us in these roles. I think it was 1992 when it came into being and so the establishment of HAPSET.

I will say that all entities, including the federal government – it's a general application, so the federal government pays it as well, general application of this tax. It's been around since somewhere in the early 1990s, 1992. I wouldn't say it's inflated. We estimate revenue from entities for HAPSET in budget and in Public Accounts. So it's estimated there; I just don't have it in front of me.

We eliminate that revenue from entities for HAPSET in the budget and Public Accounts. It's not shown in that because, as you pointed out, it's in and it's out. So this is raw data.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** It's fair to say, though, that the revenue you collected from the health

authority and other Crown corporations is included in the \$146 million?

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

**S. COADY:** I will confirm that because, again, I don't have the book in front of me, unfortunately. I have to rely on my team who has the book because we weren't expecting these details. I'm hearing that it's not included in that book. That's from the deputy minister of Finance, so she would know that detail.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** I recognize you don't have those numbers in front of you. But can we get a commitment of how much money is being paid by our health authority in payroll tax and by other Crown corporations as well, broken down by those entities? I understand it's not going to be able to be provided right now, but if I could get that in the future, I'd appreciate it.

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

**S. COADY:** Thank you.

Again, I'm going to repeat, we don't record revenue from ourselves. So it wouldn't be in that \$146 million number that I gave you. We don't record revenue from ourselves, but I will endeavour to get you the breakdown for health care corporations.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** I suspect that the health authority, though, would have the remit it and, as part of their remittance, we'd be able to track exactly how much money has been collected through that process in budget.

Thank you.

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

**S. COADY:** Thank you.

I'm waiting anxiously for my light.

So again, just for clarity and certainty we net out entity HAPSET, but I will endeavour to get – I'm sure that my finance team knows how much payroll tax is being recorded from the Newfoundland and Labrador Health Services. They would know how much that would be and I will endeavor to get that for you, but it will not be right this moment, unfortunately, because the team would have to go out and get that information.

But for clarity and certainty, it's in and it's out. So it's more that it's kind of yes, we collect it but it's not recorded as real revenue; it's a net.

**CHAIR:** The hon. the Leader of the Official Opposition.

**T. WAKEHAM:** It is recorded as an expense of the health care corporation I would think when they do up their financial statements.

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

**S. COADY:** By far, the lion's share of the revenue, 99 per cent – I don't know what the actual per cent is, but the lion's share of the revenue in the health authorities would come from government. So while they may pay it, it's certainly in and out in the books of the Government of Newfoundland and Labrador.

Thank you.

**CHAIR:** Seeing no 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:** Clauses 2 through 9 inclusive.

**CHAIR:** Shall clauses 2 through 9 inclusive carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clauses 2 through 9 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 Revenue Administration Act No. 6. (Bill 100)

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

**CHAIR:** The hon. the Deputy Government House Leader.

**L. DEMPSTER:** Thank you, Chair.

I move the Committee rise and report Bill 100 carried without amendment.

**CHAIR:** The motion is that the Committee rise and report Bill 100 carried without amendment.

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 100, An Act to Amend the Revenue Administration Act No. 6, carried without amendment.

**SPEAKER:** The Chair of the Committee of the Whole reports they have now considered the matters to them referred and directed that Bill 100 be carried without amendment.

When shall the report be received?

**L. DEMPSTER:** Now.

**SPEAKER:** Now.

When shall the bill be read a third time?

**L. DEMPSTER:** 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, Order 10.

I move, seconded by the Minister of Justice and Public Safety, that Bill 102, An Act Respecting the Establishment of the Law Enforcement Oversight Commission and the Complaints Process Relating to Law Enforcement Officers, be now read a second time.

Motion, second reading of a bill, "An Act Respecting the Establishment of the Law Enforcement Oversight Commission and the Complaints Process Relating to Law Enforcement Officers." (Bill 102)

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

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

I rise in this hon. House today to introduce a new bill entitled the Law Enforcement Commission Oversight Act.

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

**B. DAVIS:** This new act will replace section 18 to 43 of the *Royal Newfoundland Constabulary Act, 1992*.

Speaker, while other provinces have amended or created new acts on how police oversight and discipline is managed, there has not been any legislative changes impacting the Royal Newfoundland Constabulary Public Complaints Commission since its inception. I am pleased to stand here today to speak about the new bill which will see important

improvements to the province's police oversight process.

The bill will establish the Law Enforcement Oversight Commission and the process relating to complaints of misconduct of law enforcement officers. For the purposes of this bill, law enforcement officer will be defined as Royal Newfoundland Constabulary officers. This bill will not impact RCMP officers as the RCMP have their own national complaints commission.

This bill is based out of the recommendations that come from the Policing Transformation Working Group within the Department of Justice and Public Safety and feedback that has been received through consultation over the past year.

Speaker, police officers in our province are in a unique position of trust and strengthening that oversight of police discipline helps ensure that the public has a high degree of confidence in police services. Currently there are two police discipline processes pertaining to the RNC: complaints that go through the Royal Newfoundland Constabulary Public Complaints Commission; and complaints that remain internal to the RNC. During consultations, people expressed concerns that neither of these processes are conducted in an open and transparent manner and that there is little public oversight. This new bill changes all that.

The intent of this bill is to improve the efficiency and transparency of the RNC officers' discipline process for both the public and the RNC officers. The new bill combines both the public and internal processes into one streamlined process and ensures that all complaints regarding police discipline go first through the civilian oversight commissioner.

One of the biggest changes in this bill is that all of the discipline complaints go through the commissioner for review first to determine if the complaint is of a public nature or if it is of an internal HR nature. If public, it will then be investigated by the commissioner; if it is an internal HR matter,

it will be then investigated by the chief of police. I would also like to note that the SIRT process will not change. This bill deals with police conduct issues. Criminal investigations will still go to the SIRT.

The new bill will replace the Royal Newfoundland Constabulary Public Complaints Commission with the Law Enforcement Oversight Commission and will provide the commissioner with new tools for investigation and oversight, such as the ability to launch an investigation if sufficient public interest exists to do so.

It will also enable the commissioner, who will be an appointed civilian through the Independent Appointments Commission, to have oversight of all RNC discipline matters; allow for the support person or a guardian to make a report on behalf of the complainant; set timelines for the completion of the investigation reports and requires the commissioner to update the chief of police and the police officer and the complainant every 45 days on the status of the investigation; and require the commissioner to publish de-identified summaries of the reports of the public misconduct complaints once a decision has been rendered, unless doing so would impact the victim or if it is not in the public interest to do so.

Speaker, I'd like to thank all those that participated in these important consultations. We heard the feedback and this is why we are here today with this new bill.

I would like to, first and foremost, thank the RNC Public Complaints Commission for their important work. Your work has provided a solid foundation for this new Law Enforcement Oversight Commission. Police officers have a very unique and hard job and face challenges day in and day out. Thank you to all the police officers for all that you do in our province to make it safer for all of us.

To conclude, I encourage the hon. Members in this House to approve this new and important legislation to ensure that an open and transparent and efficient police dispute

process with the Royal Newfoundland Constabulary exists.

Thank you, Mr. Speaker.

**SPEAKER:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Speaker.

First of all, let me say that it's an honour to stand here and speak on such important legislation as Bill 102, *Law Enforcement Oversight Commission Act*. The amendments to this act are very important. But I'm going to qualify my remarks here by saying that, first of all, as has been stated by the minister earlier today that this is a starting point, I think he said, and it is a step.

But the question we need to ask ourselves: Is this step that's being taken going to be sufficient enough to ensure a comprehensive system of police oversight in the Province of Newfoundland and Labrador? So that is the important question. Does this legislation, Bill 102, compare to other police oversight models in the country?

We know that there are many oversight systems that have been utilized in provinces, and even the minister in his opening remarks said other provinces have enacted police oversight models. What I say to that is yes – and hopefully I will find this out through questions – the police transformative working group and all of the others involved in analyzing and preparing and creating this legislation, that they looked at other provinces and determined that this is the best possible police oversight model that we could have in our province. I have some real concerns, Speaker, real concerns about whether this cuts the market, whether it satisfies that.

Let me say, first of all, that we all acknowledge how the police do extremely important work in our province. The importance of policing in our society is crucial, especially given the crime rates that

we see now in our province, and especially since we see a rise in crime and other matters that are really, really concerning with respect to public safety. So they do have very difficult and sometimes very dangerous circumstances that they work in.

As I've stated, the increase in complex crime that we are seeing everywhere throughout our province now is certainly worrisome. That's why it is so important that we have a police oversight system in place that will ensure police accountability to the public that it serves, and we cannot see the erosion of that trust. We have seen, sadly in the history of our policing, many things that have been of concern with respect to the police discipline and police misconduct. So it is very important that we have a system in place that ensures our public has confidence in the police.

Now, when I look at the current disciplinary process that's in place, it has been, no question, convoluted, complex and clearly lacks independence. We have the chief of police with so much power over the discipline process. We have the vast majority of complaints that are actually even dismissed by our police chief. I mean, surely and clearly, that lacks independence and is not satisfactory.

We see under our current disciplinary process that, in fact, hearings are secretive and the process to adjudicate complaints happens most often, virtually, behind closed doors. It is generally not open to the public, only in exceptional situations.

Let's look at the delays. When an individual files a complaint against a police officer, it's my understanding that there's an average of approximately one public hearing each year. I mean, surely that's not adequate. Then, when we look at the way that the system is right now, there's a blatant conflict of interest that the position of the chief, who is supposed to be the champion for the police and represent the police guardian and, at the same time, is responsible for disciplining police, so that's clearly a conflict of interest.

Obviously, those are some of the things that have caused the people of this province to question and to not have public trust and then faith in the way that law enforcement agencies investigate the wrongdoings by its officers. What we need to ask here is, is this the best system that's in place that we could have in our province? I mean, we know that we need to strengthen our police force. We know that civilian oversight is about accountability to the public.

What does that mean? That means more transparency. Because we know that every time a police officer is found guilty of some form of unethical or unlawful conduct, the police as a whole is tarnished by association. So the question becomes, what kind of disciplinary regime is necessary and is this adequate, Bill 102? Is this good enough to ensure that it's a disciplinary regime that's going to address these concerns?

The other thing is what type of system of police oversight should exist. We know in other provinces they have police services boards. For some reason, the government here decided not to consider or to implement that type of police oversight. We will get to this in questions, as well, about what structure of civilian oversight best ensures the effective and the efficient police accountability of police organizations. Because police organizations need to ensure full, frank and free access to information about their organizations.

A police oversight system should strive at all costs for independence, for fairness, for efficiency, objectivity and we have to ask these questions when determining whether the new act addresses these concepts, and I'm concerned that they do not – this new act does not. We need to ensure that any police oversight model that is in existence has the ability to look at those concepts of independence and fairness and objectivity, so I worry about that.

The police oversight board, we know that First Voice, who did an extensive, extensive review of the police oversight system in our province and the police, in particular, with

the RNC, they basically had argued – it was, I think, their first recommendation, that we have a police oversight board, not a commissioner, but a board. Why? Because a board provides those necessary mechanisms for accountability. It gives that level of civilian oversight the level of transparency that it requires, and we all want to have the best possible oversight model because we know that our police oversight, which has been in existence, has been really negligible. I mean, it really has not been satisfactory.

So I ask the question of government – and I'll be exploring this – does the government have a deep and abiding commitment to the principle and practice of civilian governance? I mean, let's look at the structure and organization of their bill. It's about a commissioner. One civilian commissioner is at the helm. And, of course, the minister can correct me if I'm wrong about that, but we have one civilian member and is that going to ensure the necessary police accountability and hold police organizations to account for their programs and activities?

One other concern that I have with respect to – I mean, the act that's been presented deals with one concept, and that's police discipline – the discipline process that's in place. Right now, as the minister had pointed out, the RNC Act of 1992 is replacing the Royal Newfoundland Public Complaints Commission, so that's going to be replaced. But what the question is, what we need to look at is, are these officers – they're going to be subject to a discipline model, but there's a lot more involved here than just police discipline. We've seen that in other jurisdictions across our country. We've seen this advocated by First Voice who, as I stated, did an extensive review of our policing organization in the report that they did. I think that was in 2022.

So is there anything in this new legislation about police standards? Any respectable system of police oversight should properly begin, in my view, with a detailed police standards because we want to increase efficiency and effectiveness of our policing

organizations. By establishing standards for the police activity, it becomes much easier to determine any deficiencies.

From my review of the act, there are no regard to police standards. Now, I do believe that the act says that the commissioner may look at policies, but that's permissive. That is discretionary. I would submit that's not good enough.

Then let's look at another very important piece of any legislation that we put into play here, with respect to police organizations and review of police organizations, is what about police training, education and development? Unless I've overlooked that, I don't see any thorough analysis or any kind of addressing of this.

The question is, are officers functioning in a manner that is consistent with available policing standards? We need to ensure quality police learning programs. I mean, our police play such an important role in terms of the powers that they have as officers, the extreme powers and authority that they exercise, the power of using force and lethal force at that.

So we need to ensure that there's some mechanism, I would argue, to ensure that there's police training and education and development. How else can this act be satisfactory? I ask the question again: Is this is a comprehensive model that we are seeing?

There needs to be design delivery and evaluation of training mechanisms for police. I mean, the powers that officers have – and I might point out that the government had, I think it was in 2022, commissioned the RNC workplace review by Harriet Lewis and one of her conclusions, Speaker, she concluded that – well, in her review – nearly half of the officers surveyed, 45 per cent, felt that they did not have adequate training to perform their duties.

So this is not on the officers, and let me be clear, the officers are doing their very best and they are to be applauded, but this comes to the responsibility of government to

ensure that they have the resources and that they have the training to do their jobs properly.

So the government's own RNC workplace review that they commissioned – again, I have to repeat this, because it's shocking – nearly half of the officers surveyed felt they did not have adequate training to perform their duties.

And what the lawyer, Harriet Lewis, concluded that this indicates a continuing problem with concerning consequences, because it impacts the RNC's risk profile. And I found this even more shocking when I read it. As a result, at least some RNC officers have arranged their own training on their own time and at their own expense – and that goes to the commitment of these officers – in order to feel confident that they are able to perform their duties safely and effectively. Now isn't that incredible?

The RNC workplace review also found that there's no organized management training for those who are promoted to supervisory positions, which no doubt contributes to the organizational dysfunction of the force. So obviously and without doubt there are gaps in the training, there are huge gaps.

We know that other jurisdictions have police training focused on conflict resolution and crisis management; I mean, that should be a must for any officers. It's very difficult when we see these gaps and these deficiencies that are in place for us to feel confidence in this new act.

I have to say, it is worrisome, Speaker, because we know that police officers are held to a high standard, a high standard of ethics and integrity. And surely there should be in this act something to support them in their efforts. And also, the point of the fact that there are reduced numbers – it's my understanding, and again, the minister can correct me if I'm wrong about this – but in terms of recruiting officers and everything. If there are not processes in place to support officers, then is it any wonder that our numbers are being reduced?

The problem I have with this act is it only focuses on police discipline. And, yeah, that's definitely important. How we deal with police officers who will engage in unlawful or unethical conduct? Yes, we need to address that, but if there's no reference to the other things that are so important. Having police standards and not making it discretionary on the part of the commissioner.

The other thing is the delay issue. That's another point, Speaker, the delay. We know that, I think, there's a six-month limitation period in which a citizen has to file their complaint. Now, correct me if I'm wrong on this, but hopefully there's a reciprocal requirement on the part of the commissioner to deliver their findings. I don't know, unless it's somewhere and I'm not seeing that, then we need to know if that's the case because that's fairness, Speaker. We've heard that there's been such delays over the years in people waiting for their complaints to be adjudicated. Some of the complainants have even ended up dying before they can get their complaint adjudicated. So surely that is addressed in this legislation.

Speaker, there are many things that we're going to bring out. I'm not saying that this isn't a starting point, but I just don't understand why government couldn't just – you've got an opportunity here – why couldn't you go all the way and make it the best possible, most comprehensive oversight system that we could really be proud of in this province? It needed to go further, in my view. We need a comprehensive focus, and I feel this focus of the government is narrow. It's a narrow focus.

We all benefit when the police have the confidence of the public and then they are able to do the difficult, difficult job that they have to do. When the police don't have that confidence and trust then their jobs are made even that much harder.

On that note, Speaker, I will take my seat now and I conclude my remarks.

Thank you.

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

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

**J. BROWN:** Thank you, Speaker.

Only after I said it for the Law Enforcement Oversight Commission, and it was something that was long needed in that changes had to be made. We've seen time and time again that complaints go out in different capacities and dealt with in different ways. That Commissioner now has a bit more independence when it comes to dealing with complaints coming in internally or externally into the RNC. This bill is going to grant more independence and transparency to the commissioner. All complaints referred from the internal review will be decided or referred to the chief for an internal review.

We see that there is going to be a lot more independence in the operations of that and we'll see how that operates when it rolls out. You look at any case and there are options for appeal once the decisions are made. There's an appeal board of a three-person committee. One person appointed by the commissioner, one law enforcement appointed by the association and one person who maybe or may not be an officer appointed in agreeance by the other two people with a dispute mechanism if the two parties don't agree to the third person.

We look at the importance of independence when we review complaints coming in this field when it comes to officers, when it comes to law enforcement internally and externally. We've unfortunately seen how things played out in the province in the past when complaints were done. It wasn't a very independent process. It wasn't a very efficient process, and it led to more questions and more concern than it did actually any resolution. We need to go down and find a mechanism that would actually work and that would be independent and will be able to determine how things go from there, internally and externally.

Everything that came out from First Voice and other advocacy groups is not completely there, but we do see the importance of independence and it's moving in the right direction. I'm sure we will have these discussions as we go along on what is going to work and what's not going to work. How it is truly independent and how do we deal with these different files that come forward from the general public but also internally within the organization themselves.

The minister made a point that nothing has been changed in decades when it came to this process and we're still, I guess, when it comes to this case we're still stuck in the '90s. This is one good first step forward and we do agree that independence is important when dealing with these situations but also, we want to make sure that the people that are impacted and their complaints are legitimately heard by an independent voice or independent individual who can actually determine where it goes from there.

With this I have a lot of questions for the minister. I don't want to belabour this too much, but I do have a lot of questions for the minister going forward and I look forward to having that back and forth with the minister.

Thank you, Speaker.

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

**P. LANE:** Thank you, Speaker.

It's good to be back at it.

I just wanted to take a few minutes to support this initiative, Bill 102. I don't want to make things too repetitive. I would say, first of all, that I have the utmost confidence in the RNC. I know a lot of people in the RNC. I actually had two brothers who were police officers in the RNC many years ago. My father-in-law was an RNC officer. I worked there in a civilian role many years ago. I have lots of constituents in the RNC, past and present, and lots of friends.

There have been a lot of good people that have gone through the organization over the years and we still have a number of great people working at the RNC, so I want to be crystal clear on that. I know a couple of years ago, you had this whole thing, defund the police and all this old foolishness. I got to say I had to restrain myself because some of the same people that would say that are the people that would be the first ones to call them if they needed them. But, anyway, I won't go down that rabbit hole.

We all understand the importance of law enforcement and the role that police play in keeping our communities safe. They are a very important cog in the wheel, obviously. I would agree with my colleague from Harbour Main that it's important that all of our police officers are properly trained. Obviously, they go through a training process to become police officers, and I know there is ongoing training throughout their career and some specialty training, depending on what direction they may want to go in.

This bill, however, is not about training; albeit I agree it is important. This is about ensuring we have appropriate oversight for our police, and in particular our RNC because the RCMP, I believe, are covered under federal legislation. That's why they're not included in this piece of legislation.

I would just add, perhaps as a comment around this, it's talking about law enforcement and having an independent complaints process for law enforcement. One question I would have – I know specifically we're talking about the RNC, but we also have, for example, wildlife officers who are not RCMP. They're wildlife officers, they are provincial in nature and they do carry weapons I do believe, or some of them do and they can enforce the law. They are having interactions with the public, perhaps out on the salmon river or moose hunting or whatever the case might be.

It is likewise, in my view, just as important that we have a system to ensure that they are doing their jobs properly and that there is no abuse of power and so on, as well. Not

that I'm suggesting that that's happening but if we're going to do it, it should apply to all law enforcement. If there are any others I'm missing in terms of other enforcement people within the government like that, then I think – it may not be covered under this one but it is certainly something I would say to the minister we should have a process in place, if we don't, to ensure that it's covering those people as well.

What we're talking about, we have a system now, but as the minister indicated in his commentary and I've heard it myself and I agree with the commentary that under the current system when you go to the Public Complaints Commission, really it's the police investigating them themselves. Even if it reaches the level of the chief, albeit the chief is in charge of the organization, it's a management position and so on – it need not be real but, even the perception, it's still the same perception that they are investigating themselves.

I knew the current chief when he was a constable. I know a lot of the chiefs on up through and so on and some of the guys that our current chief is supervising now would have been driving around in their patrol car with him. So I understand he hasn't – I'm not suggesting – I'm not in any way challenging his integrity and so on but the reality of it is that, under the current system, if he was doing an investigation, he could be doing an investigation of the same guy that he went through the police academy with and they were doing night shift together, doing patrols and so on. It's just that he may have risen to a certain level and the other officer may not have, but that connection is still there.

From a perception point of view, if nothing else, it's important to have that independence. Now, I'm glad to hear that SIRT will still continue. So when it comes to serious instances and if there are firearms involved, somebody, God forbid, gets killed or shot or whatever the case might be, some very serious criminal instances that are criminal in nature and we've had some of those unfortunate situations, then we still have SIRT.

So that's an important point to make, but what this is really doing is that it's just adding an external commissioner that if, as a member of the general public, I feel that I've been, for example, mistreated by a police officer, perhaps bullied by a police officer, perhaps assaulted by a police officer, an abuse of power situation type of thing, that I have someone that I can make a complaint to who is not a member of the RNC, including the chief. That's what this is really all about.

Do you know what? Speaker, 99 per cent, I'm going to say, of the police officers we have and have had, have all been great people, but there have been bad apples, and that's with every organization. There's not one out there – nobody can name an organization that you're not going to have people slip through that probably are not necessarily there for the right reasons, they're not the right fit for the job and they don't do a good job. It happens everywhere.

This organization, RNC would be no different than RCMP, would be no different than any other organization you can think of, and there have been some situations. I know over the years there's been one or two people I can think of, years ago, that I shook my head more than once and, my God, how did that person ever get here? But that was a very, very, very slim minority.

I would suggest that the officers at the RNC would be welcoming of this. I know if I were an officer at the RNC, or if I was a wildlife officer or RCMP, whatever the case might be, I would want this. Because by having this, it's maintaining the integrity of us all. It shows integrity for everybody that's working there.

Anybody who is a police officer would want this because they want to protect their integrity. They want to protect their reputation. They want people to have confidence. When you pick up that phone and you call 911, or you call 729-8000, whatever the case might be, you want to ensure that the person that's coming to that door, is fair, just, professional, empathic,

where necessary, and equipped to do that job.

That's what the public wants and that's what the RNC as an organization I'm sure – I know they want the very same thing for themselves and for the officers. This is a protection for them actually. Because we have to remember that there are also people out there in our society, that while there may be a bad egg that can come through – there are lots of bad eggs out in the public making false complaints about police officers as well, so this is as much for their protection as it is for the public, really.

My final comment on it, I will only say – and I don't want to go off on a tangent and not be relevant because we're here to talk about this particular piece of legislation, but I would just say to the minister – and I'm sure he would agree; I think we've talked about it in the past on some level – we really need to get to the point in this province where we implement body cameras. I really think that's where we need to go because then when somebody makes a complaint about a police officer, about how they treated somebody, the evidence is there.

People are making false complaints; the officer is cleared. People have legitimate complaints; the evidence is there. That's really where we need to go, I think. We all know other jurisdictions have it and I'm not suggesting we're going to have this tomorrow. I know there has to be cost associated to it, training associated to it, support because it's not as simply as just buying a bunch of cameras and sticking them on your vest and way to go. Somebody has to maintain this stuff and everything else.

I really think that if we truly want to protect the public and protect the officers as well, having those body cams would go a long way in doing it, backed up by this particular piece of legislation as well. That way then there is no question and everything is crystal clear. It's there for everyone to see and everyone is protected. The public is protected, the police officer is protected and

the integrity of the system and of the police force is also protected.

This goes a long way in doing it, I would say to the minister, I agree. I would agree with my colleague from Harbour Main that there are always other things we can do, including more training, better training and including body cams; but as far as what we're doing here today on this particular piece of legislation, I think it's a step in the right direction, I support it and I believe that members of the RNC would also support it.

Again, I would say to the minister, we need to do something similar for wildlife officers and other enforcement officers in the province who may not fall under this piece of legislation. We need something similar to protect the public and to protect those officers as well.

Thank you.

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

**SPEAKER:** Seeing no other speakers, if the Minister of Justice and Public Safety speaks now, we will close debate.

The hon. the Minister of Justice and Public Safety.

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

I would like to thank the Members who spoke today, the Member for Harbour Main – there is a lot to unpack in some of the comments that were made today, so I won't delve into it too, too much, other than to say, this bill is not about what boots the RNC wears. It's not about the training they do. I understand that's important. They do fantastic training. I can speak directly to seeing the training in action at APA in PEI.

The significantly well-trained officers that we have both in the RNC and the RCMP, I know that all the provinces across this country think Newfoundland and Labrador is the envy of them, having two fantastic police forces that are well trained. We know they're not perfect by no stretch; they are human, but this piece of legislation will lead

the country in the jurisdictional scans we've done. We picked the best out of the jurisdictions that we've looked at for doing this. We've met with First Voice on numerous occasions to delve into this.

This is not about operations. This is about discipline of the police officers, making sure that we have the discipline in an open, fair and transparent manner, which we've all identified is not the case currently. I will reiterate, because I know we spent a little bit of time on the training side for the RNC, they're well trained. There is a significant amount of professional development opportunities that officers go to. I know because I signed off on all those. They are very much very well trained, and they are committed to the training that they have. Is there always room for improvement? Absolutely, there is always room for improvement, but that's not what this bill is about.

Thank you to the Member for Labrador West and thank you to the Member for Mount Pearl - Southlands. I'm really intrigued by the comments with respect to body-worn cameras; I fully agree with you. The RCMP has started to roll out their body-worn cameras. I don't know the exact number right now, but I know just after Christmas in mid-January there was about 16 or 17 detachments that had them already. They were working through training, which is good.

I said, categorically, when I was interviewed at the time publicly, and I'll say it in this House of Assembly, we have two fantastic police forces. We are not going to equip one with supports like body-worn cameras for the protection of the officers, first and foremost, and the public that they're representing and not do it for the other. So that is a commitment that I stand here today to say.

I love the comments on integrity that you mentioned. I think that's an important piece that we all want to instill and ensure that all of our police force members feel that that integrity is maintained. One of the really good things about this piece of legislation is

that the members themselves are getting a significant asset with this piece of legislation as well. Because now it's an open process for them as well.

So if there's a discipline concern or HR matter that comes in through the commissioner and the commissioner says it's directly a HR matter, it's not public interest, but it's an HR matter – it may come into a public interest over time if there's a significant amount of those issues. But, say, they send it directly to the RNC chief of police to administer the HR investigation. Well, once that's determined, now the investigation has to move in timelines that didn't exist before.

So now there's an existence of timelines that people have to circle back with the people. In the legislation, I think it talks directly about 45 days check-in process for the commissioner to check in with the RNC chief of police and the proponents, the complainant, as well as the person that made the complaint for someone. Because that's another added bonus within this piece of legislation, that people can make complaints for people that may be the most vulnerable in our society and may not feel comfortable coming forward and complaining about a police officer. So one of their guardians or supporters could come forward and help them make that complaint. That's what this piece of legislation is.

I look forward to the questions coming from my colleagues in the House of Assembly. This is a good day to have conversations about how we can improve, always, openness and transparency with respect to our police services. And I know that's what the police want, the RNC. That's what the public wants and that's what we want in this House of Assembly.

So we're all aligned on that. I do like the points that you did make about some of the other law enforcement agencies. There's a reason why this is called the law enforcement, versus the RNC. There will be a move to move in that direction over time when we consult with those individuals in the province as well.

Thank you very much, Mr. Speaker, for the opportunity to bring forward this valuable piece of legislation.

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

**SPEAKER:** Is the House ready for the question?

The motion is that Bill 102 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 Respecting the Establishment of the Law Enforcement Oversight Commission and the Complaints Process Relating to Law Enforcement Officers. (Bill 102)

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

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

**L. DEMPSTER:** Now.

**SPEAKER:** Now.

On motion, a bill, "An Act Respecting the Establishment of the Law Enforcement Oversight Commission and the Complaints Process Relating to Law Enforcement Officers," read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 102)

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

**L. DEMPSTER:** Thank you, Speaker.

I move that this House do now resolve itself into a Committee of the Whole to consider Bill 102.

**SPEAKER:** And a seconder, please?

**L. DEMPSTER:** Seconded by the Minister of Justice and Public Safety.

**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 102.

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 (Trimper):** Order, please!

Welcome to the Committee of the Whole. We're now considering Bill 102, An Act Respecting the Establishment of the Law Enforcement Oversight Commission and the Complaints Process Relating to Law Enforcement Officers.

**CLERK:** Clause 1.

**CHAIR:** Shall Clause 1 carry?

The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Minister, who was consulted on the development of this act?

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

**B. DAVIS:** Thank you, Chair.

The Royal Newfoundland Constabulary Public Complaints Commission itself; the Royal Newfoundland Constabulary executive; the Royal Newfoundland Constabulary Association; Serious Incident Response Team NL; Office of the Citizens' Representative; Department of Education with regard to discipline processes; the Department of Health with regard to discipline process; as well as First Voice.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** And you mentioned First Voice. They called for a civilian-led law enforcement oversight board. How did that factor into your decision to table legislation that features a commissioner and not a board?

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

**B. DAVIS:** Thank you, Mr. Chair.

The board itself could be considered a step in that direction. I don't like to use the term the low-hanging fruit, but we have a process that's in place now that's not necessarily working to the best of its ability and I think all of us in this House of Assembly would think that as well as the people that are involved in it. We've made those changes that make best sense looking across jurisdictions to see where other jurisdictions fell on this.

I think from our perspective, moving to a civilian-led commissioner to deal with discipline with respect to the officers is a great step in that direction. It's not lost on me, my hon. colleague, that that may be a step we move further in that direction, but I think the board itself would be looking at the entire administration of justice with respect to the RNC or how they operate. This is a step in how we're going to be dealing with the disciplinary matters.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Minister.

I recognize that you say it's a step in that direction but why wouldn't you, given this opportunity, have gone all the way and had the best, the most comprehensive system of police oversight that you could have?

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

**B. DAVIS:** Thank you, Mr. Chair.

The piece of legislation we're bring forward today deals with the oversight of disciplinary matters. We believe that's the best piece of legislation we could with respect to that aspect of oversight. Obviously, we're still considering looking at other aspects that First Voice and others have brought forward. We've had very positive conversations with First Voice as well as other stakeholders. I think, they understand the direction in which we're moving. I think they also are very supportive – I don't want to speak for them – I think they're supportive of what we're doing here today but it was done in consultation with them as well as many other stakeholders.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Minister, are there other provinces who have enacted acts of this nature which have an oversight model with just a commissioner?

**CHAIR:** The hon. the Minister of Justice of Public Safety.

**B. DAVIS:** Thank you, Mr. Chair.

Yes, there are a variety of different processes across the country. We are very unique in this province, for a lot of reasons. But one of the things that we're unique and as I mentioned earlier, that other provinces would really love to be in our position, to have two police forces that work very closely together, many joint taskforces, many joint operations, work, share information directly with each other to offer

services to the people that we all represent. That is a very positive thing. This will lead the country, in a lot of ways, with respect to disciplinary processes.

The decision to pursue these changes in the short-term was made based solely upon the measures that would impact citizens and the public trust with respect to police officers. Working on the broader oversight measures is going to continue in the Department of Justice and Public Safety as well.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Minister, in the briefing we were told that there are no other provinces that have the exact model, but that this model has elements from various provinces. Can you please expand on that?

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

**B. DAVIS:** Mr. Chair, yes, that is true. There's no province that operates exactly the same way we do for our police services. Albeit then there's probably no one that would do the exact same way for public complaints side as well. One of the things we're doing here is trying to get the best of every province with respect to complaints. I'll give you an example, Manitoba, the commissioner investigates all complaints referred before the provincial court judge disciplinary is required so there's an opportunity there. In Quebec, where commissioner investigates all. In Ontario and Saskatchewan, the commissioner can keep or give some complaints to the chief of police, which is sort of like a hybrid, which is what we're doing here.

From the standpoint where we sit, we believe, and through consultations that the HR-related matters within the police force, if they're not of a public interest matter then they can be handled by the chief of police with the timelines to ensure that those officers are not impacted longer term waiting for a decision point. That's one of

the good positives that the RNCA would like about this piece of legislation.

From the public's perspective, it was cumbersome. I think you mentioned earlier that the process was a bit cumbersome, and I would tend to agree with you; that's why we're making the changes that we are today. It's a one window for a complaint. If you've got a complaint, you don't have to determine what is going to the chief or anything like that. You come to the independent, civilian-led commissioner and then that individual, he or she, will come forward after looking at the initial investigation and say, well this is either a strong complaint that's public interest and they would investigate it themselves or they would take a different viewpoint to say that it's an internal HR-related matter that the chief can investigate. Bearing in mind that it's all important for the people who are making those complaints, whether they be within the RNC or without, it's very important that there's a timely, just and fair process.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Minister, given that you agree that this model has not been used in other provinces, a model with a sole commissioner and, I might add, was not what local group, First Voice, had asked for, which was a police oversight board, how can you feel confident it is the best system in place?

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

**B. DAVIS:** Thank you.

I didn't say that there are no jurisdictions that don't have a commissioner in place; I read off three or four that have a commissioner in place for other jurisdictions that would do similar. What I'm suggesting is that we've done a significant amount of consultation on this, as we highlighted earlier, not just within the RNC or the Public Complaints Commission of the RNC, but also First Voice themselves, as well as

many other individuals that I highlighted a bit earlier. This is efficient and transparent based on the feedback that we've received from consultations.

We know that Newfoundland and Labrador operates differently with respect to police services than other jurisdictions, so this is not going to be identical to what other jurisdictions would have and nor should it be. We wanted to take the best aspects of things that were working in other jurisdictions and use them here in this province for the betterment of the system that we have. I don't know how to answer it any better than that.

First Voice is asking for something a little bit different than what you're tying this to. This is a public complaints process; First Voice is asking for a board that supervises the entire operations of the RNC. There are two different things we're talking about. We can't marry them together based on just saying one is a board and one is a commissioner. What First Voice is asking for, on the overall, at the end of the day, is not necessarily what they're getting from this piece of legislation, but that's not to say that we're not moving in that direction towards that end.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I just need clarification because I'm quite confused by what you just stated, Minister.

Are there any other provinces that have this model of oversight with a sole commissioner – just a sole commissioner?

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

**B. DAVIS:** The jurisdictional scan that we did has commissioners across the country in jurisdictions. Not all of them have every commissioner as exactly the same as we would have; they would have a commissioner that can assign an investigation to the chief to do an investigation. They can do it themselves or

they would create, as you've said earlier, a board that exists in some other jurisdictions. Some may assign it to a provincial court judge for discipline.

This is a marrying of a couple of the different things that have been done in other jurisdictions. There is a commissioner in place in some jurisdictions that would be a sole commissioner. This is not just one individual. There are going to be other staff hired, as required, to do investigations and things like that. This is not a one-person, one-option event here. There's going to be an office that's going to be operating.

In the current situation, we have a commissioner that operates one day a week. That's what they do because the nature of the complaints that we're dealing with. We envision that this is going to increase the ease for individuals to complain about services that they've been receiving. So we anticipate that that's going to be a spike in those potential complaints that would come forward. We anticipate that. We know that there are going to be some that will go from an HR perspective and be hived off by the commissioner to the RNC.

Rest assured that the openness and transparency and fairness aspect of this is that it's all coming into one individual that will investigate, through their office, to see if it needs to be either done internally through the commissioners, people that work with them, or to the internal HR process of the RNC.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I'll move on from this. I think that it's safe to say, though, that this system of police oversight is not in place elsewhere, that being with just a commissioner. Other jurisdictions, from my understanding, they may have police commissioners but they also have other oversight mechanisms, whether it be a board or other mechanisms in place.

At any rate, what I'd like to ask – my concern is that this is the best system that we can have in our province. Will there be a review in a certain period of time of this system, of this oversight model, to ensure, for example, that the system is working? So will there be a review by government, for example, in two years' time to see and to ensure that this system is working?

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

**B. DAVIS:** Thank you, Mr. Chair.

To be clear, there are commissioners in other jurisdictions. You said earlier that I wasn't clear that there are not commissioners. There are commissioners in other jurisdictions. They could be one commissioner with staff that are put in place.

Like I've said to you before and said to this hon. House, this is not a one-person show. We're talking about a commissioner where it goes in to, but it's a group of individuals that will be hired to deal with the concerns that come forward, especially if we move in the direction like the hon. Member for Mount Pearl - Southlands had talked about with the other law enforcement agencies that it would be put in place. This is about that process.

The idea – I think you talked about a timeline for review of this piece of legislation. We are always – and I know in my tenure here, we've always looked at reviewing pieces of legislation. I think we did the *Highway Traffic Act* like 77 times since I've been elected, making changes to the *Highway Traffic Act* when we come forward with whether there are changes that need to be made.

But we're going to be consistently looking at improving legislation. Especially with it being a new piece of legislation like this, we want to make sure it's going to be looked at, evaluated and then if there are little tweaks that need to be made based on consultation with stakeholders and the process itself, we're going to look at those changes very

quickly based on what's in the best interest of the piece of legislation as it exists today and what it would lead to be for the future.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Chair, I'm going to move on now to the appointment of the commissioner. What qualifications will be needed to be appointed to this position?

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

**B. DAVIS:** Thank you, Mr. Chair.

The appointment of the commissioner would come through the Independent Appointments Commission. There would be a position advertised that would be there. I don't have the specifics of the position. I can say that it would be a person that would have a significant amount of experience with respect to disputes. Legal knowledge would be a definite asset.

I can't say that it has to be a lawyer because I don't know that to be the case. I don't want to misspeak in the House of Assembly, but there would be an open process through the Independent Appointments Commission, where people would have the opportunity to apply, be vetted and then be the best fit for the commissioner's position on a go-forward basis.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** With respect to the powers and duties of the commissioner, what is the criteria for officers or investigators to be appointed by the commissioner?

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

**B. DAVIS:** Thank you, Mr. Chair.

That would be almost exact same as my answer previous. It would dictate based on

investigation skill sets. They would be open to the public to apply for. Those could be retired law enforcement officers, as an example. It could be retired or current lawyer. It could be a retired justice. It could be a bunch of different people that have – an arbitrator.

We don't know exactly how that's going to look until we get that up and running. Part of that will come through the regulations to determine the job description that will be put out publicly. It will be an open public process, starting with the commissioner through the Independent Appointments Commission.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** With respect to the time limits for filing complaints, why is it only six months instead of two years? As we know, systemic issues may continue for longer than six months, leading to delays.

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

**B. DAVIS:** Thank you.

A very good question. That was delved through looking at the other jurisdictions across the country through consultation as well, but there is an opportunity for the commissioner to open an investigation at any point on systemic issues that he or she may find within the RNC, if that comes to light.

So there would be no timelines of six months on looking at issues, like systemic issues, within the RNC if that was to come to light.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** In your response just now, Minister, you indicated that there were consultations across jurisdictions in the country. But the first question I asked you was who was consulted on the development of the act,

and I note that you didn't mention any other external groups. You've cited several that were all local entities.

So could you please elaborate on what you're talking about when you say that you had consultations across the jurisdictions in the country?

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

**B. DAVIS:** Thank you, Mr. Chair.

I think I said that we had jurisdictional scans across the country that would put into place how we would structure what a piece of legislation would look like. Any time, not just this piece of legislation, but any legislation you would bring forward to this House, or any House I guess, would look at other jurisdictions and what they're doing with a similar area. That's what we did.

I think you asked stakeholders before – in consultation with stakeholders, I thought. Maybe I misheard what was said, but I gave you a list of those stakeholders that would have led to helping in the development of this piece of legislation and will continue to help in the development of those regulations as well.

We gathered that through FTP tables, that would have been federal-provincial-territorial tables, extensive jurisdictional scans, like I mentioned before, that would look at other things that other jurisdictions were doing that could be, for lack of a better term, adopted to this province to deal with some of the concerns with respect to discipline within the RNC.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Your response does not indicate that you actually consulted with any other groups outside the province. That's what I'm taking from your response.

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

**B. DAVIS:** Yes, we consulted with other provinces in the development of this. By consultation, I would mean discussing with other Federal-Provincial-Territorial tables, ministers, deputy ministers, executive levels, people that would be working directly with the administration of law enforcement. That would have been in a vast jurisdictional scan across this country, all provinces, we would have talked to them about how they do things.

Then they would have provided us insight into what they do, and some of that insight actually made it into this piece of legislation. Like all pieces of legislation across our province and every other province, some of those pieces that were really good worked into this piece of legislation that we're talking about today. Some of the ones that they may have said, I wish we never put in our piece of legislation, never got put in here.

So we did talk to other jurisdictions along with the RNC, the RNCA, First Voice, Department of Health, Department of Justice, a bunch of different other departments that I highlighted earlier. But yes, for clarity, we did talk to other jurisdictions on the development of this legislation.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Okay, thank you, Minister. That answers my question. So there was external consultation outside the province.

As well, with respect to a review of complaints, the commissioner determines if a complaint falls within their jurisdiction or should be referred to the police chief. Why would the report be made to the police chief? Isn't that the crux of the issue, that this act is trying to address the independence piece?

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

**B. DAVIS:** Challenging to answer that question in the way it was posed, but I'll do my best.

So if you have a complaint, it comes in from the general public or, otherwise, a person that's making a complaint on behalf of someone that may not feel comfortable making a complaint, if that comes in, it'll come into one window. That window will be the commissioner's office.

The individual commissioner, he or she, would then do, for lack of a better term, an investigation to determine if it is of the public interest, which means they would take it and investigate it themselves, or it's a HR matter, like a police officer always shows up late – not in the public interest but if all the police officers were showing up late, then that's a public interest problem. So then the commissioner could potentially do that.

It would break off into two areas that way. One would be internal HR matters that would follow the same process that there would be an opportunity for individuals to follow a timeline that does not currently exist in the process as it exists today.

So the chief of police, if it's an internal one, would have to do an investigation and not leave the RNC officer who would have that internal investigation done, in limbo, which has happened in the past, which is something that the RNC Association has brought to our attention that we're trying to rectify in this area.

If it goes to the external public interest opportunity for the commissioner to investigate, then they follow a similar-type process where they would circle back with those individuals every 45 days to give them an update on how the investigation is going. That does not currently exist in legislation today.

They would also have timelines that they would have to meet within six months to get that dealt with. If it's not dealt with, they can ask for an extension, if there's a reason for that extension. Then there would be de-identified information about the number of

investigations that happen and what type of investigations they are that would be reported and tabled for individuals to see publicly.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** With respect to the review of complaints, will there be any sort of public notification that a complaint has been made?

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

**B. DAVIS:** Once there is an investigation launched and the conclusion of that investigation, it would be made public through that de-identified process. Obviously, if the complaint is of an internal nature and not of public interest, then that becomes an internal matter of the RNC. If you need additional training because you're coming in later or need to be suspended or something along those lines, that would be dealt with internally.

From the commissioner's standpoint, once the complaint is concluded, then that would be a public complaint. So people would know what the complaint was. You wouldn't be able to identify who the person is at that point, unless it was deemed problematic.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Chair.

With respect to when there are complaints that are retained by the commissioner, in looking at that, formal investigations are initiated for complaints retained under jurisdiction. Can you provide some examples of the disciplinary measures prescribed in the regulation?

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

**B. DAVIS:** Thank you.

The details in the regulations are not completely finalized as of yet. They will be worked on in consultation with those stakeholders that I mentioned earlier. We are going to make sure that it's as easy for people to understand what the outcomes are going to be, both from the general public as well as the officers that would potentially be included, but there will be consultations with the stakeholders in the development of those regulations. Not just for that area but in all the regulations.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** When, where and how will individuals receive updates on a complaint? You mentioned that there will be updates provided and who will have access to updates?

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

**B. DAVIS:** Thank you, Mr. Chair.

The first three are pretty straightforward. If the commissioner receives the report, those updates would come to the complainant, the officer that would be involved, as well as the chief of police, so that everyone is well aware of what is transpiring. It would come to those individuals, as I said before, to the chief of police and those complainants every 45 days as an update and then with the intention of having an end date of the investigation being six months. But if there needed to be an additional six months because of more evidence, they could request that based on that but there is a finite period of time that people would have the ability to see the process end.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Okay, moving along to the general systemic issues. Complainants can, if they withdraw a complaint, the commissioner still has the authority to continue investigations in the public interest. So bottom line is authority to investigate without complaints.

The commissioner can investigate systemic issues or misconduct without a formal complaint and that's based on public interest. My question is: Does the minister have the ability to ask the commissioner to investigate something he or she deems in the public interest?

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

**B. DAVIS:** The easiest answer is that any member of the general public could lodge a complaint against an RNC officer or whatever. It could conceivably be anyone in this House of Assembly, if the Member for Mount Pearl - Southlands was pulled over for speeding on his way to the House of Assembly today – well, not necessarily today, after this legislation is passed – and thought that the RNC officer that pulled him over was inappropriate in their actions and were very rude. Well, that would be a complaint that the Member, notwithstanding the fact that he's a Member, could bring forward and then that individual would be updated as that investigation is concluded, whether it be with the RNC chief or whether it's with the commissioner.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Chair, my question was actually: Does the Minister of Justice and Public Safety have the ability to ask the commissioner to investigate something he or she deems in the public interest?

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

**B. DAVIS:** Mr. Chairman, I think, I answered that by using the example of my friend, the MHA for Mount Pearl - Southlands. Any one of us could ask the commissioner to investigate something that happened to them specifically. We don't have the ability to direct the police to investigate anything, if that's the sort of the angle you're taking. Just like the commissioner, unless there's an issue that we deem necessary, and we think there's

systemic issues that would be brought up. Not unlike the commissioner could, if they're looking at the NTV or CBC news in the evening and see a complaint that happened on that news station, to say that this is a problem in the RNC, it's a problem for the last 30 years. They could open an investigation into that matter, today, when this legislation passes.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** My question, though, was the minister. Does the Minister of the Crown, specifically the Minister of Justice and Public Safety, have the ability. I'm not asking about whether Joe Citizen or Josephine Citizen or an MHA. Specifically does the Minister of Justice and Public Safety have the ability to ask the commissioner to investigate something he or she deems in the public interest?

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

**B. DAVIS:** We can request, we cannot direct.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Will there be public notification that the commissioner is investigating something the commissioner deems in the public interest?

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

**B. DAVIS:** I think I answered that a little earlier when I said that that information, when the investigation is concluded, will be de-identified and put in the public sphere. Whether that's a report mechanism or it would be available to the individuals that would be involved in it, whether they're the complainant or the officer. Then, obviously, if it's deemed not problematic or no issue, then it would be just de-identified and then publicly released. Maybe not each individual investigation but the investigations in totality. There would be a report, it could be

quarterly, that would be worked out over the next little bit on how often.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Okay. With respect to referral to the SIRT, the Serious Incident Response Team, it requires referral of criminal matters to SIRT for independent investigation, but my question will be: Will SIRT have the ability to refer matters to the commissioner as well? Was that a reciprocal referral?

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

**B. DAVIS:** Yes, you can conduct parallel investigations with SIRT. If there was a criminal investigation that would be started by SIRT, this commissioner and the commissioner's office can do a simultaneous investigation as well. The director of SIRT, based on their investigation, it could lead to a systemic problem within the RNC, if that was the case. It could also lead to an investigation by the commissioner at some future date based on the report that SIRT would have put out publicly.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I just have a couple of more questions.

Getting back to the commissioner, because you have referenced that there's more than one person involved so it's not just a commissioner. The commissioner will hire staff, is that my understanding? What is the composition of the law enforcement oversight commissioner? Is it just a commissioner? Can you just expand on how many people will be involved with the commissioner in this?

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

**B. DAVIS:** Mr. Chair, if I could just add a little to my last answer and I'll get to the

second one there. The new act will require the commissioner to consult with the SIRT director as well. They want to make sure the integrity is upheld. If there's any criminality whatsoever in that, the commissioner will be consulting with SIRT anyway to work in partnership together to ensure they get the right response and investigation started.

Yes, the commissioner is going to hire staff. I wouldn't be able to tell you exactly how many today, what the composition would look like. That's going to be done in partnership with the commissioner when that person gets put in place. They're going to look at what the requirements and the need would be for that staff up at the office and we would work with them to ensure that the complement is there to handle the needs of the complaints.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Just a question about the fact that the act applies only to the RNC, but what's going to happen if a complaint is brought forward about a joint RNC and RCMP team? Would this act apply to the complaint as a whole, regardless of it being RNC and RCMP?

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

**B. DAVIS:** Thank you.

That's a unique question, it's a very good one. If it's involving an RNC officer, it would go through this process. If it's involving an RCMP officer, the complaint would generally not be for a unit. If there was a group of six people on the joint taskforce for drugs and contraband, they're not going to make a complaint about all six members of the unit, not normally. If they do, the RNC complaint would be for the people who are RNC officers, and they would be under this piece of legislation. The RCMP would answer to their piece of legislation that already exists.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I recall that First Voice had recommended in their report that there be a unified system with respect to complaints for both the RNC and the RCMP. Did that factor into your decision at all?

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

**B. DAVIS:** All of the insights that First Voice, as well as others, have put in, factored into where we are today with the piece of legislation. The RCMP is a national agency, for which we contract their police services for portions of the province.

They have a process in place for complaints that is right across the country and very open and transparent. I would think and I would like to advise people that obviously that was factored in as well, how that process looks. We looked at that process to see how we can best develop a process in this province as well for the RNC; that we're not currently under a system that is as open and transparent as the RCMP's one.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Public hearings, I just want to explore that piece. Right now, under the current system, we know that the public should be aware of provincial police forces internal disciplinary proceedings before disciplining but, currently disciplinary processes are, for all intents and purposes, behind closed doors.

Has that issue been addressed in this new act?

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

**B. DAVIS:** The current process, Mr. Chair, does not allow the commissioner to impose discipline that relies on a lengthy public hearing process. Some could be four, five, six, seven years in the making. What we're saying here, this new process is proposing that the process would allow the commissioner to impose discipline so that

the commissioner does not need to go to a hearing per se. If someone has an issue with the decision of the commissioner, then they have the ability to take it to court if they would like it in a fully open public forum for transparency and all those things that we would normally have in our justice system, currently.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Another feature that's been criticized about the current public complaints process regards the rights of complainants and when a citizen makes a complain against a police officer. Will the complainant have the right or will the citizen have the right to representation at the hearing? Because we know under the current system, police officers have the right to legal counsel. We understand that often when there's a complaint by a citizen, the person is the only person in the room. They don't have legal counsel. Has that concern been addressed at all in this new act?

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

**B. DAVIS:** Thank you.

Moving it from the process that currently exists where you would make your complaint to the chief of police which in turn causes angst for many of the population to do that. Now it'll come in from the independent commissioner that's going to be appointed through the Independent Appointments Commission that'll represent the public interest. We anticipate that the individuals would be more comfortable doing a complaint that way. That's why we said earlier that we'd probably see an uptick in potential complaints. Although, I do believe, mentioned earlier by my colleague from Mount Pearl - Southlands about body cams, I do believe when body cams come in, there's going to be a stark reduction in public complaints because it's going to be right there on the video that this is exactly what happened; there is no disputing what

was said by either party because it would be visible.

So I think there is a support person that is available to help individuals make that complaint, if they don't feel comfortable, but as far as legal representation, that's not factored into this piece of legislation.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Just another question about the delay issue.

Under our current public complaints system, when there is a criminal complaint unfolding at the same time, any public complaint investigation is basically, in essence, halted until all criminal proceedings have ended. We know that has meant a potential delay of years, in some cases 10 years, if the appeal is launched in the criminal case and then there is a retrial and other appeals. So does this act address that concern?

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

**B. DAVIS:** Thank you, Mr. Chair.

It does and they can be simultaneous investigations happening at the same time. So if SIRT or a criminal proceeding was happening, you could conceivably have the commissioner do the investigation as well at the same time. It's not going to be prescribed that they must or they should; they could.

They don't want to impact any investigation, would be what I would think they would look at, but I think this gives them the opportunity to do that.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** With respect to the issue of training that I raised in my opening remarks, you had stated that training is not at issue in this particular act. Can you just explain why that was not included?

Although you state that the officers are well trained, we heard from your own group, Harriet Lewis, with respect to that committee that there were certainly deficiencies felt by the officers themselves about the level of training that they received. My question is: Why wouldn't you have included that important piece in the new act?

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

**B. DAVIS:** Thank you, Mr. Chair.

That was not the intention of this act. This act is to deal with discipline within the process of the RNC, not operationally directing the RNC to do that; but, as I said earlier, we're consistently looking at ways we can improve transparency and accountability within the RNC.

Some of that would be training, of course. We want the RNC officers to be the best possibly trained police force that they can be. So when they are receiving training, that national training that they would receive in PEI at the college, is strong, and we want to continue that.

Anything we can do to support the RNC officers in additional training, we try to do as a department. There's a significant amount of training that is done, I won't say daily, but definitely on a weekly basis there are police officers that are receiving training of a variety of different areas. That will continue to happen well past the debate here today and well past the debates in future in this House.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** So with respect to this, I'm hearing what you're saying is that there is still a commitment to look at that important piece of training, which obviously from your own commissioned report and committee is clearly a concern. So that's good to hear.

It's, in my view, disappointing that you didn't take the opportunity here, as you have, to include it. But your focus was on just one piece. My only point about that is we know looking throughout the country and the different provinces that have a police services board they deal with things like training and standards and those kinds of things.

Obviously, your focus was concentrated on just the police discipline. Is that safe to say?

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

**B. DAVIS:** Yes.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** One other final question, I'm looking at the fact that we know when we look at our province right, in terms of crime and in terms of the rise in crime and serious, serious criminal events, we know that police really need the support of government, especially in terms of recruitment and retention of police officers. As I pointed out in my opening remarks, having a police force that's well trained.

I just ask you, as the Minister of Justice, what are you doing to support the recruitment and retention of qualified police officers within the province during a time when we know that police presence is in dire need?

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

**B. DAVIS:** Thank you, Mr. Chair.

The work of the Policing Transformation Working Group continues and will continue to look at all those aspects of what training is required, what equipment would be required, where and how much and how many officers would be required in communities based on their research.

But I would like to point out that the fall, we announced some \$20 million-plus worth of

investments into policing and Justice and Public Safety initiatives; some 19 additional officers, a joint task force that was going to help at drugs and guns and contraband and organized crime within our communities. That's in addition to the 10 officers that was part of a three-year commitment of 10 officers each year for three years.

We're continually trying to invest in public safety, bearing in mind that our communities are changing, criminals are getting more complex and crimes are getting more complex, so therefore our police force needs to have the best and brightest working for them and we have fantastic police officers that are very well trained.

Obviously, we're looking at ways we can improve those things, whether that's equipment or training. That's what the Policing Transformation Working Group is doing, on a daily basis, meeting with stakeholders, both the RNC and the RCMP as well.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

I have another question that's arisen from your response.

You referenced the Policing Transformation Working Group. You've initially stated that these amendments are being proposed on recommendation of this Working Group. Did the Working Group undertake a comprehensive review of the RNC system? If they did, which seems like they did because you're basing this act on their recommendations, can we see what their findings were? Can we see what their concerns were? Can we see what were the gaps and what was found to be inadequate?

Is there a report or something to show the research that they've done, the analysis of the current system? Because obviously, it's so important for us to have transparency. This is all what this is about. In addition to accountability, it has to have transparency.

Did the Working Group do an analysis of the current system, and would it be possible to actually review that report? We're hearing that they're involved with making these recommendations but let's look at the research of this group. Is that possible for us to see that?

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

**B. DAVIS:** Thank you, Mr. Chair.

There is no specific report that would have been tabled to me, the House of Assembly or otherwise. You would have seen a report that came out from this group, and when they do submit a report whether it be Happy Valley - Goose Bay, as an example, which Mr. Chair and I were intimately involved in, they put a report forward with recommendations and information on why those recommendations came forward because we tasked them with a specific task.

This is more of looking at the system and making changes to a piece of legislation. This was one of the things we asked them: How would we best update the Public Complaints Commission with respect to the police. They looked at that. They've looked at consultations through those groups we talked about, as well as the jurisdictional scans. The group is working on IPV training as well, looking at things that come with intimate partner violence and how we can combat that epidemic that's happening there.

Those are things that this group are working on each and every day through stakeholder engagement and involvement with those two police forces and municipalities as well.

**CHAIR:** Any further speakers?

The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I have just a few questions for the minister. Under the PCC, officers, investigators and employees are appointed at the direction of

the minister in the manner established by law. Are there any guidelines for how the commissioner will appoint the staff?

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

**B. DAVIS:** A very good question. I think I highlighted that a little while ago, just saying that those job descriptions haven't been developed yet. They will be developed in consultation with the commissioner based on the needs that he or she may need based on the requirements of this.

As this morphs into either bigger or we find, as I've said many times about the body cameras, there may be less complaints with body cameras so there may be a requirement not to have as many complaints coming forward because the proof is in the evidence, as I would say, right?

There is definitely a need through the development of the regulations, working with the new commissioner when he or she is hired, to develop what staffing requirements we'd need.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Under 7(6)(b), what are the rights of the complainant exactly? How would that be determined?

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

**B. DAVIS:** You said 7(6)(b), was it?

Okay.

**CHAIR:** Can I ask the Member for Labrador West to repeat so we can get it on *Hansard*, please.

**J. BROWN:** Yes, under clause 7(6)(b).

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

**B. DAVIS:** Thank you, Mr. Chair.

They have the ability to withdraw complaints – one of the things. They can update the decision when it is made. That's going to be one of the things that they can do. I think 7(6)(b) is what you were talking about. Let me get to where it's to.

It clearly defines what the roles are for each party so that they would know going in. Then I think one of the aspects that were highlighted here as being a problem was that there was no mechanism for how long this was going to take and that there was no requirement for them to update the people periodically. We've put it periodically, saying that it would be every 45 days that those people would get an update from the office on how the investigation is proceeding – not necessarily where it's going but how it's proceeding. We're still in the midst of doing this. There are still more interviews to do. There are some more results to determine. That's where we're to. It just opens the process up a little bit more for clarity and fairness.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Minister.

Thank you, Chair.

This is, I guess, the first of several mentions of time frames being prescribed in the regulations. Can the minister provide any information on how these time frames will be determined?

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

**B. DAVIS:** Thank you, Mr. Chair.

In the same way we developed the legislation, in consultation with the stakeholders. So those individuals that are party to this, they will be consulted on what the best practices are. We will look at other jurisdictions to see what timelines are there and those will be proposed and talked about with stakeholders so that everybody goes in eyes wide open with the regulations.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Will the identity of the complainant be protected from law enforcement officers or the chief or anyone? Can we guarantee their anonymity when it does require so?

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

**B. DAVIS:** Yes.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Could you elaborate on what circumstances the commissioner would refrain from providing an update to a complainant?

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

**B. DAVIS:** Just a little bit of clarity. We can't guarantee that an individual's name will be protected. That's going to be our hope. You don't want the general public to understand a complainant has come forward on a particular issue. That's why we're de-identifying things at the end of the process, when the report would come out. But a person has the right to know who's complaining about them for a particular issue.

I didn't want to speak incorrectly with your question because, I mean, our intent is not to have it widespread knowledge in the public that someone has made a complaint about something. Try to keep it within a small group of individuals. That's what our intent is to do this. We want to make sure it's an open and transparent process but protection for the complainant as well as the officer that's involved too. We want to protect both from a fairness perspective until at the end of the process, obviously that de-identified information. If something has to be done to the officer, well then that would go through the regular process of how it would be dealt with.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I'll just go back to the previous question but thank you for the feedback on the earlier one.

Can the minister elaborate on what circumstances the commissioner would refrain from providing an update to the complainant? That's under clause 13(7).

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

**B. DAVIS:** I can't foresee why you wouldn't provide an update on that 45 day unless there's travelling. I would think the whole point of this process is to ensure outside openness and transparency and a one window in.

We also want to make sure people that are left in limbo for a period of time, which is what happens in previous legislation. We want to make sure people know that the process is still moving forward, hopefully with a conclusion within six months. If they need an additional six months well, they can get that, but we want to make sure there are check-in points throughout that process so that everyone understands what's actually happening.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Under clause 14(9), why is the complainant not informed of the chief's decision under this clause?

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

**CHAIR:** Order, please!

Excuse me, it's just getting a little bit loud. If I could just have the voices down a little bit, please.

Thank you.

The hon. the Minister of Justice and Public Safety.

**B. DAVIS:** Can I get the hon. Member to repeat that again? Sorry, I didn't catch it.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Yes, no problem. I'll repeat the question.

Under clause 14, subsection 9(3), why is it the complainant will not be informed of the chief's decision under this clause?

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

**B. DAVIS:** Thank you, Mr. Chair.

If the complainant made a complaint to the commissioner, the commissioner, as I said earlier, would break it off depending upon whether it's an internal HR matter, then that would be dealt with internally with the individual. If a commissioner is going to do the investigation, the commissioner will deal with that in a public way with respect to that individual.

But if it's determined that the complaint is the officer was late as an example, then the chief would deal with that through the general processes on how HR matters will be held accountable. I don't know if the circling back with the complainant would actually make any difference from that perspective.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I guess just for clarification, this would be under – like, if it's sent to the chief as a HR matter, then it will be dealt as an internal HR matter. Then, once it's dealt with internally, that's how it's going to be done, as a human resourcing HR matter. That's how this will be applied?

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

**B. DAVIS:** So I think the easiest way to explain it would probably be, if no member of the public is directly impacted, then I would not go back to public. That's the best way I can describe it, the easiest. I know obviously there is a nuance there but ...

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I appreciate that. That makes sense in this situation.

Clause 15: Can the minister provide an outline of the factors that will be prescribed in the regulations under here?

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

**B. DAVIS:** Thank you, Mr. Chair.

I guess the draft factors that we would be looking at would be the nature of the misconduct. Whether the allegation is serious that it may constitute criminal or whatnot, systemic issues within the police force, the incidence of a high-profile case, the alleged misconduct or policy and procedure that would reasonably jeopardize the public interest or safety or confidence in the law enforcement, I think that's the process that we would need to look at.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Under clause 16, can the minister elaborate on what the terms of an officer's suspension will be in the regulations there under that one?

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

**B. DAVIS:** Thank you, Mr. Chair.

That will be developed in consultation with the RNC Association, the RNC executive, the public. That will be done through regulations, in consultation with those stakeholder groups.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Clause 18(3): If a new complaint is received regarding an issue already under investigation, is the new complainant then entitled to be updated on the investigation status? Are they required to be identified to the chief and the officer under investigation?

So if there was complainant and an incoming complainant of a similar nature, would that person become party to that as well, given that they're making a complaint of an ongoing complaint investigation?

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

**B. DAVIS:** Thank you, Mr. Chair.

I may not have said it as clearly, but the commissioner has the ability, if they start seeing complaints that are coming in, numerous complaints about a similar either officer or group of officers or the RNC in general terms, then they can institute their own investigation that would look at more of the systemic problems that could have come up based on two complaints.

I don't think we would bring the two complaints in together. I think the commissioner would have the ability to – I guess, in certain circumstances, they could, if they wanted to. But I think they would look at it more as, is this an issue that is more prevalent than these two? Is it five; is it 25? That's what they would look at.

So I think it's a very good question. We've looked at that from a systemic problem that could exist. They would have the ability to do an investigation, unprompted from anybody else.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Clause 19(1): What means of informing the chief are acceptable? Is there a certain amount of advance notice required? What would be an appropriate thing under that for informing the chief?

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

**B. DAVIS:** As soon as possible, I would guess, informing the chief of any investigation and any things that the investigator would need to have saved to ensure that there's no evidence that may go away. Like any investigation, you want to get it as soon as you can.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

For that there, is there any reason why, like, a timeline or anything wasn't chosen in that sense, it was just informing the chief – wasn't there any reason that you left it a bit, I guess, broader than in saying like immediately or a timeline or anything like that? Was there any rationale for that?

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

**B. DAVIS:** Thank you.

I think leaving it a little bit broad because, I mean, you may need to do at least a tertiary investigation to see what you would need or what would be required and where it would go. But it could be as simple as phoning the chief. The commissioner should have that ability to phone the chief and say we need this information kept – you know, we're looking at an investigation into this matter.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Clause 23: The section stipulates a law enforcement officer may request a reconsideration. What about the complainant? Is there anything there for the complainant?

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

**B. DAVIS:** Thank you.

The reconsideration that we're talking about there, I think the commissioner would be the representative of the public per se. So if they do not agree with the commissioner's decision, they have the ability to take it to court and file an action that way. So that would be their ramifications for how they do that.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Under clause 24, this stipulates that the law enforcement may request an appeal. I guess, judged from your previous answer, would this mean that the complainant's appeal would have to be through the judicial system?

**CHAIR:** The hon. the Minister of Justice and Public Safety for an affirmative.

**B. DAVIS:** Sorry, Mr. Chair, for speaking quickly. Yes, that's correct.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

My final question there is: Under clause 25(2)(a) and (b) it's specific that the law enforcement officers states the person may or may not be a law enforcement officer. Should there be a requirement that the person appointed not be a law enforcement officer, active or retired?

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

**B. DAVIS:** Mr. Chair, can I get you to repeat that?

**CHAIR:** Folks, we're almost there, just a few more minutes. A little bit of co-operation, please.

The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Under clause 25, where it says specifically for the breakdown of, I guess, the appeal committee, it says that there should not be a requirement that a person appointed be not a law enforcement officer, but should be retired or active. Should there be some stipulation there?

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

**B. DAVIS:** That's something I can check into. I'll let you know on that, but I think what we're trying to do is make it not as cumbersome as possible. You want to make sure that you can get people to – in most cases, it's usually a lawyer, but I think, depending on the ability to find those individuals, you want to make it – I don't want to say as open as possible; you want to make it a little more open than that maybe, but it's usually a lawyer.

**CHAIR:** The hon. the Member for Labrador West indicates his done.

Any further speakers?

The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Mr. Chair.

Just a couple of questions. I'm not sure if this is the question that my colleague just asked or not, because he was talking about section 25, about appeals. But when we're talking about appointing a commissioner and the commissioner appointing – I'm going to call them investigators for a lack of a better term. I'm not sure if that's what you're using here or not. Is there a provision there that would say, because this is

applying to the RNC, you cannot have – because I know you, in a previous question, talked about who would get these jobs. Well, you said it could be a lawyer; it could be a former enforcement officer.

I wouldn't have an issue with an RNC officer necessarily investigating an RCMP, or retired RCMP investigating an RNC, but I think we're going to be setting ourselves up for failure in terms of public confidence if the commissioner and/or his investigators are potentially retired RNC officers. Quite frankly, somebody could be an RNC officer, retires today, and next week or next month they're investigating their buddies, once again that they went through the academy with, they worked with, whatever, and there's that perception of bias.

It doesn't really specify but I'm wondering – like, I really don't believe we can have RNC officers retired and so on investigating RNC officers.

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

**B. DAVIS:** Thank you, Mr. Chair.

If I said that, I didn't mean to say that. It could be a bunch of different people, but it would be developed through consultation. There's no prescribed person, at this point, how you would employ. That would come out in consultation that it wouldn't be retired police officer, RNC, it could be an RCMP officer as you said.

My suggestion is it's probably not going to be either of those. It would be people who have knowledge of it but not necessarily involved directly, employed or otherwise.

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

**P. LANE:** I thank the minister for that. I just wanted to put it out there for the record. If not, we're only just going to be going back to the same perception that might be there now.

We kind of delved in this one just a little while ago, but I want to get some clarification just for my own self here. So if a member of the public makes a complaint against an officer, not an HR matter, but let's say they're saying, okay, this officer was very rude or whatever, he put his hands on me where he shouldn't have, whatever – or she.

So let's say there's an investigation by the commissioner and the commissioner determines or believes that actually did happen, who doles out the punishment? Is it the commissioner or is it the chief?

So you've got to answer for the record there

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

**B. DAVIS:** Very good question – the commissioner.

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

**P. LANE:** Just waiting for the light. Thank you.

Okay, so you're saying that the commissioner is the person who determines the penalties. With that being the case, how would this work if there was, say, one, for lack of a better term, problem officer and he or she has multiple complaints over a period of time of doing the same thing or similar things; is the commissioner going to look through the record, if you will, and will the punishment be progressive?

I guess tied to that question, given the fact that the RNC – they don't have a union per se. They do have an association, which is kind of like a union. How does all that play into it in terms of collective agreements and everything else? How does that factor into it?

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

**B. DAVIS:** The commissioner can impose the discipline. As we said before, they'll

have access to the files and previous files as well in order to make that decision.

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

**P. LANE:** That being the case, what role would the RNC Association have in these types of matters? I think they do have a collective agreement. They do have a collective agreement. So how does the collective agreement, sort of, fit into this whole thing when it comes to matters of discipline, particularly if you're going to have an outside person now in the commissioner, not the chief, that's going to be imposing punishment or whatever you want to call it, sanction, whatever? Is that something that would go through grievance procedures like it would in a normal union or how would that work in terms of the collective agreement and the union or the association?

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

**B. DAVIS:** Thank you, Mr. Chair.

As I said a couple of times before, the regulations will be developed in consultation with the RNCA as well, as one of the others. The discipline measures will be outlined in the regs, and they will be a part of the development of those regulations with us as a stakeholder.

The act considers the collective agreement as well.

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

**P. LANE:** Thank you.

My final question, or area I guess: The commissioner is there; you've said part of his role is about public interest and so on, that it's not just a one-off complaint about an officer being rude or whatever, it's about systemic issues and all that kinds of stuff.

And I honestly don't know the answer to this question so it's not a rhetorical question, but how does a member of the general public

make a complaint and who do they make a complaint to about response times? Would it be the commissioner?

How does that work because it may not be an officer doing anything wrong other than the fact that there's not enough officers. I hear from constituents fairly regularly and I've been to a number of neighbour watch meetings, as an example, or communities where neighbourhoods have tried to set up a neighbourhood watch, and during the neighbourhood watch consultation that was done with an RNC officer –

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

**SPEAKER:** Order, please!

**P. LANE:** – the common theme that we heard from people in certain neighbourhoods is it's useless to call the police because they never show up.

The response, of course, that I heard with my own ears from the RNC officer was that from a resource point of view, unless we're dealing with priority one calls, dangerous calls, they don't have the resources to show up. You could make a call, and no one shows up until 24 hours later. How do you deal with that?

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

**B. DAVIS:** Thank you very much for that.

There are a variety of complaints that can come in through the commissioner. That would be one that could come in, a variety of others as well. But I just wanted to say that piece, that it can come in through the commissioner and then they could look at a systemic problem that could exist based on that. A variety of other things, not just response times.

**CHAIR:** The hon. the Deputy Government House Leader.

**L. DEMPSTER:** Thank you, Speaker.

I move, seconded by the Minister of Municipal and Provincial Affairs, that this House do rise and report progress on Bill 102.

**CHAIR:** It is moved that the Committee rise, report progress and ask leave to sit again.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

Thank you.

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 Lake Melville and Chair of the Committee of the Whole.

**P. TRIMPER:** Thank you, Speaker.

The Committee of the Whole has directed me to report that they have made some progress on Bill 102 and ask leave to sit again.

**SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed him to report progress and ask leave to sit again.

When shall the report be received?

**L. DEMPSTER:** Now.

**SPEAKER:** Now.

When shall the Committee ask leave to sit again?

**L. DEMPSTER:** Tomorrow.

**SPEAKER:** Tomorrow.

On motion, report received and adopted.  
Committee ordered to sit again on  
tomorrow.

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

**L. DEMPSTER:** Let's try take two. We'll do  
better tomorrow, Speaker.

I moved, seconded by the Minister of  
Municipal and Provincial Affairs, 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 1:30  
p.m. tomorrow.

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