

Monday, April 19, 2021

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

Members' Statements

The following Members provided statements:

The Member for Labrador West (J. Brown) recognizing the Labrador West Winter Carnival committee members on a successful winter carnival.

The Member for Harbour Main (H. Conway Ottenheimer) recognizing National Volunteer Week and many dedicated volunteers in their District.

The Member for St. John's Centre (J. Dinn) recognizing Ivy Allan and Greg Hanley and the success of the Urban Market 1919 in St. John's.

The Member for Topsail - Paradise (P. Dinn) recognizing the Janes twins: Mabel Dawe and Alice Clarke on their 99th birthday.

The Member for Conception Bay East - Bell Island (D. Brazil) recognizing the passing of Anabelle (Ang) Short Chatman, Constituency Assistant to former Members Paul Oram and Sandy Collins and the current Member for Bonavista, Craig Pardy.

Ministerial Statements

The following Ministers provided statements:

The Leader of the Government in the House (A. Furey) respecting the installation of the sixth bronze caribou monument in Gallipoli, Turkey, thereby completing the Trail of the Caribou.

The Leader of the Official Opposition (D. Brazil) and the Member for Labrador West (J. Brown) responded to the statement.

The Minister of Finance, President of Treasury Board and Deputy Premier (S. Coady) asking residents to contribute their ideas in advance of Budget 2021.

The Members for Stephenville - Port au Port (T. Wakeham) and St. John's Centre (J. Dinn) responded to the statement.

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Oral Questions

The House proceeded to Oral Questions.

Presenting Reports by Standing and Select Committees

There were no reports by Standing and Select Committees presented.

Tabling of Documents

There were no documents tabled.

Notices of Motion

The Minister Responsible for Indigenous Affairs and Reconciliation and Minister Responsible for Labrador Affairs (L. Dempster) gave notice that they would on tomorrow introduce a bill entitled:

“An Act To Amend The Children, Youth And Families Act” (Bill 11).

The Minister of Industry, Energy and Technology (A. Parsons) gave notice that they would on tomorrow introduce a bill entitled:

“An Act To Amend The Energy Corporation Act And The Hydro Corporation Act, 2007” (Bill 9).

The Government House Leader (S. Crocker) gave notice that they would on tomorrow introduce a bill entitled:

“An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act” (Bill 10).

The Government House Leader (S. Crocker) gave notice that they would on tomorrow introduce the following resolution:

WHEREAS section 4 of the Auditor General Act provides that the Auditor General is to be appointed by the Lieutenant Governor in Council on a resolution of the House of Assembly;

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NOW THEREFORE BE IT RESOLVED that Ms. Denise Hanrahan be appointed as the Auditor General effective April 22, 2021.

The Member for Mount Pearl – Southlands (P. Lane) gave notice that they would on tomorrow move the following resolution:

WHEREAS the cornerstone of any democratic society is the right for citizens to choose their representatives to serve in the legislature;

WHEREAS the process for electing their representatives must not only be carried out in a fair and impartial manner with all of the appropriate checks and balances to ensure this principle is upheld, it must be perceived as being conducted that way;

WHEREAS the recent NL Provincial General Election has brought serious allegations, numerous concerns and inconsistencies to light including but not necessarily limited to the following:

- Certain individuals knowingly being permitted to vote by telephone in contravention to the Elections Act.
- Ballots being hand delivered by the Chief Electoral Officer to acquaintances and neighbors.
- A number of computer and phone line crashes at Elections NL, including on the final evening to apply for ballots, leading to numerous citizens who applied within the established time line, not receiving a ballot.
- An under-resourcing of Election NL's Call Center which lead to citizens having to call numerous times to get through to apply for a ballot and some simply giving up out of frustration and not getting a ballot at all.
- Individuals being provided ballots in person and over the phone without any verification of identity and/or address.
- Individuals receiving incomplete ballot kits.
- Individuals receiving multiple ballots.
- Ballots being sent to the wrong civic address.
- Individuals applying for ballots on-line or by telephone not receiving their ballots and upon inquiring with Elections NL being told they had no record of their application and were subsequently denied their right to vote.
- Indigenous citizens being denied their right to vote due to language barriers not addressed by Elections NL

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- Numerous concerns with the process implemented by Elections NL relating to the scrutinizing and witnessing of the opening, counting and recording of the ballots.
- Allegations of Elections NL staff taking ballot kits and other related materials to their homes, as well as further allegations of individuals being permitted to print their own ballots which were subsequently accepted by Elections NL.;

WHEREAS in a VOXM news story of April 9, 2021 an anonymous whistleblower inside Elections NL was reported as making the following observation:

“The former employee claims that an apparent lack of direction exacerbated an already difficult situation, comparing it to a “three-ring circus.” That included the sudden change in Election NL’s in-house voting software and a registration process that they say left the door open to potential voter fraud.

The worker tells VOXM News duplicate and even triplicate ballots were sent out after some voters reported they hadn’t received their ballots and because of the volume of requests, verification of a voter’s name, age and address became difficult, if not impossible, especially in households with more than one voter.

Their conclusion? “This election should have been delayed,” says the worker, because decisions were made “hastily, with no forethought” and that the election was not “well planned” or “well-executed.”;

WHEREAS the Chief Electoral Officer stated publicly prior to the election that Elections NL was prepared and able to successfully conduct a pandemic election and this was obviously not the case.;

WHEREAS the Chief Electoral Officer has the ultimate responsibility for the carrying out of fair, democratic elections in the province of NL in accordance with the provisions of the Elections Act, 1991 but preliminary evidence suggests that he has fallen short in this regard;

WHEREAS the Chief Electoral Officer reports directly to and is responsible to this Honorable House;

WHEREAS we as Members of this Honorable House have a responsibility to the people of NL to ensure that all of our Officers of the House of Assembly, including

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the Chief Electoral Officer, are carrying out their duties in an ethical and competent manner;

AND WHEREAS Section 5.3 of the Elections Act, 1991 which states:

“The Lieutenant-Governor in Council, on resolution of the House of Assembly passed by a majority vote of the members of the House of Assembly actually voting, may suspend or remove the Chief Electoral Officer from office because of incapacity to act or for misconduct, cause or neglect of duty.”

THEREFORE BE IT RESOLVED that the House of Assembly approve the following actions:

- Development of a terms of reference for and initiation of an independent investigation of the recent provincial general election to be carried out by an individual or entity as agreed to by all parties and Independent Members of the House.
- Upon completion of the investigation, tabling and debating of the report in the House of Assembly including whether or not section 5.3 of the Elections Act, 1991 should be applied based on the findings of said report.

The Member for Conception Bay South (B. Petten) gave notice that they would on tomorrow move the following resolution:

WHEREAS it is imperative that the Province’s election legislation, policies and procedures be reformed properly so Newfoundlanders and Labradorians are never again denied their fundamental right to vote and deprived of the clear information they require to exercise their right;

AND WHEREAS the most responsible way to determine which changes must be made is to first get a thorough, independent and unbiased analysis of what went wrong;

AND WHEREAS it is not appropriate for the Chief Electoral Officer (CEO) to conduct this review because an investigation of the 2021 election will place under scrutiny the work of the CEO himself and his compliance with the Elections Act, 1991, which requires the CEO “to exercise general direction and supervision over the administrative conduct of elections and to enforce on the part of election officers fairness, impartiality and compliance with this Act”;

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AND WHEREAS it is appropriate during such an investigation that the Chief Electoral Officer who oversaw the election be suspended;

AND WHEREAS s.5.3 of the Elections Act, 1991, titled "Removal or suspension," states:

"The Lieutenant-Governor in Council, on resolution of the House of Assembly passed by a majority vote of the members of the House of Assembly actually voting, may suspend or remove the Chief Electoral Officer from office because of an incapacity to act or for misconduct, cause or neglect of duty.";

AND WHEREAS the House of Assembly on December 4, 2019 voted unanimously to establish a Select Committee on Democratic Reform, which serves as a model of appropriate forum to collaborate on various election reform options before any amendments are brought to the House of Assembly;

THEREFORE BE IT RESOLVED that a respected independent individual be appointed to review the conduct of the 2021 general election to determine what went wrong and to report the findings of this investigation to the House within 30 days;

AND BE IT FURTHER RESOLVED that Mr. Bruce Chaulk be suspended as the Chief Electoral Officer during this investigation;

AND BE IT FURTHER RESOLVED that a Select Committee of the House of Assembly on Democratic Reform be struck to collaborate in developing recommendations to reform the Province's election legislation, policies and procedures in light of the findings of the independent review.

The Opposition House Leader (B. Petten) announced that, pursuant to Standing Order 63(3), the resolution introduced by the Member for Conception Bay South (B. Petten) will be the one presented on Wednesday, April, 21, 2021.

Answers to Questions for Which Notice Has Been Given

There were no answers to questions for which notice was given.

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Petitions

The following Members presented petitions:

The Member for Lake Melville (P. Trimper) regarding Mud Lake flooding risk.

ORDERS OF THE DAY

The Speaker called Orders of the Day.

Pursuant to notice, the Leader of the Government in the House (A. Furey), that the Member for Baie Verte - Green Bay (B. Warr) be appointed Deputy Speaker of the House.

The Speaker put the question and declared the motion carried.

The Government House Leader (S. Crocker) moved pursuant to notice that the House not adjourn at 5:30 p.m.

The Speaker put the question and declared the motion carried.

The Minister of Finance, President of Treasury Board and Deputy Premier (S. Coady) informed the House that a message had been received from the Lieutenant Governor. The message was read to the House by the Speaker as follows:

“14 April, 2021

As Lieutenant Governor of the Province of Newfoundland and Labrador, I transmit a request to appropriate sums required for the Public Service of the Province for the year ending 31 March 2022, by way of Interim Supply, and in accordance with the provisions of sections 54 and 90 of the Constitution Act, 1867, I recommend this request to the House of Assembly.

Sgd. **Judy M. Foote**,
Lieutenant Governor”.

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Pursuant to notice and on motion, the House resolved itself into a Committee of the Whole on Supply to consider the message together with a resolution and related Bill 2 for the Granting of Interim Supply to Her Majesty.

The Speaker left the Chair.

The Deputy Speaker (B. Warr) took the Chair of Committee of the Whole on Supply. On motion, the Committee rose.

The Speaker resumed the Chair.

The Chair (B. Warr) reported that the Committee of the Whole on Supply had considered the matters to them referred and had directed them to report that the Committee had adopted a resolution and recommended Bill 2 be introduced to give effect to the same.

On motion it was ordered that the report of the Committee be received and adopted.

Pursuant to order and on motion, the following resolution was read the first and second time:

THAT it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the public service for the financial year ending March 31, 2022 the sum of \$2,086,721,900.

Pursuant to order and on motion, the bill entitled “An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending March 31, 2022 And For Other Purposes Relating To The Public Service” (Bill 2) was read the first, second and third time and passed.

On motion, it was ordered that Bill 2 entitled as above be submitted to the Lieutenant Governor for assent.

Pursuant to notice and on motion, the following bills were introduced and read the first time:

A bill, “An Act To Amend The Access To Information And Protection Of Privacy Act, 2015” (Bill 5);

A bill, “An Act Respecting The Protection Of The Health Of Persons Exposed To Radiation And Respecting The Safety Of Persons In Connection With The Operation And Use Of The Electrical And

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Mechanical Components Of Radiation Producing Equipment And Associated Apparatus” (Bill 6);

A bill, “An Act To Amend the Vital Statistics Act, 2009” (Bill 7).

On motion, it was ordered that the above-noted bills be read the second time on tomorrow.

The Minister of Finance, President of Treasury Board and Deputy Premier (S. Coady) informed the House that a message had been received from the Lieutenant Governor. The message was read to the House by the Speaker as follows:

“14 April, 2021

As Lieutenant Governor of the Province of Newfoundland and Labrador, I transmit a request to appropriate sums required for the Public Service of the Province for the year ending 31 March 2022, by way of Interim Supply, and in accordance with the provisions of sections 54 and 90 of the Constitution Act, 1867, I recommend this request to the House of Assembly.

Sgd. **Judy M. Foote**,
Lieutenant Governor”.

Pursuant to order and on motion, the House resolved itself into a Committee of the Whole on Supply to consider the message together with a resolution and related Bill 3 for the Granting of Interim Supply to Her Majesty.

The Speaker left the Chair.

The Deputy Speaker (B. Warr) took the Chair of Committee of the Whole on Supply.

On motion, the Committee rose.

The Speaker resumed the Chair.

The Chair (B. Warr) reported that the Committee of the Whole on Supply had considered the matters to them referred, had made progress and asked leave to sit again.

On motion it was ordered that the report of the Committee be received and adopted.

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The Speaker put the question and it was ordered the Committee have leave to sit again.

On motion the House adjourned until tomorrow, Tuesday, April 20 at 1:30 p.m.

Sandra Barnes,
Clerk of the House of Assembly.