

Tuesday, October 19, 2021

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

The Speaker introduced Pages:

Olivia Pendergast of St. John's, who is studying Political Science at Memorial University.

Andrew Dogurga of St. John's, who is studying Political Science at Memorial University.

Members' Statements

The following Members provided statements:

The Member for Cape St. Francis (J. Wall) recognizing October as Autism Awareness month.

The Member for Baie Verte - Green Bay (B. Warr) recognizing the late Diane Noble of Baie Verte.

The Member for Exploits (P. Forsey) recognizing the late Oliver Rose of Bishop's Falls.

The Member for Labrador West (J. Brown) recognizing ceramic pottery artist, Marty Byrne.

The Member for Harbour Main (H. Conway Ottenheimer) recognizing recipients of the 2021 Premier's Athletic Awards: Halle Joy of Harbour Main and Drew Sheppard of Seal Cove, Conception Bay South.

Ministerial Statements

The following Ministers provided statements:

The Minister of Children, Seniors and Social Development (J. Abbott) congratulating recipients of the 2021 Seniors of Distinction Award.

Tuesday, October 19, 2021

The Members for Conception Bay South (B. Petten) and St. John's Centre (J. Dinn) responded to the statement.

Oral Questions

The House proceeded to Oral Questions.

Presenting Reports by Standing and Select Committees

There were no reports by Standing or Select Committees presented.

Tabling of Documents

There were no documents tabled.

Notices of Motion

The Member for Humber - Bay of Islands (E. Joyce) gave notice they would on tomorrow move the following:

WHEREAS, the Commissioner for Legislative Standards presented a report, the Joyce Report of October 18th, 2018;

WHEREAS, the Report was presented in the House of Assembly and concurred by a majority in the House of Assembly;

WHEREAS, the findings were that I violated Principle #10 of the Code of Conduct;

WHEREAS, the Complainant was the MHA for Placentia - St. Mary's, an elected official;

WHEREAS, Principle #10 states, "*Relationships between Members and government employees should be professional and based upon mutual respect and should have regard to duty of these employees to remain politically impartial when carrying out their duties*;

Tuesday, October 19, 2021

WHEREAS, the Commissioner for Legislative Standards stated in the Report, *“In the manner in which he dealt with the Complainant, and particularly during the call on April 8th”*.

“Relationships between Members and government employees should be professional and based upon mutual respect and should have regard to the duty of those employees”.

“I find that the conduct of MHA Joyce is a violation of Principle #10 of the Code of Conduct”.

“I find that the manner in which he addressed this issue was unprofessional and showed a lack of mutual respect towards members of the public service”.

WHEREAS, it is very obvious that the Commissioner for Legislative Standards defined the Complainant, a MHA, as a public sector government employee, contrary to Principle #10. This was a deliberate and malicious attempt to mislead the House of Assembly by the Commissioner for Legislative Standards, Bruce Chaulk;

WHEREAS, former MHA, Dale Kirby appealed to the Information and Privacy Commissioner in December, 2018, for a copy of the Rubin Thomlinson report;

WHEREAS, testimony in the Report by the Information and Privacy Commissioner is as follows:

- The Commissioner for Legislative Standards reversed his position and gave testimony that Members are not government employees, less than two months after he presented the Joyce Report to the House of Assembly;
- The Clerk of the House of Assembly gave testimony that Members are not government employees;
- The Information and Privacy Commissioner’s ruling states Members are not government employees, Report A- 2019-004

WHEREAS, other evidence to support the position that MHAs are not government employees is

- the letter from the Law Clerk who stated Members are not government employees;
- On November 2nd, 2018, former Speaker and Member for Lake Melville, in his letter stated, *“Members of the House of Assembly are elected officials. They are not employees”*.

Tuesday, October 19, 2021

The former Speaker's statement was before the debate occurred in the House of Assembly on November 6th, 2018 and he was Chair of the Management Commission.

The Commissioner for Legislative Standards reversed his position again, contrary to what he presented in the House of Assembly, in a letter dated November 27th, 2020 to the Honorable David B. Osborne and I quote, "*Members of the House of Assembly are not employees*".

Supreme Court of Newfoundland and Labrador, Justice Frances J. Knickle, stated in a ruling on June 10th, 2021, "*The appellant, Mr. Dale Kirby, MHA, is neither an employee in the traditional sense*".

WHEREAS, the Executive Council of the Liberal government mandated public sector employees to be fully vaccinated;

WHEREAS, Members of the House of Assembly are not government employees, the government introduced a resolution on October 18th, 2021, in the House of Assembly that all MHAs must be fully vaccinated;

WHEREAS, the Government of Newfoundland and Labrador distinguished by mandating public sector employees to be vaccinated, and the motion of October 18th, 2021 that Members of the House of Assembly are not government employees of the public sector and must be vaccinated by bringing forth the Motion. This is an admission by Premier Furey and the government that MHAs are not government employees, contrary to the findings of the Joyce Report of 2018;

WHEREAS, the House of Assembly, by concurring with the Joyce Report of 2018 has established that Members of the House of Assembly are government employees which now the Government is admitting was a wrong conclusion;

WHEREAS, former Premier Dwight Ball, stated on August 23, 2018 to the media in a public statement, "*There's no room for political interference in the reports, said Ball, I've not received any information from the Commissioner neither have I went looking for any*";

WHEREAS, the Commissioner for Legislative Standards stated on many occasions, "*I am an independent Officer of the House of Assembly and these reports are independent*".

WHEREAS, in a letter on May 31st, 2019, Dwight Ball stated, "*I can confirm there were limited occasions whereby my office contacted the Office of the Commissioner for Legislative Standards*".

Tuesday, October 19, 2021

WHEREAS, the Commissioner for Legislative Standards made false and misleading findings in the Joyce Report; and

WHEREAS, the Commissioner for Legislative Standards was not independent and had political influence, which he did not declare in the House of Assembly,

I call upon the House of Assembly to rescind the Kirby Report of October 3rd, 2018, and the Joyce Report of October 18th, 2018. Furthermore, I call upon the House of Assembly to ask for an independent review of the process and make recommendations on how to strengthen the *House of Assembly Accountability, Integrity and Administration Act* to ensure that all Members will have confidence in the process.

Answers to Questions for Which Notice Has Been Given

There were no answers to questions for which notice had been given.

Petitions

The following Members presented petitions:

The Member for Topsail - Paradise (P. Dinn) regarding expansion of fertility services in the province.

The Minister of Women and Gender Equality (P. Parsons) replied to the petition.

The Member for Harbour Main (H. Conway Ottenheimer) regarding family physician shortage in the district.

The Member for Lake Melville (P. Trimper) regarding expansion of mental health services coverage in the province.

The Member for Ferryland (L. O'Driscoll) regarding ambulance services in the Trepassey to Cape Broyle area.

The Member for Humber - Bay of Islands (E. Joyce) regarding access to motor vehicle registration services in the province.

The Member for Mount Pearl - Southlands (P. Lane) regarding the addition of Trikafta, a drug which treats cystic fibrosis, to the provincial Prescription Drug Program.

Tuesday, October 19, 2021

ORDERS OF THE DAY

Pursuant to Standing Order 32, the Government House Leader (S. Crocker), moved orders of the day.

The Speaker put the question and declared the motion carried.

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

- A bill, "An Act to Amend the Coat Of Arms Act" (Bill 20);
- A bill, "An Act Respecting Off-Road Vehicles" (Bill 22);
- A bill, "An Act to Amend the Automobile Insurance Act" (Bill 23);
- A bill, "An Act to Amend the Corporations Act" (Bill 24);
- A bill, "An Act to Amend the Management of Information Act" (Bill 25);
- A bill, "An Act to Amend the Licensed Practical Nurses Act, 2005" (Bill 26);
- A bill, "An Act to Amend the Pharmacy Act, 2012" (Bill 27);
- A bill, "An Act to Amend Various Acts of the Province Respecting the Publication of a Summary of a Decision or Order of an Adjudication Tribunal" (Bill 28);
- A bill, "An Act Respecting the Requirement for a Balanced Budget" (Bill 30);
- A bill, "An Act Respecting a Future Fund for the Province" (Bill 31);
- A bill, "An Act to Amend the Liquor Corporation Act" (Bill 32);
- A bill, "An Act to Amend the Services Charges Act" (Bill 33);
- A bill, "An Act to Amend the Schools Act, 1997" (Bill 34);
- A bill, "An Act to Amend the Memorial University Act" (Bill 35);
- A bill, "An Act Respecting the Office of the Auditor General and the Auditing of the Public Accounts of the Province" (Bill 36);

Tuesday, October 19, 2021

- A bill, “An Act Respecting the Conduct of Municipal Officials” (Bill 37);
- A bill, “An Act Respecting Accessibility in the Province” (Bill 38);
- A bill, “An Act to Amend the Adoption Act, 2013” (Bill 39);
- A bill, “An Act Respecting the Protection of Adults” (Bill 40);
- A bill, “An Act Respecting a Province-Wide 911 Service for the Reporting of Emergencies” (Bill 41); and
- A bill, “An Act to Amend the Law Society Act” (Bill 42).

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

Pursuant to order and on motion, debate commenced and concluded on second reading of a bill entitled “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 Mechanical Components of Radiation Producing Equipment and Associated Apparatus” (Bill 6).

Pursuant to order and on motion, a bill entitled “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 Mechanical Components of Radiation Producing Equipment and Associated Apparatus” (Bill 6) was read the second time and, on motion, it was ordered that Bill 6 be referred to a Committee of the Whole presently.

Pursuant to notice, the Deputy Government House Leader (L. Dempster) moved the House not adjourn at 5:30 p.m.

The Speaker put the question and declared the motion carried.

Pursuant to order and on motion, the House resolved itself into a Committee of the Whole to consider a bill entitled “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 Mechanical Components of Radiation Producing Equipment and Associated Apparatus” (Bill 6).

The Speaker left the Chair.

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

Tuesday, October 19, 2021

On motion, the Committee rose.

The Speaker resumed the Chair.

The Chair (B. Warr) reported the Committee of the Whole had considered the matters to them referred and had directed them to report the Committee had recommended, without amendment, a bill entitled: "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 Mechanical Components of Radiation Producing Equipment and Associated Apparatus" (Bill 6).

The Speaker put the question and it was ordered the report be received and adopted.

On motion, it was ordered that Bill 6 be read the third time tomorrow.

Pursuant to order and on motion, the House resolved itself into a Committee of the Whole on Ways and Means to consider a resolution and a related bill entitled: "An Act to Amend the Revenue Administration Act, No. 3 (Bill 29) relating to the imposition of taxes on sugar sweetened beverages.

The Deputy Speaker (B. Warr) took the Chair of Committee of the Whole on Ways and Means.

On motion, the Committee rose.

The Speaker resumed the Chair.

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

The Speaker put the question and it was ordered the report be received and adopted.

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

On motion, the House recessed at 5:01 p.m.

The Speaker resumed the Chair at 6:00 p.m.

Pursuant to order and on motion, the House resolved itself into a Committee of the Whole on Ways and Means to consider a resolution and a related bill entitled "An Act to Amend

Tuesday, October 19, 2021

the Revenue Administration Act, No. 3” (Bill 29), relating to the imposition of taxes on sugar sweetened beverages.

The Deputy Speaker (B. Warr) took the Chair of Committee of the Whole on Ways and Means.

The Deputy Chair (P. Trimper) reported the Committee of the Whole on Ways and Means had considered the matters to them referred and had directed them to report the Committee had adopted a resolution and recommended a related bill entitled: “An Act to Amend the Revenue Administration Act, No. 3 (Bill 29), be introduced to give effect to the same.

The Speaker put the question and it was ordered the report 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 bring in a measure respecting the imposition of taxes on sugar sweetened beverages.

The Speaker put the question on the resolution and declared the motion carried.

Pursuant to order and on motion, a bill entitled “An Act to Amend the Revenue Administration Act, No. 3” (Bill 29) was read the first, second and third time and passed.

The Speaker put the question, declared the motion carried and said bill passed.

On motion, the House adjourned until tomorrow, Wednesday, October 20 at 10 a.m.

Sandra Barnes,
Clerk of the House of Assembly.