

May 17, 2005 HOUSE OF ASSEMBLY PROCEEDINGS Vol. XLV No. 27

- Second Reading.
- comm. ltee
- Third Reading
- Royal Assent

The House met at 1:30 p.m.

MR. SPEAKER (Hodder): Order, please!

Admit strangers.

This afternoon we are pleased to welcome to our House twenty-eight Grade 7 and Grade 8 students from the beautiful community of Centreville, from Centreville Academy, in the District of Bonavista North, together with their teachers: Chris Jackson, Charmaine Collins, Brenda Butler and Michelle Estekantchi, and their principal Ms Trinia Rogers.

Welcome to our Legislature.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: This afternoon the Speaker wishes to rule on a point of order raised by the Government House Leader on Monday, April 18, with regard to comments made by the Member for Signal Hill-Quidi Vidi.

The Member for Signal Hill-Quidi Vidi was asking a question to the Minister of Fisheries and Aquaculture, in which Hansard records the following two quotations, "Will he acknowledge that if it wasn't for his action and the decision of the thirty-three dictators opposite...", and then further in another question: "Now we have thirty-three dictators opposite..."

The Government House Leader, in raising the point of order, asked if the use of the expression "thirty-three dictators opposite" meets the test of acceptable parliamentary language and if the use of the number thirty-three refers to individual members as well as a collectivity of members.

Since the member used the number "thirty-three" with the word "opposite", the Speaker believes that the expression, as used by the Member for Signal Hill-Quidi Vidi, could only be taken to mean that each member on the government side of the House to be described as he said.

In this context, the Speaker refers to Marleau and Montpetit, page 522, which reads as follows: "Remarks directed specifically at another Member which question that Member's integrity, honesty or character are not in order. A Member will be requested to withdraw offensive remarks..."

Again, on page 525 of Marleau and Montpetit, we find the following comment, "...the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscene language or words are not in order."

The questions for the Speaker, are: Did the Member for Signal Hill-Quidi Vidi intend to call all members on the government side dictators? And did the member, by the use of this expression, cause disorder in the House?

The answer to the first question is found in the words of the member. The Speaker notes that the general content of the member's question did cause disorder in the galleries and a subsequent intervention by the Speaker.

Based on the content, context and the disorder that ensued in the galleries, the Speaker asks the Member for Signal Hill-Quidi Vidi to withdraw his comment.

The hon. the Member for Signal Hill-Quidi Vidi.

MR. HARRIS: Thank you, Mr. Speaker.

Obviously, I had the number wrong; there are only thirty-two since the Member for Placentia & St. Mary's left.

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All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Highway Traffic Act And The Provincial Offences Act. (Bill 33)

MR. SPEAKER: This bill has now been read a second time. When shall this bill be referred to Committee of the Whole House.

MR. E. BYRNE: Later today, Mr. Speaker.

MR. SPEAKER: Later in today's session.

On motion, a bill, "An Act To Amend The Highway Traffic Act And The Provincial Offences Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 33)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

Order 4, second reading of a bill, An Act Respecting The Management Of Government Information For The Province. (Bill 16)

MR. SPEAKER: It is moved and seconded that Bill 16, An Act Respecting The Management Of Government Information For The Province be now read a second time.

Motion, second reading of a bill, "An Act Respecting The Management Of Government Information For The Province". (Bill 16)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

It is a pleasure to rise and introduce this piece of legislation. Essentially, what we are introducing is the Management of Government Information Act, Mr. Speaker, in order to provide the legislative mandate to establish an appropriate, an efficient, and an effective information management program for all government records.

The purpose of the Act, Mr. Speaker, is to ensure, not only good management of government records, but also the appropriate handling, recording, storage and disposal of government records so that information is more easily accessible. Documents with archival value, for example, Mr. Speaker, must be safely stored once this legislation is passed and preserved, obviously, and documents that need not be stored are destroyed, obviously, in a timely fashion.

Mr. Speaker, this Act, essentially, will help ensure accountability on the part of all those who generate and handle government records, access to information as appropriate by members of the general public in a timely fashion, maintaining only those records deemed to have an enduring or archival value, Mr. Speaker, and destroying the rest in a timely manner so they do not use valuable or costly space for storage.

Finally, Mr. Speaker, the Act will ensure that maintaining the corporate or collective memory of the Province is ensured by retaining records with the necessary or appropriate archival value and by working in consultation with provincial archives.

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Specifically to the Act, Mr. Speaker, the new Act defines what constitutes a record such as correspondence, other documentary material, for example, whether hand written, typed or in electronic form, a public record - and that is to say records created by a public body or government department - and records management, which, of course, is program information management, essentially.

The legislation, Mr. Speaker, specifies that all public records are the property of the Crown and that no public records can be destroyed whatsoever, except in accordance with strictly defined provisions exercised by the provincial archives themselves.

The new Act, Mr. Speaker, requires that all government departments are to develop and implement a records management system. Under the Act, Mr. Speaker, the minister is responsible for developing standards for schedules for public records and to assist public bodies, developing and implementing a management program for public records, and providing support and advice to assist public bodies with such development. Implementation and maintenance of record management is also a key feature.

Mr. Speaker, the minister responsible also has the authority to employ or appoint any or all persons necessary to carry out the purposes of the Act. The Management of Government Information Act will work in concert with The Rooms Act, which establishes the archives and the requirements governing the lawful disposal, or destruction, of public records deemed to not fit the criteria as outlined in the Bill.

This legislation, Mr. Speaker, ultimately recognizes that information is an important resource, one that must be protected at all costs, and puts in place a proper structure and management system to ensure, one, that we have it, that the corporate memory of government and all departments are maintained, that the archival memory of Newfoundland and Labrador, whatever we have right now, is maintained, and whatever may come is maintained; and equally importantly, it will also provide the opportunity to have those records available in a timely fashion to the public whenever the public wishes to exercise and get that information.

That, Mr. Speaker, is essentially the pith and substance of what this bill is about. I am happy to answer any questions that members opposite may have.

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

MR. PARSONS: Thank you, Mr. Speaker.

Just a few general comments. I would say, first, we are in favour and will be supportive of Bill 16 regarding the establishment of a system to manage government information for the Province. It is only right and proper that we have a system to do it. In fact, it will tie in, no doubt, to our Freedom of Information and Privacy Act, and so on. You cannot very well expect to have that nice piece of legislation be functional if we do not have the information that you want to get at being properly stored so that it is retrievable. I guess, they go hand in glove and so on when it comes to making another piece of legislation worthwhile.

I do note, however, though, government could not resist the opportunity, again, to have the carrot and the stick approach. I notice under section 8 about the penalty section. Again, it is all subject to interpretation by a court somewhere down the road, but technically, a record, for example, is defined in this act: a record includes a correspondence, a memorandum, a form, a paper, a parchment, a manuscript, a map, a plan, a drawing, a painting, a print, a photograph, et cetera, a magnetic tape. Technically, when you look under section 8, it says, "A person who unlawfully damages, mutilates or destroys a public record or removes or withholds a public record..." could face a fine up to \$50,000 or eighteen months in jail or both. Here we are, again we see a government with great goals, lofty ambitions, create a system, manage all this property, but, lo and behold - lo and behold! - we have a big stick here, and the possibility is, if you withhold a map, for example, that is deemed to be a public record, we are coming down on you with the full force of law and we could have you fined up to \$50,000 and put in jail for eighteen months. simply because you withhold, not even destroy, withhold a piece of public record.

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I say to the Government House Leader, I am sure he was around a few years ago when we had the fiasco, I call it, of the Mushrow Astrolabe which became, I would think, to the government of the day, of which I was a part, an embarrassment, and had the good fortune to fix it.

We had a diver on the Southwest Coast who found an astrolabe. In fact, he found two. The second one was in mint condition going back to like 1628. What happened when he announced to the world that he found this thing? He was so happy, and he wanted, by the way, to turn this over to the government so that they could put it on display, but he had a tough condition he wanted attached to it. He did not want money. He was wondering: If I turn this over to you would you call it the Mushrow Astrolabe because I found it? He also asked: I wonder, during the summer months or a portion of the summer months, could you send it back to the Southwest Coast for a period of time, with the proper security, so that we could use it as a tourism attraction?

Government, do you know what they did? They sent out undercover RCMP officers who went to the gentleman's house, undercover, got into his house under another pretext, sat down having a cup of coffee in his house, asked him about the astrolabe, and promptly arrested him.

AN HON. MEMBER: What?

MR. PARSONS: And threatened with putting him in jail if he did not immediately bring this astrolabe forward. Of course, in that particular case -

AN HON. MEMBER: (Inaudible).

MR. PARSONS: No, no, I was not the Attorney General. In fact, I was the Attorney General when he brought forward the second astrolabe that he had hidden for years and told nobody about for fear of the embarrassment that he got on the first one. He brought forward the second one when I was the Attorney General. We did give the gentleman an apology, we did call them Mushrow Astrolabes, and we do send them back to the Southwest Coast every year now as is right and proper to do.

SOME HON. MEMBERS: Hear, hear!

MR. PARSONS: It should have been done in the first place.

I just point that out as an illustration to show how some of these little sections in pieces of law and acts could get used improperly in the wrong hands, and I am sure this government does not intend that to happen to anybody. We see, by having these little penal sections in these acts that we flippantly pass through sometimes, somebody who is quite innocent withholds a piece of public record in the future could be facing these draconian types of penalties.

I just say, we are in favour of the bill, we are in favour of the intentions here, but I have grave concerns, I guess as a Libertarian and a human rights activist, that we put such draconian punishments in place for somebody. I think we do ourselves a disservice, because instead of encouraging people to preserve public artifacts and records, then come forward with it, having penal statutes like this only discourages that, I say.

That is just my little comment on how I think we have a good piece of legislation here that could be faulted because of the penal sections within it.

Thank you.

MR. SPEAKER: The hon. the Member for Signal Hill-Quidi Vidi.

MR. HARRIS: Thank you, Mr. Speaker.

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I have no difficulty in supporting the need for retention and a system to look after public records of the Province. We have had an existing system under the Archives Act and, as a result of the creation of The Rooms Corporation, we now have a provincial archives director, as opposed to a provincial archivist, and various other changes have been made.

I do have one concern. Obviously, I share the concerns of the Opposition House Leader with respect to how difficult we may be in terms of how we are dealing with people who may unlawfully damage, mutilate or destroy public record. What I am concerned about is: What provision is there made - and I do not see anything specifically here. We do have notions of certain public records being kept secret for a period of time. You always heard about a thirty-year rule in the case of the Cabinet documents from the British - they are now searching these documents to find out what happened thirty-five years ago. There is some sort of rule of public disclosure because, obviously, Cabinet documents are public documents as well, and normally there are rules that certain documents of government, whether they be involving an individual or involving Cabinet decision, that there is a period of time -

AN HON. MEMBER: (Inaudible).

MR. HARRIS: The minister says: Is it twenty years here? I am not sure exactly what it is, but I do not see any provision in here allowing for the keeping of certain documents, private, for a specific period of time or for a specified period of time. In fact, there seems to me to be a provision allowing the minister, at least under The Rooms Act, to authorize the destruction of documents.

I do not know whether or not all of this is really been provided for. We do have certain documents that are involving private records of individuals. Sometimes they are kept until after individuals died or after their children have died, or something of that nature. There does not seem to be addressed, specifically in this legislation, how government provides for (a) the protection of documents that should be protected for a period of time and what that period of time is, because that was provided for in the Archives Act, but it was a committee of Cabinet that made those rules. I do not see any specific provision here.

I think we have, for example, under section 6, the right of a permanent head of a public body, which is either a deputy minister or some executive officer of the corporation, to provide for the development and implementation of a record management for the creation, classification, retention, storage, maintenance, retrieval, preservation, disposal and transfer of public records, and a system providing for retention periods and disposition, but there does not seem to be a specific provision here to provide for a period whereby these records can be maintained in private and then, at some point, made public for researchers or members of the public to have access to.

It seems to me that is a very important part of government record management. Obviously, we do not expect to be able to go next year and get last year's Cabinet Minutes, if that is normally and traditionally government's right to keep - under the Freedom of Information Act it is kept private - then, at some point, these are public documents, whether it is twenty years, whether it is thirty years, or whatever it might be. There does not seem to be any provision there for opening up these records to the public after a period of time. I wonder whether this is something that the minister can get some advice on, and we can deal with that in second reading, or deal with it in Committee stage, or, if the minister can do it now that would be acceptable, but I certainly want to see some reference to how that is to be done, whether there are some special, specific rules that might apply to that, because some of these things - we are taking the Archives Act, repealing that, and parts of that legislation are covered in The Rooms Act, parts of it are covered here, and I do not see where that is covered off.

In general terms, I do support the legislation but we might have to do something to ensure that these provisions are made.

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

If he speaks now he will close debate at second reading.

MR. E. BYRNE: Thank you, Mr. Speaker.

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I thank members opposite and, in particular, the Member for Signal Hill-Quidi Vidi raises what I see as a legitimate point.

Right now, I think we need to understand that the Department of Justice, the Departments of Government Services, Treasury Board, and the Department of Tourism, Culture and Recreation, all have sort of some management responsibilities for the governing of information, so it is spread out in a variety of different departments. What this legislation essentially does, I say to the member, it sets up the framework by which the process, handling, storage, and appropriate disposal of information will occur and take place in a more co-ordinated and centralized fashion. How that will be done, I say to the member, through Executive Council, through the Chief Information Officer, all of that sort of framework that will encompass what this legislation will be will be managed through that system.

To the point the member has raised, because it is important contextually, I think, to understand how this is going to evolve, this is an important first step. The Chief Information Officer resources will be provided in terms of insuring that we get up to speed. It is going to take some time. It is not going to be accomplished overnight, but it is part of a package of programs such as the Privacy Protection Act, Transparency and Accountability Act, access to information on a timely basis, proper recording of information. All we need to look at, for example, is the federal sponsorship scandal that is now occurring. If we ever need an illustrated point of how important and how critical it is for any government to manage its information correctly, what this particular piece of legislation will have effect upon is exactly that, so that there is a central location managed by a Chief Information Officer, co-ordinated in a singular location with the appropriate legislative requirements, the appropriate regulatory regime associated with it, to allow for any information to be readily available to the public, and information within departments or public bodies that is not deemed, I guess, is the best way to put it, in the corporate interest or in the public interest, or really not something - that is according to the framework that is in place already -

AN HON. MEMBER: (Inaudible).

MR. E. BYRNE: Yes, sure, I will sit down and allow a question, if I could finish my thought just for a second.

What is at stake here, and what is really the pith and substance and the thrust of this legislation, is to put under one system the management of the appropriate and prudent management of all our Province's archive material, of all government information, to ensure that if there is access required to any piece of information, that people or the public itself can get access to it, where it is deemed appropriate according to the proper legislative and regulatory framework.

Lastly, to your point - I believe this is your point, and you can certainly correct me if I misunderstood it - with respect to what information is timely, this will be replacing the archives, what we are doing essentially here is, this is a first step, working with all of the departments to move this along so that the questions that you pose, or the question that you posed, we believe will be answered in the process and we believe is really answered right now.

I hope I have answered the question. If not, I will certainly entertain some more.

MR. SPEAKER: Order, please!

I notice the Member for Signal Hill-Quidi Vidi is standing, by leave, to make a comment before I call the question.

MR. E. BYRNE: By leave, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Signal Hill-Quidi Vidi.

MR. HARRIS: Thank you, Mr. Speaker.

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Perhaps Your Honour did not hear. I asked whether or not the minister would entertain a question, by leave, during his speech.

I just want to, on that point of the opening of records to the public and the keeping of records secret, and the notion at some point they might be public documents, under the existing Archives Act, section 14 says as follows, "Except where otherwise prohibited by law or by order of the Lieutenant-Governor in Council public records in the archives are available for public inspection."

Now, I am not saying I agree that the Cabinet should have the right to declare any document secret any time they want. I am not saying I agree with that existing provision. That act is now being repealed, but I do not see any like measure in the new act that says there is some way that documents that are of vital security, or some, by tradition, Cabinet secrets, et cetera, that they are held secret for a period of time and then made available to the public. There does not seem to be any regime available to do that in the act, and in the public Archives Act, obviously, there was one.

I do not necessarily say I agree with that. Perhaps there should be some specific rules that should be in place, but I do not know where, in our new regime, would you consider The Rooms Act and the new Management of Information Act, whether we see either the authority to keep it secret forever or for a period of time, or the right of the public to have access to public documents unless otherwise prohibited.

I guess I am asking for the minister to at least undertake to see that officials, when looking at this act, and the implementation of it, consider that important point, that we do not have - at least I haven't been able to discover one - some power either to prohibit documents from being made public or some right of the public to have documents otherwise available to the public.

MR. SPEAKER: The hon. the Government House Leader, offering some responses to the Member for Signal Hill-Quidi Vidi.

MR. E. BYRNE: Thank you, Mr. Speaker.

I guess, either by omission or commission, we are not committing something that we neither want to omit or we neither want to commit, is really what the member is saying. The fact of it is this, that my - he shakes his head, but that is what he said, essentially.

My sense is, Mr. Speaker -

AN HON. MEMBER: (Inaudible).

MR. E. BYRNE: I learned in Grade 3, I say to the Member for Bellevue, what the sins of omission and commission were about, and I have never forgotten them. I have had to plead for apologies, Mr. Speaker, and indulgence sometimes, and forgiveness at times, but not since I have come to the Legislature, I say to the Member for Exploits.

The Member for Signal Hill-Quidi Vidi makes a valid point. My sense is that what applies will still apply - this is my sense, I say to the member - in terms of what would be available or not now available currently.

To his point, would I give an undertaking to ensure that this is the case, I will certainly give an undertaking to revisit this immediately to see if there is any concern; because I believe, and I believe that the member believes, that the intent of this legislation is to provide a new system, a more manageable system, a more effective system, and a more appropriate system for the handling of all government information. I will certainly endeavour to take upon myself the request that you have made and report back as soon as I can.

MR. HARRIS: (Inaudible).

MR. E. BYRNE: No, I know you are not. It is a valid point you raise.

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For those who may be listening, the Member for Signal Hill-Quidi Vidi said to me he is not looking for a conspiracy here. I said I know he is not, because the point he has raised is a valid one. I will give the undertaking to investigate it, and if we need some revisions at some point in time to reflect that if necessary - I am not convinced they are - but, if necessary, we will certainly not hesitate to do so.

Thank you, Mr. Speaker, and I do now move second reading.

MR. SPEAKER: Is it the pleasure of the House that Bill 16, An Act Respecting The Management Of Government Information For The Province, be now read a second time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act Respecting The Management Of Government Information For The Province. (Bill 16)

MR. SPEAKER: This bill has now been read a second time. When shall this bill be referred to a Committee of the Whole House?

MR. E. BYRNE: Later today, Mr. Speaker.

MR. SPEAKER: Later in today's session.

On motion, a bill, "An Act Respecting The Management Of Government Information For The Province," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 16)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move right now first reading of Bill 37, and I am doing this by leave. Basically, I will give notice now that on today, as opposed to on tomorrow, ask leave to introduce a bill entitled, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

I understand it has already been distributed. If members do not have it, please let me know.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Municipal and Provincial Affairs shall have leave to introduce a bill entitled, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

Is it the pleasure of the House that the hon. the Minister of Municipal and Provincial Affairs shall have leave to introduce said bill?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

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For those who may be listening, the Member for Signal Hill-Quidi Vidi said to me he is not looking for a conspiracy here. I said I know he is not, because the point he has raised is a valid one. I will give the undertaking to investigate it, and if we need some revisions at some point in time to reflect that if necessary - I am not convinced they are - but, if necessary, we will certainly not hesitate to do so.

Thank you, Mr. Speaker, and I do now move second reading.

MR. SPEAKER: Is it the pleasure of the House that Bill 16, An Act Respecting The Management Of Government Information For The Province, be now read a second time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act Respecting The Management Of Government Information For The Province. (Bill 16)

MR. SPEAKER: This bill has now been read a second time. When shall this bill be referred to a Committee of the Whole House?

MR. E. BYRNE: Later today, Mr. Speaker.

MR. SPEAKER: Later in today's session.

On motion, a bill, "An Act Respecting The Management Of Government Information For The Province," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 16)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move right now first reading of Bill 37, and I am doing this by leave. Basically, I will give notice now that on today, as opposed to on tomorrow, ask leave to introduce a bill entitled, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

I understand it has already been distributed. If members do not have it, please let me know.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Municipal and Provincial Affairs shall have leave to introduce a bill entitled, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

Is it the pleasure of the House that the hon. the Minister of Municipal and Provincial Affairs shall have leave to introduce said bill?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

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Motion, the hon. the Minister of Municipal and Provincial Affairs to introduce a bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City of St. John's Act," carried. (Bill 37)

MR. SPEAKER: It is moved and seconded that the said bill be now read a first time. Is it the pleasure of the House that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye

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

Carried.

CLERK: A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

MR. SPEAKER: This bill has now been read a first time. When shall the said bill be read a second time?

MR. E. BYRNE: Now, Mr. Speaker.

MR. SPEAKER: Now.

On motion, Bill 37 read a first time, ordered read a second time presently, by leave.

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move, by leave of course, second reading of Bill 37, to be capably introduced by my colleague, the Minister of Municipal and Provincial Affairs.

MR. SPEAKER: It is moved and seconded that Bill 37, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act." (Bill 37)

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

SOME HON. MEMBERS: Hear, hear!

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

I want to just say a few words at second reading of Bill 37, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act.

Mr. Speaker, currently the Municipalities Act gives authority to towns to restrict or prohibit the use of water for conservation purposes. The three cities act, Mr. Speaker, do not, only in emergency situations. They have been doing it, but legitimately and legally, I suppose, they cannot bring in water conservation measures unless they are in an emergency situation.

This new bill would give the City of St. John's, the City of Corner Brook and the City of Mount Pearl the legislative authority to bring in, or restrict, the use of water for conservation purposes. I think that is something that the three cities want. As a matter of fact, I know they want it, Mr. Speaker. Also, in this situation we have - for example, in fire protection, if the only in emergency situations and the water goes down and they do not have

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the proper pressure in their lines to fight fires, then they could actually be - I suppose it is possible, and the Minister of Justice could verify this for me - liable if they do not have the proper fire protection available to their citizens.

Also, Mr. Speaker, water conservation and protection of water supply is an appropriate function for municipalities in the Province of Newfoundland and Labrador. Also, when you look at it from an environmental aspect, it is also important where we would have the authority and the right to put in water conservation measures for the protection of water supplies in given municipalities - the City of St. John's, the City of Mount Pearl and the City of Corner Brook.

Mr. Speaker, again, it is a very small bill, not very thick as some other bills are, but it is a very important piece of legislation. I did have some preliminary discussions with my critic on this, and the Leader of the NDP. I look forward to any comments that they may have on this bill, Bill 37.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Fortune Bay-Cape la Hune.

MR. LANGDON: Thank you, Mr. Speaker.

As I said, I have already talked to the minister about this. Obviously, it makes a lot of sense to give the cities the ability to be able to conserve water, not only in emergency situations, but anytime so that when they do they will not be liable, as the minister said. It makes good sense, so that the municipalities can make laws and do things that will best benefit their municipalities. So, this is another one.

I agree, like the minister said, it is not a heavy bill but what it does it gives the municipalities the right to set the rules and regulations within their municipalities, and I agree with it.

MR. SPEAKER: The hon. the Member for Signal Hill-Quidi Vidi.

MR. HARRIS: Thank you, Mr. Speaker.

The reason that this legislation is being put through the House so quickly, with leave, is that it is pretty straightforward, in that it gives the power to the City of St. John's, Corner Brook and Mount Pearl, powers that already are possessed by towns and other community councils throughout Newfoundland and Labrador. Obviously, there is no reason why the city cannot have the same power. So, we have no difficulty whatsoever with the principle of allowing that.

In my discussion with the minister I did raise the concern, and I will raise it generally here, that I would hope that this power will be used by the cities in a better way than so far what we have seen in emergencies where, because you are dealing with an emergency, you have to take fairly drastic action, and I understand that. If you are facing a crisis because you have a water shortage, you might have to do serious restrictions on water use through sprinklers, or days of the week, or sides of the street, and these complicated rules that we had here, for example, in the City of St. John's.

I would hope with this kind of power, Mr. Speaker, we can have perhaps more forward looking rules about the promoting of water conservation, generally. Perhaps cities such as St. John's, Mount Pearl and Corner Brook can introduce, on a go-forward basis, rules that might support or provide incentives or prohibition even, in new subdivisions or in renovations when new bathrooms are being installed, perhaps to use more water efficient toilets or other utensils, promoting the use of low use shower heads, for example. There are a whole series of measures, including education, that can be used to conserve the use of water.

I think that if the Province - maybe the Minister of Municipal Affairs does not want to get too involved but I am sure the Minister of Environment and Conservation could be easily persuaded, given his previous actions. At least when he was on this side of the House, Mr. Speaker, he was very enthusiastic about all sorts of issues

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related to conservation and environment and we hope that his department might assist the cities and municipalities, generally, to develop conservation measures related to the use of water. Even the Cities of St. John's, Corner Brook and Mount Pearl could, for example, in their building regulations provide for new subdivisions bringing in water systems management. I know the City of Edmonton has undertaken a very, very extensive program that involves the conservation of water through their building's department and through their other activities in the municipal infrastructure. Theirs are models that can be looked at.

Although this legislation talks about prohibiting or restricting the use of water, I would certainly encourage, particularly those Cities of Mount Pearl, St. John's and Corner Brook, which have a more substantial type of responsibility and greater staffing abilities, to get involved in these proactive sort of approaches, as opposed to just restricting the use of water for watering flowers or lawns, and the kind of things that citizenry tends to resent as opposed to fully participate in, and rather get involved in water management programs that encourage population and citizen involvement in developing a better attitude towards the use of water. Not only is it good for the environment, it is obviously cheaper for municipalities to use less water, and it can postpone the need for new infrastructure. That is often something that is overlooked not only in the use of water, but also in the use of electricity. They call it Demand Side Management in electricity circles. The same kinds of principles can be applied to water use in municipalities.

In particular, I would hope that government, not only the Department of Municipal and Provincial Affairs, but the Department of Energy and Conservation, encourages cities to develop these kinds of proactive measures that would better protect the environment, use less water, and of course, save money for municipal governments and for the citizens who are paying taxes.

Having said that, Mr. Speaker, I certainly support the legislation in giving those cities the powers that towns now have.

MR. SPEAKER: If the hon. the Minister of Municipal and Provincial Affairs speaks now, he will close debate at second reading.

The hon. the minister.

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

Mr. Speaker, I would like to thank the Opposition and the NDP for their support of this legislation. They made some good points. The points made by the Leader of the NDP with respect to the cities having to take drastic action in emergency situations, hopefully this legislation could help prevent these situations arising. If they do some long-term planning, they can prevent these emergency situations from arising.

Also, you talked about taking proactive action. Then again, Mr. Speaker, I think the cities could take certain actions to prevent the overuse of water. I suppose that is what he was getting at. With this legislation we can certainly do that, by putting in place certain regulations in their development regulations or building regulations with respect to the size of flush boxes and these types of things. I am sure the cities and the planners, within the cities themselves, will certainly be looking at this, even the city councillors themselves and the applicable mayors.

With that, I move second reading.

MR. SPEAKER: Is it the pleasure of the House that the said Bill 37, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act, be now read a second time.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

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Motion carried.

CLERK: A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

MR. SPEAKER: This bill has now been read a second time. When shall this bill be referred to a Committee of the Whole House?

MR. E. BYRNE: Now, Mr. Speaker.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act," read a second time, referred to a Committee of the Whole House presently, by leave. (Bill 37)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move that the House resolve itself into a Committee of the Whole to consider matters related to the following bills: Bill 23, Bill 34, Bill 33, Bill 16, Bill 25 and Bill 37.

MR. SPEAKER: It is moved and seconded that the House resolve itself in to a Committee of the Whole on a number of bills.

All those in agreement, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Fitzgerald): Order, please!

The hon. the Government House Leader.

MR. E. BYRNE: Thank you, Mr. Chair.

I do not want to move motion 5 on the Order Paper which means we sit beyond 5:30 p.m. I certainly can do that, but I think it would be better, just by agreement, because we are just about to conclude our parliamentary day, when the clock hits 5:30 p.m. if we just all agree, by unanimous consent, to stop the clock, finish what we have to do, and then move on.

Thank you.

CHAIR: Order, please!

Bill 23, An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities.

A bill, "An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities." (Bill 23)

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CLERK: Clauses 1 to 12 inclusive.

CHAIR: Shall clauses 1 to 12 inclusive carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clauses 1 through 12 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: Carried.

On motion, enacting clause carried.

CLERK: An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: The title is carried.

On motion, title carried.

CHAIR: Shall I report Bill 23, An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities carried, without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: Bill 23 is carried.

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

CHAIR: Bill 34, An Act To Amend The Victims Of Crime Services Act.

A bill, "An Act To Amend The Victims Of Crime Services Act." (Bill 34)

CLERK: Clauses 1 to 5 inclusive.

CHAIR: Shall clauses 1 to 5 inclusive carry?

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All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Clauses 1 to 5 is carried.

On motion, clauses 1 through 5 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'.

The enacting clause is carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Victims Of Crime Services Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

The title is carried.

On motion, title carried.

CHAIR: Shall I report Bill 34, An Act To Amend The Victims Of Crime Services Act, carried without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: Bill 34 is carried.

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

CHAIR: Order, please!

Bill 33, An Act To Amend The Highway Traffic Act And The Provincial Offences Act.

A bill, "An Act To Amend The Highway Traffic Act And The Provincial Offences Act." (Bill 33)

CLERK: Clauses 1 and 2.

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CHAIR: Shall clauses 1 and 2 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Clauses 1 to 2 is carried.

On motion, clauses 1 and 2 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'.

The enacting clause is carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Highway Traffic Act And The Provincial Offences Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

The title is carried.

On motion, title carried.

CHAIR: Shall the Committee report Bill 33, An Act To Amend The Highway Traffic Act And The Provincial Offences Act, carried without amendment?

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Shall the Chair report Bill 33, An Act To Amend The Highway Traffic Act And The Provincial Offences Act, carried without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

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Carried.

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

CHAIR: Order, please!

Bill 16, An Act Respecting The Management Of Government Information For The Province.

A bill, "An Act Respecting The Management Of Government Information For The Province." (Bill 16)

CLERK: Clauses 1 to 9 inclusive.

CHAIR: Shall clauses 1 to 9 inclusive carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Clauses 1 to 9 is carried.

On motion, clauses 1 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'.

The enacting clause is carried.

On motion, enacting clause carried.

CLERK: An Act Respecting The Management Of Government Information For The Province.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

The title is carried.

On motion, title carried.

CHAIR: Shall the Chair report Bill 16, An Act Respecting The Management Of Government Information For The Province, carried without amendment?

All those in favour, 'aye'.

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SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Bill 16 is carried.

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

CHAIR: Bill 37, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And the City of St. John's Act.

A bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And the City of St. John's Act." (Bill 37)

CLERK: Clauses 1, 2 and 3.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Shall clauses 1 to 3 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Clauses 1 to 3 is carried.

On motion, clauses 1 through 3 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'.

The enacting clause is carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The City of Corner Brook Act, The City of Mount Pearl Act and The City of St. John's Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

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The title is carried.

On motion, title carried.

CHAIR: Shall the Chair report Bill 37, An Act To Amend The City of Corner Brook Act, The City of Mount Pearl Act And The City of St. John's Act, carried without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Bill 37 is carried.

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

CHAIR: Order, please!

The hon. the Government House Leader.

MR. E. BYRNE: Thank you, Mr. Chairman.

I move that the Committee rise, report progress and ask leave to sit again.

CHAIR: The motion is that the Committee rise, report progress and ask leave to sit again.

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, Mr. Speaker returned to the Chair.

MR. SPEAKER (Hodder): Order, please!

The hon. the Member for Bonavista South and Deputy Speaker.

MR. FITZGERALD: Mr. Speaker, the Committee of the Whole have considered the matters to them referred, have directed me to report Bill 23, Bill 34, Bill 33, Bill 16 and Bill 37 passed without amendment, and ask leave to sit again.

MR. SPEAKER: The Chairperson of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 23, Bill 34, Bill 33, Bill 16 and Bill 37 passed without amendment.

When shall the report be received?

MR. E. BYRNE: Now, Mr. Speaker.

MR. SPEAKER: Now.

When shall the said bills be read a third time?

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MR. E. BYRNE: Now, by leave.

MR. SPEAKER: Now, by leave.

On motion, report received and adopted, bills ordered read a third time presently, by leave. Committee ordered to sit again on tomorrow.

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move third reading of Bill 23.

MR. SPEAKER: It is moved and seconded that Bill 23 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 23 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities. (Bill 23)

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

On motion, a bill, "An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities," read a third time, ordered passed and its title be as on the Order Paper. (Bill 23)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move third reading of Bill 34.

MR. SPEAKER: It is moved and seconded that Bill 34 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 34 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Victims Of Crime Services Act. (Bill 34)

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

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On motion, a bill, "An Act To Amend The Victims Of Crime Services Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 34)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move third reading of Bill 33.

MR. SPEAKER: It is moved and seconded that Bill 33 be now read third time.

Is it the pleasure of the House to adopt the motion that Bill 33 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

CLERK: A bill, An Act To Amend The Highway Traffic Act And The Provincial Offences Act. (Bill 33)

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

On motion, a bill, "An Act To Amend The Highway Traffic Act And The Provincial Offences Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 33)

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

MR. E. BYRNE: Thank you, Mr. Speaker.

I move third reading of Bill 16.

MR. SPEAKER: It is moved and seconded that Bill 16 be now read third time. ✓

Is it the pleasure of the House to adopt the motion that Bill 16 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

CLERK: A bill, An Act Respecting The Management Of Government Information For The Province. (Bill 16)

MR. SPEAKER: This bill has not been read a third time and it is ordered that the bill do pass and its title be as on the Order Paper.

On motion, a bill, "An Act Respecting The Management Of Government Information For The Province," read a third time, ordered passed and its title be as on the Order Paper. (Bill 16)

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

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MR. E. BYRNE: Thank you, Mr. Speaker.

I move third reading of Bill 37.

MR. SPEAKER: It is moved and seconded that Bill 37 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 37 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

CLERK: A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 37)

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

On motion, a bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 37)

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

MR. E. BYRNE: Thank you, Mr. Speaker

I want to thank my colleagues on both sides of the House for the great deal of co-operation today on legislative matters before the House. With that, I do wish to advise the members of the House that tomorrow we requested that we use Private Members' Day potentially for a government business day in terms of debating legislation. I just want to advise members that is what we will be doing tomorrow from 3:00 p.m. to 5:00 p.m., which is what would normally be the routine for private members.

With that, Mr. Speaker, I do move that the House now adjourn and return tomorrow at 2:00 p.m., on Wednesday.

MR. SPEAKER: It is moved and seconded that this House do now adjourn until tomorrow, Wednesday, at 2:00 in the afternoon.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

This House now stands adjourned until tomorrow, May 18, at 2:00 of the clock in the afternoon.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 2:00 p.m.