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**Proceedings of the Standing Committee on  
Government Services**

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Service NL and Public Procurement Agency

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Honourable Perry Trimper, MHA

## **GOVERNMENT SERVICES COMMITTEE**

Service NL and Public Procurement Agency

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Chair: Randy Edmunds, MHA

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Keith Hutchings  
Neil King, MHA  
Lorraine Michael, MHA  
Betty Parsley, MHA  
Barry Petten, MHA

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Appearing:

### **Service NL and Public Procurement Agency**

Hon. Sherry Gambin-Walsh, MHA, Minister

Bernard Davis, MHA, Parliamentary Secretary

Sean Dutton, Deputy Minister Service NL and Chief Procurement Officer (interim),  
Public Procurement Agency

Robyn Hayes, Departmental Comptroller

Patricia Hearn, Chief Operating Officer (A), Public Procurement Agency

Marlene Hickey, Chief Review Commissioner, WHSC Review Division

Melony O'Neill, Director of Communications

Roxie Wheaton, Assistant Deputy Minister, Government Services Branch

Kelly White, Executive Assistant

### **Also Present**

Paul Lane, MHA

Kevin Parsons, MHA

Gerry Rogers, MHA

Veronica Hayden, Researcher, Official Opposition Office

Ivan Morgan, Researcher, Third Party Office

Pursuant to Standing Order 68, Kevin Parsons, MHA for Cape St. Francis, substitutes for Keith Hutchings, MHA for Ferryland.

Pursuant to Standing Order 68, Gerry Rogers, MHA for St. John's Centre, substitutes for Lorraine Michael, MHA for St. John's East - Quidi Vidi.

The Committee met at 6:05 p.m. in the Assembly Chamber.

**CHAIR (Edmunds):** Okay, welcome everyone. We're going to review the Estimates now for the Public Procurement Agency, Service NL and workplace health and safety.

I'd like to first point out that the Member for Cape St. Francis is substituting for the Member for Ferryland, and the Member for St. John's Centre is substituting for the Member for St. John's East - Quidi Vidi.

What we're going to do this evening is we're going to start off reviewing the Estimates for the Public Procurement Agency, followed by workplace health and safety, and finally we'll get into the Estimates for Service NL.

First, I'd like to call for a motion to adopt the minutes of the last meeting.

Moved by the Member for Cape St. Francis.

On motion, minutes adopted as circulated.

**CHAIR:** I'd like to welcome the Members of the Government Services Committee here tonight, and the Minister for Service NL and her staff. Before we begin, I'll ask if the department could identify personnel.

**MR. DUTTON:** Sean Dutton, I'm the interim Chief Procurement Officer with the Public Procurement Agency, and Deputy Minister of Service NL.

**MS. GAMBIN-WALSH:** Minister Sherry Gambin-Walsh.

**MR. DAVIS:** Parliamentary Secretary for Service NL, Bernard Davis.

**MS. WHEATON:** Roxie Wheaton, ADM, Government Service Centres.

**MS. HICKEY:** Marlene Hickey, Chief Review Commissioner with the Workplace Health, Safety and Compensation Review Division.

**MS. HEARN:** Patricia Hearn, Chief Operating Officer with the Public Procurement Agency.

**MS. HAYES:** Robin Hayes, Departmental Comptroller.

**MS. O'NEILL:** Melony O'Neill, Director of Communications, Service NL

**MS. WHITE:** Kelly White, Executive Assistant to Minister Sherry Gambin-Walsh.

**CHAIR:** Okay, thank you.

I would just ask that if you are called upon to elaborate on some of the questions that are asked, you identify your name before you actually begin answering questions.

We'll go and do introductions for the Government Services Committee.

**MR. K. PARSONS:** Kevin Parsons from the beautiful District of Cape St. Francis.

**MS. HAYDEN:** Veronica Hayden, Opposition Office.

**MS. ROGERS:** Gerry Rogers, and I work for the good people of St. John's Centre. Thank you so very much for coming this evening.

**MR. MORGAN:** Ivan Morgan, Researcher, NDP caucus.

**MR. LANE:** Paul Lane, leader of the fourth party, Member for Mount Pearl - Southlands.

**MR. FINN:** John Finn, Stephenville - Port au Port.

**MR. KING:** Neil King, MHA for the historic District of Bonavista.

**MS. HALEY:** Carol Anne Haley, MHA Burin - Grand Bank.

**MS. PARSLEY:** Betty Parsley, Harbour Main.

**CHAIR:** Okay, thank you.

Once we call the headings, I will ask the minister to give an introduction. What we'll do is we'll go with 10-minute allocations for the Official Opposition, Third Party and the Member for Mount Pearl - Southlands and we'll carry on, I suspect, until we complete all the Estimates.

**CLERK (Barnes):** Public Procurement Agency, 1.1.01.

**CHAIR:** Shall 1.1.01 carry?

**AN HON. MEMBER:** (Inaudible.)

**CHAIR:** Minister Gambin-Walsh.

**MS. GAMBIN-WALSH:** I'd like to make a few comments first.

Good evening. As Minister of Service NL and Minister Responsible for the Public Procurement Agency, I'm pleased to appear before you to discuss the estimate figures for these entities.

I want to take this opportunity to thank the Members opposite and their staff for joining us. I also want to thank the staff from Service NL, the Public Procurement Agency and also WorkplaceNL review division for their preparation for today's session.

Before we get started, I wanted to highlight the fact that money allocated for leases and vehicles has been restated in the Estimates for the Department of Transportation and Works. In 2017-18, Service NL generated revenue of over \$139 million through such functions as issuer fees, registry of deeds, and especially transactions at Motor Registration Division. This revenue would have been included in the general revenue of government.

Service NL is responsible for the majority of licensing, inspection, public record keeping and regulatory functions within government and is the primary access point for people who need those services. Service NL undertakes hundreds of thousands of transactions each year. These range from electrical inspections to restaurant

inspections to production of vital statistics records and the registration of deeds.

Within the Motor Registration Division, Service NL completes more than 1 million transactions per year. I believe all Members here tonight will have witnessed first-hand at some point the hard work of at least one of these divisions. I'm sure we can all appreciate the commitment of staff to serving the people of our province.

The authority to carry out the department's mandate comes from more than 150 statutes and regulations, as well as standards and codes of practice. Service NL also encompasses the Occupational Health and Safety Division, or OHS Division, which is responsible for health and safety inspections and enforcement programs. The OHS Division establishes, through legislation, the codes, standards and practices for safe and healthy working conditions.

The Office of French Services is also part of my department and provides French language training and translation services to government. This office also provides support to the Minister Responsible for Francophone Affairs. In addition, through the Office of the Queen's Printer, the department provides printing services for the provincial government and the general public.

I am also the Minister Responsible for the Public Procurement Agency, the central procurement unit of the Government of Newfoundland and Labrador. It is responsible for the oversight of the procurement process for goods and services on behalf of all public bodies. As of March 24, most of the new *Public Procurement Act* is now in effect, while provisions and supplier debriefs, complaints and supplier performance come into effect on September 24.

The WorkplaceNL review division reviews decisions of WorkplaceNL to ensure compliance with the act, as well as regulations and policies. The division provides vital appeal services to employers and workers, and pursues continuous improvement in the area of client services.

My department has done a significant amount of work over the past year in such matters as changes to the *Highway Traffic Act* to strengthen

road safety in the province; launch a comprehensive auto insurance review; non-binary birth certificates; changes to buildings accessibility regulations; and improvements and efficiencies at the Motor Registration Division, just to name a few.

Clearly, there is a significant amount of work undertaken in the areas I've mentioned. As I want to make sure we make the most of our time in the Estimates session, I will now turn the proceedings over to the Chair so the Members opposite can ask their questions.

Thank you very much.

**MR. K. PARSONS:** Thank you very much, Minister.

I'm going to have some general questions but seeing that we're going to Public Procurement first, I have the general questions that I'm going to hold off until we get to Service NL.

I just want to go through the line by line first. I have a couple of questions at the end and then I'm going to ask about our new policy and regulations that came into effect this year. I believe they came in recently that the bill was proclaimed and the regulations, I guess, will be online or whatever.

First, I'm going to go to Salaries. In budget 2017 it was budgeted for \$2,017,000, yet there was only \$1,606,500 that occurred, a decrease of \$410,000 – why did this happen? What was the reason for that line there, the decrease and what was revised?

**MS. GAMBIN-WALSH:** The decrease of \$55,900 reflects the early completion of the original attrition management plan of \$46,800 from 2019-20 to 2018-19, as well as the reduction of \$9,100 for the new attrition fiscal target. The agency will work with HRS and Treasury Board to determine where these savings will come from.

There was a decrease of \$410,700 to reflect the number of vacancies in 2017-18.

**MR. K. PARSONS:** Okay, so it's vacancies there.

I just go to Transportation and Communications there. Last year, it was budgeted for \$50,000; however, you only spent \$25,000. What happened there with the decrease of \$25,000?

**MS. GAMBIN-WALSH:** That's a decrease to reflect zero-based budgeting.

**MR. K. PARSONS:** Was it?

**MS. GAMBIN-WALSH:** It's a decrease to reflect zero-based budgeting.

**MR. K. PARSONS:** Okay.

On the Supplies line, \$15,100 was budgeted; however, \$11,100 occurred – another decrease of \$4,000.

**MS. GAMBIN-WALSH:** The decrease of \$4,000 reflects less supplies needed in '17-'18 due to delayed training on the *Public Procurement Act*.

**MR. K. PARSONS:** Okay.

Under Professional Services, again another decrease of \$13,700 from what was budgeted and the revised.

**MS. GAMBIN-WALSH:** The decrease of \$13,700, there were less auctions in '17-'18.

**MR. K. PARSONS:** Auctions?

**MS. GAMBIN-WALSH:** Yeah.

**MS. HEARN:** If you'd like more of an explanation on the auctions for the PPA.

**MR. K. PARSONS:** Yes.

**MS. HEARN:** The Public Procurement Agency not only acquires goods and services but we also auction off surplus goods and services, and we manage this as well on behalf of the core government.

Every year – we actually have a contract with Roche Auctioneers at the moment for all of our auctions. The Professional Services budget is to go to pay for the auctioneering services that are acquired during that year.

This year where you see a decrease, there were less auctions during that year, which meant that we had to pay the auctioneering services less. What you will see year after year is a cyclical nature in auctioneering. So the departments generally will have surplus more on the second year of each calendar year and so next year, you will see this auction increase again, generally speaking.

**MR. K. PARSONS:** Okay.

On the next line there, Purchased Services, another decrease of \$52,000. There was \$82,200 budgeted, yet \$30,000 was actually what was revised.

**MS. GAMBIN-WALSH:** Again, that's to reflect zero-based budgeting.

**MR. K. PARSONS:** Okay.

Obviously, we spent a little bit more money on the Property, Furnishings and Equipment, an increase of \$1,600.

**MS. GAMBIN-WALSH:** Thirteen?

**MR. K. PARSONS:** Yup.

**MS. GAMBIN-WALSH:** Okay, that reflects the purchasing of a projector.

**MR. K. PARSONS:** Okay.

I just want to ask you an overall question. I know when we went through the legislation for the *Public Procurement Act* to come in place, we were all saying that the details are in the regulations. So are all regulations in place now for what needed to be put in place? Because I know at the time, this will be in regulations and that will be in regulations. So is it there now for everyone to see what the actual regulations are?

**MR. DUTTON:** The public procurement regulations have been published in the *Gazette*, so that part is complete. The act also allows for ministerial regulations around the Procurement Advisory Council, so that would basically set out the procedures and the terms for the new Procurement Advisory Council to be established. They should be published fairly soon and once that becomes public, then the

minister will be seeking nominations from public bodies to service on the Advisory Council.

**MR. K. PARSONS:** Okay, all right.

That's all I have in Public Procurement. I can go to workers' comp now.

**CHAIR:** Okay.

**MS. ROGERS:** Or should we finish – yeah, let's do Public Procurement.

**MR. K. PARSONS:** Okay, I'll let the Member go from St. John's Centre, if she wants to finish on this.

**CHAIR:** Okay, that's fine.

**MS. ROGERS:** Thank you very much.

I just want to go back to one of the line items, Purchased Services. We see the reduction of \$50,000. What kinds of purchased services would that have included and that then you didn't spend?

**MR. DUTTON:** The reduced spending this year was due to some delay in procuring the electronic notification system. So the act contemplates a new website where all the opportunities for public bidding, for all public bodies, would be posted as well as the information on the rules around procurement and public reporting on procurement activity. We're working with the Office of the Chief Information Officer and Department of Transportation and Works on that to develop a request for proposals. We anticipate having that procurement done during the 2018-19 fiscal year.

**MS. ROGERS:** So then we'll have everything up there on the website. That's the hope then to have that up.

**MR. DUTTON:** Yes, most of the requirements in the act and regulations can be fulfilled through the existing website. The advantage of having a new web portal is that right now a lot of public bodies outside of core government use their own platforms.

So today, to have all of the information available, we have links added to our website for the procurement platforms for Nalcor and other public bodies. Our intent is to have this site that will allow for all of that to be through a single portal, and one that will also give us the capability to generate better reports for the public on procurement activity.

Some of the data that we'd like to collect that also the Information and Privacy Commissioner has suggested that we should report will be things we don't collect today but we'll be able to gather through the new web portal. So one element of the regulations is to be proclaimed effective April 1 of next year to allow us time to be able to procure the new system and we'll be able to satisfy that reporting requirement.

**MS. ROGERS:** Okay, thank you.

Back to line 01, the Salaries, where we see there was a reduction in the \$410,000 and those were vacancies – will those vacancies be filled?

**MR. DUTTON:** Yes, it's still our intent to fill the vacant positions. As of March 31, we had four vacancies. I'm not sure if that includes the Chief Procurement Officer, so I'm filling the position on an interim basis and once the Independent Appointments Commission recruitment process is completed then a full-time Chief Procurement Officer would be hired.

**MS. ROGERS:** Okay, great. Thank you.

Back to the regulations, so with the Procurement Advisory Council, what exactly is that, how many members will there be, and what is their mandate?

**MR. DUTTON:** Sure. The idea is that it'll be something of an advisory committee for the minister and would be comprised of senior officials involved in procurement, not just in core government but from other public bodies. So as you'd appreciate a lot of the major procurement spend is actually through the health authorities, the university, Nalcor, the English School District and so on.

So we'd seek to have a representative group as well as representatives from municipal governments to get their perspective. Today we

don't have really a group where they get together, so one of the advantages would be just to provide a community of practice for them to share some of their best practices and solutions to problems, to give advice to the minister on procurement policy, and also a forum to meet with stakeholders from the business community and social enterprise to be able to receive their feedback and input from the supplier community.

**MS. ROGERS:** I haven't had an opportunity yet to look at the regulations. Is the issue of social benefit included in the regulations and, if so, how?

**MR. DUTTON:** In terms of the act itself, it allows for the use of request for proposals without requiring a Cabinet authority. That was a requirement of the *Public Tender Act* that has been repealed. As a result of that, then public bodies have a greater ability to use RFPs in place of tenders. It would be through the RFPs that people would be able to evaluate other factors besides just the lowest price compliant bid and evaluate other factors. So there's a greater opportunity there.

As well, by making all of the procurement opportunities public through a single web portal then that information would be available to all perspective bidders, including social enterprise to know what opportunities are there throughout Newfoundland and Labrador to bid on.

We've had a number of discussions with the Choices for Youth. They had a social buying conference earlier this year. They shared with us their report and recommendations. We're continuing to do some policy work around how to address some of the social, economic and environmental priorities of government through the procurement process.

We're also involved in the federal-provincial territorial deputy heads of public works table. It's a bit of a misnomer. It's really deputies for real property and procurement. We've had a number of discussions there about what other provinces and territories and the federal government are contemplating around using procurement as the policy tool.

When it comes to social buying and social enterprise, there are a number of social enterprises engaged in that today. It's a fairly new policy area, so we haven't gotten a lot of instruction from other jurisdictions on how they're doing it but we're certainly continuing to engage with them through that process; the usual jurisdictional scanning that we do whenever we're considering new policy development.

**MS. ROGERS:** Is there any appetite at all within your department to look at compelling a lens of social benefit, not just social enterprise but in terms of not just wouldn't it be nice, but to actually compel that kind of lens applied to any bid to see where there might be social benefit whether it's social enterprise or not.

**MR. DUTTON:** Yeah. That's where the policy work is going to continue so we have an interdepartmental committee of officials that are sharing their objectives, besides the social enterprise.

There are a variety of other objectives that the government wants to determine what's the best way to proceed, including ensuring that procurement addresses the needs of persons with disabilities, that commitments to indigenous procurement through land claims agreements are fulfilled, women-owned enterprises having an opportunity to bid on contracts, and some of the other sectoral work besides the Social Enterprise Action Plan.

The technology plan is also looking at opportunities there. So there are a lot of really interesting policy objectives to try to address. We're just trying to work together to see where we can find some opportunity to address that within the scope of the agreements we have signed on internal and international trade, and also within the framework.

It's really an innovation I guess that the act provides that the chief procurement officer would be following the social, economic and environmental priorities that the Cabinet may establish. So we just need to do some more policy work to help inform how best to address those various objectives.

**MS. ROGERS:** Great. Preparing for the debate, I was so excited to see what was being done in

Scotland around the whole area of social benefit and their procurement act. I was hoping we might be able to be as innovative and compelling in that area.

**MR. DUTTON:** Yes. Well, we'll be looking at international examples as well, where there are any examples like that that could be instructive.

**MS. ROGERS:** Okay.

Thank you very much. I have no further questions.

Thank you, and thank you for your great work.

**CHAIR:** The Member for Mount Pearl - Southlands.

**MR. LANE:** Thank you.

A couple of quick questions. The first one on two of the line items, Transportation and Communications and Purchased Services. Minister, on both of those the numbers went down, the revised, compared to the budget for 2017-2018. You indicated in both cases it was zero-based budgeting is what resulted in that number, but if you look at this year's estimate the numbers are gone back up to where they were originally.

If you use zero-based budgeting and brought them down, have we abandoned zero-based budgeting and that's why they're going up? Why are both gone up this year?

**MR. DUTTON:** I guess on that; no, I wouldn't say zero-based had been abandoned but it's really just around the timing of implementation of the new framework. As I referenced, one of the things that's taking a little bit longer has been the procurement of an electronic notification system. We might have had some spend on that in the year past, now we would look to have that expenditure in the year ahead.

Secondly, around our training and information sessions to do with the implementation of the act, we had a later date in the fiscal year for the publication of the regulations, so we didn't start our information sessions with public bodies until probably February. We did all of those through webinar, so it was a lesser cost. We had



anticipated maybe having to do more travel associated.

As the minister mentioned at the start, sections 12 and 13 of the act to do with supplier performance and the complaints process and supplier meetings after procurements, they come into effect six months later because we needed the additional time to work with public bodies on how they might implement those processes. It's a little bit more different from the other changes we're doing because we're talking about, especially on supplier performance, a process by which if a vendor has not been compliant on meeting the terms of their contract or multiple contracts, there's the ability to suspend them from being able to bid on future opportunities with that public body.

That's a very significant decision to make, not to be made lightly, and that's an ability any municipality or public body would have. So we want to make sure we've worked closely with them to ensure they all have good processes in place around that in the event they need to use that authority.

We'll probably have more sessions outside of town or through the webinar than we would've had this year. That's why the expenditure's a little bit higher. We may be able to find more savings in the following year once we've got the framework fully implemented.

**MR. LANE:** Okay. Thank you for that.

It's pretty funny, actually. The last question I had was around contractor performance and would there be anything in the regulations, because I know it's an issue particularly with roadwork and stuff like that in municipalities where you get a contractor who does a real shoddy job; yet, you're forced to take their bid again next year when you've had two or three bad experiences.

**MR. DUTTON:** Mm-hmm.

**MR. LANE:** Municipalities would argue you should be able to just take them off the list, say: Sorry, we're not interested in doing business – but they were forced to do it anyway.

**MR. DUTTON:** Yeah.

**MR. LANE:** It was interesting that the example you gave was the exact question I had.

**MR. DUTTON:** Yes.

**MR. LANE:** So I'm done.

Thank you. I'm glad to see you're doing that, by the way. Good.

**MR. DUTTON:** Okay.

Thank you.

**CHAIR:** Okay. So we'll recall 1.1.01.

**CLERK:** Shall it carry?

**CHAIR:** Shall 1.1.01 carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, subhead 1.1.01 carried.

**CLERK:** The totals.

**CHAIR:** Shall the total carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, Public Procurement Agency, total heads, carried.

**CHAIR:** Shall I report the Estimates of the Public Procurement Agency carried without amendment?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

Okay. Thank you.

Now we're going to move to Workplace Health, Safety and Compensation Review. I'll ask the minister if she would like to have some opening remarks –

**MS. GAMBIN-WALSH:** (Inaudible.)

**CLERK:** 4.1.01.

**CHAIR:** Shall 4.1.01 carry?

The hon. the Member for Cape St. Francis.

**MR. K. PARSONS:** Just a couple of line items here. I wonder, can you explain the variance on the salary line?

**MS. GAMBIN-WALSH:** The increase of \$57,700 reflects new funding for an executive administrative support position. It's fully funded by WorkplaceNL.

**MR. K. PARSONS:** What's it called again?

**MS. GAMBIN-WALSH:** A fully funded executive administrative support position, and that's funded by WorkplaceNL.

**MR. K. PARSONS:** Okay.

You had a decrease of \$13,091 from what you budgeted last year to the revised.

**MS. GAMBIN-WALSH:** The decrease reflects vacancies for a portion of the fiscal year.

**MR. K. PARSONS:** Okay.

Down to Professional Services, there's a difference of what you budgeted and revised of \$49,000. Can you explain that?

**MS. GAMBIN-WALSH:** That reflects the vacant review commissioners for part of the fiscal year.

**MR. K. PARSONS:** Okay.

You may be able to tell me that it's somewhere else or whatever happened. When we did last year's budget, the budget line for Purchased Services in the budget book of last year was \$163,400, yet this year it shows the budget was \$31,400. There's a difference there of \$132,000.

Was there something moved or something happened here that changed that?

**MS. HICKEY:** The difference is the rental costs have been moved for the space, leased

space, into Transportation and Works. It's been removed from our budget.

**MR. K. PARSONS:** Okay.

I have some general questions that I'd like to ask now too. How are you doing with the review commissioners? Are there any vacancies? What are the numbers with the review commissioners? Are you to par? I know we had some vacancies there also.

**MS. HICKEY:** We currently have five active review commissioners, with two vacancies.

**MR. K. PARSONS:** How many appeals are in the system right now?

**MS. HICKEY:** Currently there are 164 applications to be heard.

**MR. K. PARSONS:** How many are actually waiting this time now for hearings?

**MS. HICKEY:** That is the number waiting for hearings.

**MR. K. PARSONS:** Waiting for hearings is 164.

**MS. HICKEY:** Uh-huh.

**MR. K. PARSONS:** Wow!

We always look at timelines – I know there were some timelines we had to bring in here. So if a worker is filing for an appeal today, how long can he expect to wait before he could have a hearing?

**MS. HICKEY:** A hearing will take between six to eight months.

**MR. K. PARSONS:** Six to eight months. Wow!

Obviously, there's a huge backlog on the hearing process.

I know, Minister, we came in the House one day and we asked some questions on it. The norm that you were looking at to doing this was within 60 days. Is that what you wanted –?

**MS. HICKEY:** Sorry, I didn't hear you.

**MR. K. PARSONS:** I know that there was a goal that was set to have hearings heard within 60 days.

**MS. HICKEY:** The legislation, actually, which was created in 1994, put a 60-day turnaround time on the applications. Currently, that's not been met. Historically, in the time since then, we've actually never met that target.

We've been working to reduce the actual period of time that we have some control over. The period of time from an application to a hearing takes into account the availability of the parties to come in for a hearing. Oftentimes, when injured workers or employers are represented, those representatives are not always available. For example, if it's a union representative, they may be caught up in union negotiations and things like that. Their workload has an impact on our ability to advance the hearing schedule.

We attempt to schedule at least 25 hearings a month. With 25 hearings scheduled a month, we typically have six to eight requests for postponement. It takes quite a while for the parties to get themselves ready for a hearing and the Review Division has no control over that period of time.

Once the hearing has been completed we attempt to have the decision, in as many cases as we can, finalized within 60 days from the date of the hearing.

**MR. K. PARSONS:** With 164 applications in right now and you're doing 25 a month, how many applications are you actually getting – is it going up? Are we to a point that we have to do something here? At 164, next month it will be 174 that this is going to increase – is this what is happening?

**MS. HICKEY:** What happened in January of 2017: we had three new review commissioners appointed. It takes some time to have those folks trained. Following the training, one of those review commissioners resigned. We then, in July, had four more review commissioners appointed and two of those individuals have since resigned.

So the recruitment and retention of review commissioners also impacts our ability to

advance the caseload to hearing. We are already working with the minister on solutions for that. We are continuing to work with the IAC. They have the profile up online on a continuous basis seeking applications for part-time and full-time review commissioner positions, whatever becomes available. It's an ongoing process.

Historically, the recruitment and retention of review commissioners has always been challenging. It is very difficult work, it's very time consuming and it brings with it its own challenges when you are an individual who has never been exposed to this kind of work before. It's very difficult. I think perhaps you yourself have an appreciation for that having been a representative for injured workers in the past yourself.

So the review commissioners with a panel of seven – which is what the legislation allows us to have – a full panel, we can manage to do quite well with the cases. But it does take some time to get those review commissioners trained and up to a level where they can operate to the capacity that we would like, which would be six to eight applications per month. The review commissioners that came on in July, at this point, they're doing two to four applications a month.

**MR. K. PARSONS:** So when do you expect a review commissioner to come up to speed and be able to do six –?

**MS. HICKEY:** They're getting there right now. The review commissioners that we have now, they're getting there. I think they started doing a full slate of hearings – they started hearings in October and by January I think they're up to four. And it's an intimidating process for someone who hasn't had the exposure or the familiarity.

So the Review Division provides a 10-day, in-house training program. It's a very intensive training program and it takes us several months to deliver the programming, simply because of the nature of the subject matter. If we roll out 10 days one after another – the candidates – the review commissioners become very overwhelmed, as you can imagine. Ensuring that there is a quality decision at the end of the day

that represents what the act directs, that's our priority and that takes some time.

**MR. K. PARSONS:** Okay.

The five that we have there now, how many of those are full time? Are they all five full-time commissioners?

**MS. HICKEY:** Myself, I'm a full-time commissioner and we have one other full-time review commissioner.

**MR. K. PARSONS:** The other three are part-time commissioners?

**MS. HICKEY:** Part time.

**MR. K. PARSONS:** Okay. Is there any move, Minister, to try to get some more full-time commissioners in place for the Review Division?

**MS. GAMBIN-WALSH:** We are reviewing that. We're looking it over and we're trying to determine the best practice to move forward.

As Marlene alluded to, trying to secure and keep commissioners has been a challenge, so we're also taking a look at that. Perhaps it's the profile of the individuals that we attract or it could be the workload, it could be the cases, but we are reviewing the situation to try to determine what's the best way to secure and keep commissioners.

**MR. K. PARSONS:** Obviously, Minister, there's a huge problem there when you see that there are 164 applications in the system just waiting to get a hearing and we're only going to do 25 a month. This is only going to get snowballed and get worse and worse if we don't do something about it, obviously. With two full-time ones, three part-time ones and two vacancies there right now it looks like we need to do a bit of work on this.

Ms. Hickey, do you have any suggestions to how we can improve this system, how we can get the number of people – it's a huge issue actually. I've brought it up in the House before and I had calls from a constituent of mine saying the period of time they had to wait before. These numbers are after getting a lot higher than what

they were even when I asked it in the House. Is there some solution down there?

**MS. GAMBIN-WALSH:** Marlene has put forward some suggestions and we're reviewing them.

**MR. K. PARSONS:** Okay.

**CHAIR:** The Member for St. John's Centre.

**MS. ROGERS:** Thank you very much, Mr. Chair.

My question is: What do you think is needed, then, in order to be able to recruit more and retain the commissioners?

**MS. GAMBIN-WALSH:** We need the full complement of seven. That's what we need. As you've heard –

**MS. ROGERS:** Seven full time, is it?

**MS. GAMBIN-WALSH:** No, it's seven commissioners in total. There are two full-time right now and five part-time. We need that full complement. We haven't been able to secure that full complement and keep it stagnant for a period of time. That's what we're working at, trying to determine exactly who we need to secure. Individuals are coming in and realizing the workload and are resigning again.

**MS. ROGERS:** The full complement, then, if every position was filled would be two full-time and five part-time, is it, not seven full-time?

**MS. GAMBIN-WALSH:** Correct.

**MS. ROGERS:** Okay.

What is the pay scale like for the commissioners?

**MS. HICKEY:** The current full-time review commissioner has a salary of \$90,000. Part-time review commissioners are paid at \$750 per case with an annual retainer stipend of \$4,000.

**MS. ROGERS:** Are they predominately lawyers who do it?

**MS. HICKEY:** We've had a mix of applicants. One might think that having all lawyers would be a very good thing and one might think having non-lawyers is a good thing. In our experience, I have found that it's really the experience base of the individual who's coming forward and the background they have that presents as something as transferable skills that we can work with.

But the reasons for the recruitment and retention are really multifactorial, it's everything. It's the nature of the individual. Are they retired, what their expectations are, what the system is paying and what it can afford to pay. There's really no simplistic answer like it's this or it's that. There are many pieces to the retention and recruitment of review commissioners. Again, I can't state enough – and I know everybody would say that they have a difficult job – this is a difficult job and it's very important that the right people are in these positions.

As soon as we get the training done – I don't mean to go on, but when we start training we do advise these folks upfront that this is not an appointment to a board where someone prepares an agenda and you have a binder of items that you're going to review. It's not like that. It's reviewing a lot of documentation, it's preparing for a hearing, it's being available for a hearing and it's a lot of work.

It's judicial writing and that's very challenging if you do not have writing experience. Some review commissioners upfront will say: I don't know if this work is for me. As a result, we have seen either partway through the training or at the end of training some resignations coming in.

**MS. ROGERS:** That must be difficult then, when you invest that time in someone and just feel we're going to be okay. That must be tough.

**MS. HICKEY:** It's disappointing because as a division we try to ensure that they are aware, before they accept the position, of what it is they will be required to do. It seems like no matter how much I chat with them and say this is what it is and so on, they say, oh yeah, I can do that, I've done that before.

**MS. ROGERS:** Can't be that bad.

**MS. HICKEY:** They're very positive but it doesn't always work out. Sometimes it does but not always.

**MS. ROGERS:** Okay.

My other question is – because this is not a portfolio that I'm very familiar with – where the act requires that a decision on a worker's appeal be made within 60 days of the application. That's from the time of application to the culmination of the case, the 60 days. What we're seeing now is six to eight months. Again, what you've identified is that's multifaceted as well.

**MS. HICKEY:** Yes, it is.

**MS. ROGERS:** But certainly the shortage of commissioners would be part of that.

Thank you.

I have no further questions. Thank you very much.

**CHAIR:** The Member for Mount Pearl - Southlands.

**MR. LANE:** Thank you, Mr. Chair.

I'm not going to belabour it but I've appeared numerous times at the review commission on behalf of constituents of mine. I'm sure, as Ms. Hickey says, there are times when people – whether the employer delays or whatever or the employee says I can't make it. Those things happen. I appreciate that.

But I can tell you categorically that everyone I've represented, there was only me and that individual there. No one from the employer bothered to show up. There was no one from the Commission; it was just two of us and a commissioner in every case I've been to. I'm not saying there wouldn't be cases that employers would show up, but it was just two of us and, yet, it was still anywhere from six months to a year – somewhere between there – from the time that we put in the application to the time that person actually got to have their case heard. Then you had to wait another month or whatever to get a decision, which is fair enough.

I think it's important to note the problem goes well beyond just simply people cancelling appointments; I can't make it or whatever. Like I said, in my case – several cases – that wasn't the case and yet they're still waiting. It is one thing if somebody is waiting to get a decision on something that may be somewhat minor in nature – whether it was a PFI or whatever – but if somebody is literally with no income because they were cut off workers' comp and now they're waiting for months and they have no income, it's very dire, in some cases, to get those decisions.

It is a problem. I've been bringing this up now for at least four or five years at Estimates with different governments, different ministers. It's always been over 100 backlogged or more, so it's not like a new problem. I don't know what the answers are. It would seem to me that there are seven commissioners we're allowed to have. I don't think it says in the legislation five temporary and two permanent. I think it says seven commissioners, if I'm not mistaken. So that's a choice being made by the department or by the division to determine it's going to be five part-time. There's nothing to stop the division, as far as I understand, to say tomorrow: No, we're going to have seven full-time permanent commissioners.

Now, there's a cost to that, obviously, but then again it's supposed to be put in place for injured workers. There's a very healthy injury fund, it's not costing the government anything. I know it costs employers, we got to be cognizant for that, but it's 100 per cent employer funded and if that's what's needed to protect workers then that's what's needed to protect workers. I'm glad to hear you're looking into it. To my mind, the solution needs to be more commissioners and they need to be permanent commissioners.

Obviously, if you're dealing with part-time people and they're semi-retired, then you're dealing with their schedules, and make no wonder you can't get cases through. They probably, after a while, say: Well, b'y, you're going to have to get more cases through than that. They say: Well, b'y, I'm retired, I want to go down South for a couple of months, I haven't got time for this, I quit. I'm sure those types of things happen.

Whereas, if you took somebody who was maybe a younger person and they chose that as a career, so to speak, and that's their full-time job, well then that's their job. They would be available, they would be trained and they would move forward. I think that's where you need to go.

Anyway, it's not really a question, more of a statement, but I'm done.

Thank you.

**CHAIR:** Okay.

The hon. the Member for Cape St. Francis.

**MR. K. PARSONS:** One question and it's about the training, Marlene. When you said about the training: Are they getting paid for the training that they do? Is that part of payment? How does that work?

**MS. HICKEY:** Yes, they get paid. They don't get paid the \$750. Review Commissioners get paid according to the rates of remuneration for agencies, boards and commissions. So I think, one day of training is \$465 or something like that. So that's the basis on which they're paid.

**MR. K. PARSONS:** Okay. So you said it's about 10-days training?

**MS. HICKEY:** Yes, 10-days training.

**MR. K. PARSONS:** Okay. That's all I have on that section.

**CHAIR:** Okay, we'll recall 4.1.01.

**MS. ROGERS:** Sorry, Mr. Chair, can I just ask another question? It's about presumptive PTSD.

We know that the issue of presumptive PTSD diagnosis for first responders remains unaddressed in this province. I'm just wondering where that is?

**MS. GAMBIN-WALSH:** Yeah, I spoke on that earlier today, actually. We're doing consultations; they're open until the end of May – PTSI and PTSD injuries. We recently met with retired RCMP officer, Boyd Merrill. He gave a 90-minute presentation to about 15 of the individuals who will be engaged in this work.

We will be consulting with the Federation of Labour and Employers' Council.

We're moving right ahead with this piece of work.

**MS. ROGERS:** Okay. Thank you.

December, last year, the department announced the beginning of consultations on the *Real Estate Trading Act*. Can we get an update on how that's proceeding?

**MR. DUTTON:** This is not related to the Workplace Health, Safety and Compensation Review Division.

**MS. ROGERS:** Oh, sorry.

**MR. DUTTON:** Would you like us to come back to that?

**MS. ROGERS:** Yes, absolutely.

Okay, great.

**CHAIR:** Anymore, Gerry?

**MS. ROGERS:** No, I'm good. That's it.

Thank you very much.

**MR. K. PARSONS:** I just have one question because I was going to ask about the PTSD on another section also, but what other consultations are you having? You mentioned Mr. Boyd Merrill. Are you meeting with people like the RNC, the firefighters' association and different groups that have concerns? What other consultations are you having with groups that are concerned about this?

**MS. GAMBIN-WALSH:** The process is open right now.

**MR. K. PARSONS:** Okay.

**MS. GAMBIN-WALSH:** People can submit until May 31.

As the minister, I chose to meet with Boyd and asked him to come in and present.

**MR. K. PARSONS:** Okay.

**MS. GAMBIN-WALSH:** The opportunity is there if there are others who wish to reach out to us who want to come in and present, but a significant number of people are putting forward written submissions.

**MR. K. PARSONS:** Okay. I know one person in particular, the Leader of our Party, who has already submitted also. He's putting forward a submission also.

**MS. GAMBIN-WALSH:** He's put forward a submission (inaudible); a detailed submission.

**MR. K. PARSONS:** Okay. All right.

Thank you.

**CHAIR:** Okay.

**CLERK:** 4.1.01.

**CHAIR:** Shall 4.1.01 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, subhead 4.1.01 carried.

On motion, Workplace Health, Safety and Compensation Review, total heads, carried.

**CLERK:** 1.1.01 through 3.3.03 inclusive.

**CHAIR:** Shall 1.1.01 through 3.3.03 carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

**CLERK:** No, we have to debate – that's the entire department.

**CHAIR:** Oh.

Okay, now we'll go to Service Newfoundland and Labrador.

Again, I ask the minister if she would like to have some opening remarks.

**MS. GAMBIN-WALSH:** I'm good.

**CHAIR:** Okay.

We'll go to the Member for Cape St. Francis.

**MR. K. PARSONS:** I'm going to go back, Minister, to just some general questions that I always have when we start off the Estimates.

First of all, can you provide a copy of your binder to us?

**MS. GAMBIN-WALSH:** Okay.

**MR. K. PARSONS:** Okay. No problem there.

Are there any errors in your Estimates in your binder, do you know, that you can you tell us?

**MR. DUTTON:** Not that we are aware.

**MR. K. PARSONS:** Not that you are aware, because we had a couple of major ones last night that we found while we were going through it.

How many people are employed in the department today?

**MR. DUTTON:** We have in the Salary Details there, it lists 446 positions filled as of March 31.

**MR. K. PARSONS:** Okay.

Can you tell me how many retirements you had in your department?

**MR. DUTTON:** How many retirements?

**MR. K. PARSONS:** Yeah.

**MR. DUTTON:** In the past year, not offhand.

**MR. K. PARSONS:** Okay.

Have you had any layoffs or terminations?

**MR. DUTTON:** No, we've had some adjustments in the budget. We had a sunseting of funding. It was temporary funding for the verification of the documents in the Registry of Deeds, so that came to an end at the end of March, but there was some vacancies and other employees who were impacted, either bumped

into other positions or managed to find other temporary employment in the public service. I don't think anyone left as a consequence of that.

**MR. K. PARSONS:** Okay.

How many new hires have you had in the department?

**MR. DUTTON:** New hires? For what time period?

**MR. K. PARSONS:** Last year.

**MR. DUTTON:** I don't know that we'd have that figure right offhand either, but we can get it for you.

**MR. K. PARSONS:** Sure, I'd like to have it.

**MR. DUTTON:** So that's new hires during the 2017-18 fiscal year?

**MR. K. PARSONS:** Yes, also, you can check on the retirements.

**MR. DUTTON:** And the number of retirements.

**MR. K. PARSONS:** Do you have any idea how many 13 weekers are in the department?

**MR. DUTTON:** Not offhand.

**MR. K. PARSONS:** Okay.

**MR. DUTTON:** We do use them fairly often because it takes a long time to do recruitments and we have a lot of front-line services where people expect that we're not going to close offices when people retire or resign.

**MR. K. PARSONS:** Yeah, I have no problem with that.

I know in your department there are a lot of vacancies. What's your intent to do with vacancies? Are some of these positions being eliminated? In a vacancy, are you eliminating some positions because there are vacancies from year to year? Are there many vacancies and are any of these vacancies being eliminated?

**MR. DUTTON:** Well, I think as of the end of March, we had about 29 vacant – what we



would classify as – funded positions that we’re still intending to fill.

**MR. K. PARSONS:** Yeah.

**MR. DUTTON:** Certainly, we’ve had to achieve attrition targets since *Budget 2015*, there were targets for each year over a five-year period, in addition to some additional attrition as a result of *Budget 2018*. That’s being done without impacting individuals, so we’re looking at the vacancies to determine where we can achieve the savings each year.

**MR. K. PARSONS:** Okay.

That was my next question on attrition. I was just wondering if the department was following the government plan for attrition and how many positions are we looking at that went through attrition?

**MR. DUTTON:** Again, there wouldn’t have been individuals impacted as a result because we’ve looked at the vacancies as a means to achieve it. I don’t recall if we have the exact target. Go ahead with the number. What was the number for this year?

**MS. HICKEY:** For this year? The dollar number for this year?

**MR. DUTTON:** Yeah.

**MS. HICKEY:** \$125,300.

**MR. K. PARSONS:** Okay.

**MR. DUTTON:** So we’ve had to go through the plan in that fashion, and basically what we looked at for doing our salary plan for this year was to look at all of the positions that were currently filled and determining what the need was for that, looking at what vacancies were left over and the difference in the salary plan to figure out which of those positions we could fill as a priority. So that may shift over time as people leave and maybe a more high-priority position may move up on the list in terms of those that we’d have to fill on a priority basis.

So we’re really trying to focus our recruitments on things like highway enforcement officers, occupational health and safety and other sort of

front-line, safety-oriented positions, as well as in the area of building plan review where we have a lot of demands on the department for going through building plans for fire and life safety and buildings’ accessibility.

**MR. K. PARSONS:** I have some questions in those when we get to those departments, and just ask some general questions also.

**MR. DUTTON:** Sure.

**MR. K. PARSONS:** Okay, I’m just going to go to the Minister’s Office now, section 1.1.01.

On the Transportation and Communications line we see a decrease of \$31,500. Perhaps you can explain that.

**MS. GAMBIN-WALSH:** The decrease of \$31,500 is a reflection of the right-sizing under the zero-based budgeting from ’18-’19 as the previous minister was from Labrador.

**MR. K. PARSONS:** Okay.

On Professional Services, I know the revised last year was \$9,600. There was nothing budgeted. And there’s nothing budgeted for this year. Can you explain that?

**MS. GAMBIN-WALSH:** So the increase of \$9,600 is reflective of the establishment of a blind trust for the previous minister.

**MR. K. PARSONS:** Okay.

That’s it on section 1.1.01. I’d like to go to section 1.2.01, Executive Support. On the first line, the Salaries, perhaps you can explain the variance on this.

**MR. DUTTON:** Salaries, in terms of the revised figure, there was an increase expenditure of \$305,100. It was reflective of the salary continuance for the former deputy minister which ran until August, and the secretary to the deputy minister, as well as a new executive director position was added in September. That was offset by a temporary vacancy in the secretary to the deputy minister position.

**MR. K. PARSONS:** Okay.

Just on Employee Benefits, last year it was budgeted at \$2,000, then it was revised at \$23,200 and now it's back to \$2,900. Perhaps you can explain that also.

**MR. DUTTON:** The increased revised figure reflected the workers' compensation costs for me.

**MR. K. PARSONS:** Okay, for you.

The next one, just on Professional Services, can you explain there also? There was \$19,500 in your budget last year; however, there's nothing on the revised and there's nothing again this year.

**MR. DUTTON:** Professional Services would have been for consulting services. We didn't require any, so for zero-based budgeting we didn't request any funding for this year.

**MR. K. PARSONS:** Okay, and there's no funding requested.

I'll go to the section General Administrations, French Language. Last year this section was Administrative Support and that's probably moved to another division – is that what is happening there?

**MR. DUTTON:** Are you looking at 1.2.02?

**MR. K. PARSONS:** I am looking at 1.2.02. In last year's this section was called Administrative Support, but it's not showing up anywhere in 2018. I'm just wondering what happened to the division or whatever.

**MR. DUTTON:** I think that last year that may have been capital funding for vehicles, if I'm not mistaken.

**MR. K. PARSONS:** Okay.

**MR. DUTTON:** That's been re-profiled into Transportation and Works. French Language Services was only moved to Service NL in February of last year. So where it was at the end of the year, they added it to the end of the Estimates book. It's a part of the Executive Support Branch, so for this year it's been restated towards the front of the book.

**MR. K. PARSONS:** Okay.

I know there's a decrease of \$154,300. Can you give me the reasons for the salary line – give me the variance?

**MR. DUTTON:** Sure.

We're at a point where we have a five-year agreement for French Language Services with the Government of Canada that came to an end on March 31. We're still in the process of negotiating a new five-year agreement. In reviewing the expenditures in the past years we also – it's a 50/50 agreement, but over the last number of years the provincial government had been spending more than the 50 per cent required to match the federal expenditure.

The negotiations were ongoing and remain so. We're still hopeful of securing an increase in the federal funding, which is \$350,000. Part of our matching funds is also in the Centre for Learning and Development; we do the French language training, so that's part of Human Resource Secretariat. We also include in our matching funds grants that other departments may do for projects in francophone communities.

So this is reflective of having sufficient funding throughout the budget to match our 50 per cent, and negotiations are still ongoing to hopefully increase the \$350,000 we're receiving today. We've made our argument for additional funding and if we're successful in negotiating an increase, which we haven't had in this for quite a number of years, then the salary vote would be adjusted in the out-years as a result.

**MR. K. PARSONS:** So what does this do for positions, if you have salary positions that you – you normally have \$350,000 and now you're down to \$192,000, what does that do?

**MR. DUTTON:** We have four people that work in the Office of French Services today; they've all been extended to the end of the fiscal year, and we've identified some other savings throughout the department to cover the funding in the event that we're unsuccessful in achieving the additional federal funds.

So one of the things which we've been working actively on is conversion to email notification to our customers on their driver's licence and motor registration renewals. We'll be notifying people by email instead of by letter, and that's going to have a significant savings in motor registration that we can re-profile to help address other salary shortfalls.

**MR. K. PARSONS:** I have some questions on that also.

Okay, so you want to go to –

**CHAIR:** The Member for St. John's Centre.

**MS. ROGERS:** So have we seen a diminished – I don't quite like that word. Have the services been decreased somewhat through French Language Services? Have they been changed at all?

**MR. DUTTON:** No, in fact I think in the past year we've probably had more success than ever. We've been translating more documents on our website and forms, particularly since they've come into Service NL, and we have such a service focus. We really focus on, initially, since they came to the department, where we could enhance francophone services at Service NL, the forms for Vital Statistics and Motor Registration in particular. The minister had an announcement on that with the Minister of Francophone Affairs a few months ago.

We have a service pilot we're doing in Motor Registration in Mount Pearl for a francophone service navigator, to help people provide services in French. We signed a new agreement with the Government of Quebec to support cultural programming in francophone communities. We've really had a very successful approach. The team was nominated for a Public Service Award of Excellence last year and they're going to continue to contribute to the public service for some time to come.

**MS. ROGERS:** Great. Is it through this department, through this program, that French language training for employees is delivered?

**MR. DUTTON:** The French language training is through the Centre for Learning and Development. When the restructuring occurred

last February that remained in Human Resource Secretariat, but the four positions came to our department.

They include providing translation services for the government, as well as interacting with the francophone community on their priorities and providing support to the Minister Responsible for Francophone Affairs, who participates in federal-provincial-territorial dialogue and administering both the federal-provincial agreement and the Newfoundland and Labrador-Quebec agreement.

**MS. ROGERS:** Great. Thank you.

I have no further questions on this section. Are we wanting to –?

**CHAIR:** No, carry on.

**MS. ROGERS:** Go on to the next?

**CHAIR:** Yeah.

**MS. ROGERS:** Okay, great.

Consumer and Commercial Affairs, on the salary line we see that there was an increase in a revised budget for 2017-18 by almost \$100,000.

**MR. DUTTON:** Just on the expenditure, the revised number in '17-'18 was an increase of \$95,300. It was reflective of unanticipated resource requirements. In 2018-19 there's an increase over the budgeted amount but a little bit less.

We still anticipate needing all of those positions, but there's one position in Gander that's currently vacant. We're going through the recruitment process, so we knew for the first period of the fiscal year we wouldn't be paying that individual until they're hired. That's the reason for the difference.

**MS. ROGERS:** What was that position? What would that person be doing?

**MR. DUTTON:** It's a Residential Tenancies officer in Gander.

**MS. ROGERS:** Okay.

How is that going, the mediation of residential landlord and tenant complaints?

**MR. DUTTON:** They're very busy. Their caseload has increased each year, so we're working hard to address all of those requirements. It's part of why we are working to fill the position in Gander, to make sure that we keep up with the caseload.

**MS. ROGERS:** Why are the caseloads increasing? What's the problem?

**MR. DUTTON:** It's just around the number of disputes. As time goes on, issues become more complex and more – cases are going to the process, so there has been an increase year over year in hearings.

**MS. ROGERS:** Is there a trend in the increase of types of disputes or ...?

**MS. GAMBIN-WALSH:** As we move forward with the updates to the Residential Tenancies Act, I anticipate seeing a decrease. You can look forward to that hopefully coming into the House of Assembly really soon.

**MS. ROGERS:** We're going to see the renewed Residential Tenancies Act coming to the House in – soon.

**MS. GAMBIN-WALSH:** Soon.

**MS. ROGERS:** Great.

**MS. GAMBIN-WALSH:** Yes.

**MS. ROGERS:** Okay. Thank you.

Is there any backlog at all in complaints in around Consumer Affairs?

**MR. DUTTON:** Not that I'm aware. One of the things we've done as a department recently, as part of *The Way Forward*, is publishing our service standard. We've done that for the Government Services Branch and we'll be doing that for the Regulatory Affairs Branch in the year ahead.

But no, overall, this area deals not just with residential tenancies but also lotteries, licensing, the regulation of the security guards and just

general consumer complaints around the administration of the *Consumer Protection and Business Practices Act*. It's a very active division.

**MS. ROGERS:** Okay. Thank you.

The minister's mandate letter – I'm substituting for someone here so you'll have to excuse me – states the minister is to establish “an online searchable database to alert consumers of bad business practices ....” It does not appear to be online. Do we have an update on that?

**MR. DUTTON:** Yes.

An internal review was completed for the existing disclosure methods at Service NL. That includes the consumer alerts and advisories; we did one on bitcoin blue a little while ago as one example. They generally relate to things around illegal investment activity, mortgage brokering and real estate licences. When Occupational Health and Safety lays a charge, typically there's a public advisory to alert the public to that.

We've completed a review of that. We're working with the Office of the Chief Information Officer on a consumer notification webpage for consumer alerts. That's something we'll be actively working on in the year ahead.

**MS. ROGERS:** Okay, so we should expect to see something within this year, is that it?

**MR. DUTTON:** That's our hope, yes.

**MS. ROGERS:** Okay.

Also, does the department have a guideline to what constitutes a bad business practice?

**MR. DUTTON:** Well, again, it crosses over multiple areas. The *Consumer Protection and Business Practices Act* provide a lot of guidance in this area. A lot of the other areas under Financial Services Regulation are applicable as well. When we look at things like the regulation of securities, insurance, prepaid funerals and other financial services – they would be things within the scope of that as well.

As I mentioned, Occupational Health and Safety interpreting it broadly, that we do a lot of

inspections. Occasionally, there are orders and then we sometimes get the extreme of having to lay a charge in more severe circumstances. There's a pretty broad scope beyond just within the Consumer Affairs Division.

**MS. ROGERS:** Payday loan services: have we seen more complaints in that area?

**MR. DUTTON:** On payday loans we've passed the amendments to the act. Regulations have been drafted which allowed for the government to request an exemption from the Government of Canada under section 347 of the *Criminal Code* to allow us to regulate in this area. They're going through their review process.

We had hoped to have an answer from the federal government by now, but the last we were told the earliest we would hear about that would be within the next month or so. Once we get the section 347 exemption formally approved, then we would proceed to have the act amendments proclaimed and we'd be in the position to regulate that activity.

The Consumer Affairs Division has been tasked with administration of that. They're working on the development of all the various forms and whatnot that would be required to administer that. The act allows for a lot of the documents to be done electronically, so we're hoping to do that in a way that allows for more sort of digital retention of records, to be more cost effective for the providers and simpler for the consumers themselves who might avail of that service.

**MS. ROGERS:** Are there any stats available at all as to whether or not there's been an increase in the use of payday loans, whether there's been an increase in consumer complaints around that area, anything like that?

**MR. DUTTON:** I'm aware that there are some lenders who advertise that they are offering payday loans. The issue was that there was a decision a number of years ago that the government decided they weren't going to regulate in this area, in 2010.

They pursued investigations and there was a determination that they couldn't lay a charge under the *Criminal Code*, so it was very difficult to enforce. That was one of the factors that

informed the government to move to legislate in this area. The feedback we had from the consumer groups was that it was better that it be regulated and then people could have somewhere to go from government, if they had complaints at that point, but until the exemption is approved and the act is proclaimed, then we're not in a place to be able to deal with that.

Once it happens, then we'll make information available to the public on their rights. There are requirements in the agreements to ensure that people are providing informed consent. They'll have 48 hours to back out of an agreement without notice.

**MS. ROGERS:** Great.

**MR. DUTTON:** We've got a lot of protections in there, learning from what other provinces and territories have done to make sure we have an effective regulatory scheme of things.

**MS. ROGERS:** Okay.

Thank you very much.

**CHAIR:** The hon. the Member for Cape St. Francis.

I just want to stay on this section; a couple of general questions that I do have. I just want to go back to the online searchable data because it was in both mandate letters in 2015 and 2017 for the minister's mandate letters, I know you said soon, but is there a date or some time that you're going to be looking at this because it's been a couple of years now, three since this has been talked about? I'm just wondering when it's going to come.

**MR. DUTTON:** Yes, well, I think that government had a four-year plan. That's probably the right answer, but as I mentioned earlier, we are looking to have a website developed. We have to engage with the Office of the Chief Information Officer so these things take time.

Our objective is to have that completed this year, so I won't have to answer that question next year I don't think.

**MR. K. PARSONS:** We get calls in our office all the time and people are wondering where you go. Is there any registry out there? I got ripped off today.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** It's a common thing and it seems like it's happening more and more. I know I've been around for a while.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** I've seen it in my office in the last number of months, the most I've ever seen it. I think it's a very important piece of legislation that we should have in place and I think the sooner the better.

**MR. DUTTON:** Certainly.

**MR. K. PARSONS:** I know it's a four-year plan but we have a lot of people out there who feel like they're getting ripped off. It's very important that people would be able to have a database to be able to go and say: Well, that person is in there, he ripped – do you know what I mean? So people can see. It's very important.

**MR. DUTTON:** Yes, and we are working on it.

I would say that, again, we need to advise the public, we're putting out advisories and trying to draw the public's attention to illegal investment schemes and that sort of thing.

**MR. K. PARSONS:** Yeah.

**MR. DUTTON:** I would also note that there are other sources of information like the Better Business Bureau that are useful for people to consult. They don't have the same physical presence that they used to have but they do still have a staff person and a website with their own information.

In the meantime, Consumer Affairs staff are available to take calls. We get a fair number of calls during the year around those types of complaints and we have staff to help them navigate the system. Some of them come in things that are federally regulated, like banking or what have you. So sometimes you just have to help steer the people to the right place.

We do hear from Consumer Affairs staff that sometimes when they get the call, it's been passed through different departments, and recognizing the challenge you just described that it's difficult for people to navigate the system sometimes to see where they can find their assistance and have their rights addressed.

**MR. K. PARSONS:** I have put people on to the Better Business Bureau but it doesn't seem to have the same – I don't know if they've got the same information or they're available like they used to be one time. So it seems like there's an issue there with that also.

**MR. DUTTON:** Yes, I think that probably also informed the direction of the government to fill that space because they did have a larger office. I think they still have one individual based here. The person we met with was based in Halifax, so they don't get over as often in terms of having a physical presence in the province.

**MR. K. PARSONS:** It's not like it was seven or eight years ago.

Also in the mandate letter that the minister be directed to review legislation to do a jurisdictional review of the province doing different – to ensure in Newfoundland and Labrador we're protected. Is there any progress made on that, with the jurisdictional review that you were going to do to protect us against different business deals in other jurisdictions?

**MR. DUTTON:** Well, I guess one of the first things that was done on that was the payday loans legislation that we just were speaking about. That was certainly an area that most other jurisdictions had decided to legislate in and it was one that we were looking at very closely.

We've made other enhancements to things like – they're more modest amendments like the *Prepaid Funerals Services Act* and there's a bill on pension regulation that we've discussed, that's had first reading.

So we're continuing to do all of that work. We have a legislative review policy in the department so we go through all of our legislation, and as the minister mentioned, it's quite a significant volume.

**MR. K. PARSONS:** But are you looking at other jurisdictions?

**MR. DUTTON:** Pardon?

**MR. K. PARSONS:** In the mandate letter it says to look at other jurisdictions to do the review. So is there a review being done at jurisdictions right across the country?

**MR. DUTTON:** That's part of what we do for any of our legislative proposals is to do the jurisdictional scan. It's a key component of that work.

Being a participant in federal-provincial-territorial tables has been a real advantage for that, as a smaller jurisdiction, because we don't have the same staff resources as an Ontario or a Quebec but you have the ability to learn from their experiences and adapt from them.

So we have staff at some of those meetings, even this week, to help learn more about how they are regulating in a variety of areas.

**MR. K. PARSONS:** Okay. I'm going to go to section 2.1.02, Financial Services.

I only have one question on the line. I wonder, can you explain to me the variances on the salary line?

**MR. DUTTON:** I'm sorry, which line?

**MR. K. PARSONS:** It's Salaries.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** It's section 2.1.02.

**MR. DUTTON:** Yeah.

**MR. K. PARSONS:** There is a decrease of \$61,500 from what was budgeted and revised, and now it is back up. What happened with the \$61,000?

**MR. DUTTON:** Right. So the decrease last year was reflective of vacancies. So there's a manager position that was vacant throughout the year.

In terms of the increase, when we had anticipated the budget, it was to reflect the step increases and our intent to fill the manager position. Since then, the director of financial services regulation has been appointed to the Board of Commissioners of Public Utilities. So we have recruitment ongoing to fill the director position as well, and it closes on the 24th of April in case you know anybody.

**MR. K. PARSONS:** Okay.

I'd like to go to Consumer and Commercial Affairs, Pensions Benefit Standards, 2.1.03.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** Okay, and on this here, I'm just going to ask a question on Transportation and Communications, \$3,100 difference, now we're gone back to the same thing again this year. Can you just explain that?

**MR. DUTTON:** Okay, so in terms of Transportation and Communications, there was less travel than anticipated last year; this is a fairly modest budget. We still have \$6,100 for the year ahead.

As an example, we have some meetings coming up in May in Wabush with the Wabush pensioners, so it wouldn't take very many trips to Wabush to exhaust that fund.

**MR. K. PARSONS:** I know that we have some legislation that's coming pretty soon in the House that we'll be talking about pensions.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** So my questions I'll ask at that time and listen to the reasons why we're bringing some of that stuff in.

**MR. DUTTON:** Sure thing.

**MR. K. PARSONS:** Go to section 2.1.04, Commercial Registrations. Again, on the line of Salaries, there's a huge difference here. We budgeted last year \$1,406,000 and then we revised it to \$1,415,500 and we have \$243,000 in the difference downwards, on a decrease. Can you explain that?

**MR. DUTTON:** Sure.

The decrease in \$233,600 was reflective of the sunseting of the temporary funding for the verification project offset by step increases for the permanent complement in the division.

So the verification project, a lot of the records of the Registry of Deeds are paper-based records, so the process they've been going through is to convert the deed documents. Some of them, the initial group, were in microfilm or digital format. We have a lot of paper-based records that have to be scanned and converted into text files that can be searchable to make the database.

So the funding was time limited and it expired on March 31. There's been a lot of progress made in the project over time.

While that funding had concluded, we had two individual positions that we've extended temporarily out of savings elsewhere in the department for the first part of the fiscal year to continue the project. As we manage our salary plan we'll look at how to continue to advance that going forward.

At minimum what we want to do is ensure that we preserve the records in digital form so if there was a flood or a fire that we wouldn't lose some of these historic documents. We have them going back to 1982 at least, but some of these records go back to 1825. They're in binders that are odd shaped, they're hand-written texts, so it takes a lot of work to, not just handle the documents but also to make sure you verify that the scanned text is actually what's written on the page. They're used frequently by (inaudible).

**MR. K PARSONS:** Yeah, but how many positions were eliminated here in this?

**MR. DUTTON:** There were initially seven funded positions out of the budget allotment. There were two vacant at the end of the fiscal year, so there were five positions there. Two of them have been extended and three others have continued on to work in the division in other positions as a result of bumping or temporary assignment.

**MR. K PARSONS:** Okay.

Just a last question I have and it's just a curious question here on the Purchased Services. What's used here in this section?

**MR. DUTTON:** Purchased Services in Commercial Registrations is primarily the funding for the personal property registry. That's a contract that we have with Unisys and it involves the Maritime provinces and the three territories as well. So it was an intergovernmental joint procurement a number of years ago. That's the biggest expense in that area.

**MR. K PARSONS:** Okay. I'm good.

**CHAIR:** Okay. It's 7:26, we're going to take a short break, give the Broadcast people a break and reconvene in seven minutes.

### Recess

**CHAIR:** Okay, we will resume Estimates for Service NL. I think in terms of line by line we left off at 2.1.04, so we will continue with the Member for St. John's Centre.

**MS. ROGERS:** Under Occupational Health and Safety Inspections we see a significant drop there in Salaries in the revised for '17-'18.

**MR. DUTTON:** Yes. We had eight vacancies throughout the division at the end of March and we've budgeted for the full amount expecting to work to fill them all. Some of those are still unfilled – I think seven. We'll likely have some savings there at the end of the year, but we are maintaining all of the positions.

**MS. ROGERS:** Okay, sorry, I don't understand.

All the vacancies will be filled?

**MR. DUTTON:** There were eight vacant at the end of March. One person has started since then, so there are currently seven. And there are recruitments ongoing for the other positions.

**MS. ROGERS:** That will reflect the amount that was voted in there. Okay, great. Thank you very much.

Statistics on the department's website show that there were fewer inspections and directives in



2016 compared to 2015. Can you tell me why that is?

**MR. DUTTON:** The number of inspections I think varies from year to year.

**MS. ROGERS:** Mm-hmm.

**MR. DUTTON:** I think I was just looking at some statistics on the number of inspections – I'm just not sure if I can put my hands on it right away.

The inspections are fairly consistent. They do go up and down but the activity hasn't really changed in terms of the level of effort.

Obviously if positions are vacant, those people aren't doing inspections, but people are out in the field quite frequently.

**MS. ROGERS:** How long were the vacancies vacant?

**MR. DUTTON:** It varies. A couple of people had left for positions in the private sector and so the recruitments were ongoing. I'd have to ask for some additional data on that, but there's regular turnover.

**MS. ROGERS:** So there's not a prolonged period of vacancy to save money or ...

**MR. DUTTON:** No. In fact, because all of the funding is charged back to WorkplaceNL, then we sort of deal with that as a discreet item in the budget.

**MS. ROGERS:** Okay.

The stop-work orders, is the department considering posting stop-work orders online as in other provinces?

**MR. DUTTON:** One of the things we've received a lot of calls about are for information about not just stop-work orders but other general orders.

Orders are posted in the workplace for all the workers to see so they're already largely in the public domain. We have discussed the option of posting those online because whenever we get a media call and someone asks for a copy, we just

do the redaction of personal information and provide the information to whoever asks for it.

So it is something we'd be looking at as a potential future proactive disclosure.

**MS. ROGERS:** Okay.

What is the department's role in addressing workplace violence? How is that?

**MR. DUTTON:** There are provisions in the occupational health and safety regulations on violence prevention. There are obligations there for employers to have violence prevention plans. We do regular inspections as well. One of the issues that had been identified in the injury prevention strategy was the frequency of incidents of workplace violence.

Clearly, despite the requirements in the act that they aren't all being fulfilled by all workplaces, it's an area that we would have inspection activity. As well, WorkplaceNL don't report to the department, but through the injury prevention strategy they're proposing to do more public education and training on violence prevention.

It's also something the minister referenced in the House recently that we were reviewing the provisions in the regulations with Occupational Health and Safety Advisory Council which was just recently appointed.

**MS. ROGERS:** Okay.

Will there be a statutory review of the *Workplace Health, Safety and Compensation Act* this year? The last one was in 2013.

**MS. GAMBIN-WALSH:** We're still addressing the past stat review. Our intent is to address the issues and concerns from the previous stat review that was shelved prior to us coming into government in 2015. Once I get those all addressed, then we will set a time frame for the next stat review.

**MS. ROGERS:** So there's no plan for that right now then, so it might be –

**MS. GAMBIN-WALSH:** Not this year, but the plan is to address the stat review this year.

**MS. ROGERS:** Okay.

Last year, we saw the completion of the Labrador West Medical Audit with the publication of the report, which included 11 recommendations to improve silica monitoring and protection for workers in the mining industry.

Can we get an update on how the implementation of these recommendations is proceeding?

**MS. GAMBIN-WALSH:** Sure. If you will just forward that question to me, I'll get an update for you.

**MS. ROGERS:** Perfect.

**MS. GAMBIN-WALSH:** Workplace Health and Safety Compensation, their particular budget runs to December 31, so it's not included here but I can get an update for you.

**MS. ROGERS:** Great, thank you.

**MR. DUTTON:** In that particular case – if I may – the study was done by Horizon Occupational Health consultants –

**MS. ROGERS:** Yes.

**MR. DUTTON:** We have a committee involved with the labour force in the area around the implementation of the recommendations. So we'll get an update on their progress, but they've been engaged and we're supportive of the release of the report and the process format.

**MS. ROGERS:** Great. So we can get an update then.

Thank you very much.

**MR. DUTTON:** Okay.

**MS. ROGERS:** I'm okay on that particular area.

**CHAIR:** Yeah, carry on.

**MR. K. PARSONS:** I just got one question on this section or do you want to stay with –?

**CHAIR:** Okay, do you want to stay on the section –?

**MS. ROGERS:** Oh, sure, I can go on to 2.3 if you like.

**CHAIR:** We can come back.

**MS. ROGERS:** Okay.

So the Assistance to the St. Lawrence Miners' Dependents, we see that there's still money on the books in that area. Is that not completed? Or what is that money for, the Allowances and Assistance?

**MR. DUTTON:** The special assistance is there for the dependents of the miners who had died there. The program is ongoing but as the people age out, then the expenditure is decreasing year over year.

**MS. ROGERS:** Okay and so there are still some beneficiaries there.

**MR. DUTTON:** Yes.

**MS. ROGERS:** Okay, great.

Assistance to Outside Agencies; we see there was nothing budgeted in '17-'18, nothing in '18-'19, but the revised was \$6,500. Could you tell me what that is?

**MR. DUTTON:** Sure, it's just around the timing difference on the reimbursement from WorkplaceNL. Costs incurred in the last quarter of '17-'18 would not be reimbursed until the first quarter of '18-'19. In general, a lot of these are recurring grants that are going to industry associations and events to advance safety, particularly where they're ordered by the court.

**MS. ROGERS:** Okay.

Then Motor Vehicle Registration, under Salaries we see an increase in the revised in '17-'18, almost \$100,000.

**MR. DUTTON:** I'm sorry, which line item in Administration?

**MS. ROGERS:** Salaries.

**MR. DUTTON:** Salaries?

**MS. ROGERS:** Yes.

**MR. DUTTON:** Okay.

The increased expenditure in the past year was as a result of severance and leave payout to a retired employee. The increase of \$37,500 for the year ahead is reflective of step increases.

**MS. ROGERS:** Step increases. Okay, great.

The other one was a severance and leave payout for one position, was it?

**MR. DUTTON:** Yes.

**MS. ROGERS:** All right. Thank you.

Service – License and Registration under Purchased Services; we see a drop in \$119,000.

**MR. DUTTON:** I'm sorry again, which line item?

**MS. ROGERS:** If we go under 3.1.02, under Salaries.

**MR. DUTTON:** Okay.

**MS. ROGERS:** Under that, under Operating Accounts, Purchased Services.

**MR. DUTTON:** Purchased Services; in the last fiscal year there was a \$4,900 increase reflective of increased vehicle costs. There was a recall on vehicles from within the departmental fleet.

For '18-'19 Purchased Services, the decrease is a result of the rightsizing under the zero-based budgeting and a reduced expenditure for Moneris fees. They are the fees we pay for the online payments for bills.

**MS. ROGERS:** Great. Okay.

Thank you very much.

**CHAIR:** The Member for Cape St. Francis.

**MR. K. PARSONS:** I just want to go back; I may have missed the answer on this. I apologize if I have. I want to go back to section 2.2.01,

Occupational Health and Safety Inspections. I remember last year when we talked about this section there were a lot of positions and a lot of turnover in this section here.

We talked about you budgeted for a full amount of people that were in place. There were two positions that we talked about in Wabush.

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** Have those positions been filled?

**MR. DUTTON:** Yes, they were filled last year and they did their training. I think one was on site by the end of June, the other the first week of July and they continue to be there. There was an existing support position there as well that will continue, so the office is fully staffed.

**MR. K. PARSONS:** Okay, that's just a question I wondered.

I want to go to Motor Vehicle Registration. I'm not going to go line by line, but I do have some questions. You brought up a topic earlier that concerned me a bit and I want to talk about it a little bit today.

Your driver's licence and registration renewal, you're going to do that online as of, I think, April 30. Is that correct?

**MR. DUTTON:** Yes.

**MR. K. PARSONS:** How are other people going to be aware, particularly seniors – and I spoke to a couple of people about this – when they don't have a computer or email?

**MS. WHEATON:** I think the focus needs to shift a little bit from this notion of online. We're basically saying as a department that – we always like to say that driving is a privilege and not a right. We're saying that really this is something that we think the citizens of the province need to take greater responsibility to remember to renew their driver's licence or to renew their vehicle. We're providing them a range of options, one of which is to give us their email address so that we can actually send them a notification.

I spoke to my parents over the weekend. My dad is 82 and my mom is 75. I talked them through it and said: Mom, when you go to renew your driver's licence this time, take a picture of it and put it on the refrigerator. The same thing with your stickers, look at the date on your stickers and put it on the calendar.

I guess what we're trying to do is to get the conversation going. We've called out to public servants and we're calling out to the general public to get the message out that this is one of those things that we've really gotten into the practice of relying on paper notification when there are a lot of easier ways to remember.

Email is just one option. We are also offering people if you want to align your vehicle renewal around your birthdate, so a number of quick and easy tips for people to remember when their renewal is up. The email is one option. We certainly recognize that not everybody has a computer, but the majority of people, even if you don't have a computer you have access to a trusted friend. The nature of the information we send in the email, there's no personal identification going out so it's just a very quick reminder.

**MR. K. PARSONS:** That's okay. It's great that your mom and dad are aware of this, but it's because you're involved in it. How many people in the province are not aware of it?

I spoke to a person about this earlier and they said: Geez, if I don't get my notification in the mail how am I going to know? I would imagine the majority of seniors and people that do not have computers – this is how they do it and this is what they've done for years.

I know we have to change and I know it's great to send me an email because I'm going to see it. But if you talk to people that are out there, this is something that they need – I'm sure, Minister, there are a lot out in your area and in my area, too, that are seniors. Once they get their notification they're gone into Motor Registration and getting it done as soon as possible.

I think this is a great option for people that have email. Let them go ahead and do it on their email; I'd do it on my email. But if the option is there for a person that doesn't have this, that

option should also say if you don't have an email address, we'll do it by email or by mail out so it gives that person, the senior – and not only seniors, there are lots of people out there that don't have email.

I think it's a problem. I think down the road there will be issues that – and people who put it on their fridge. I have a lot of stuff on my fridge. I tell you, I put a lot of stuff on my fridge, but to put it on from one year to the next, I don't think it's going to stay there because there will be a picture covering it over of one of the grandchildren or something. That's what happens and I can see this as being a huge issue for people in the province.

**MS. WHEATON:** I guess one of the things, looking at the sticker as being the most important, the expiration date of your vehicle permit is actually written right on the sticker. We are proactively working with all the means that we have possible to get the message out, whether it's through a seniors association and Municipalities Newfoundland and Labrador. The more that we chat about it, the more that I think it will be helpful for people to remember just to look at that expiration date on your sticker.

**MR. K. PARSONS:** Okay.

This also applies for driver's licences, renewal on your driver's licence?

**MS. GAMBIN-WALSH:** If you take your driver's licence out you will look, there's an expiry date right on the front of your driver's licence.

This move is going to save us \$450,000 so we can reallocate to more innovative ways. This is a paper trail, and I understand it's going to take time for people to adjust but the onus is on the individual to be responsible for your own driver's licence, and your driver's licence expiry date is on the licence.

**MR. K. PARSONS:** I know that minister and I know it is, but if I was travelling to another province in Canada and got hauled over and it showed that my driver's licence was expired for some reason or because I forgot to renew it, it may be easier for me to explain that as a senior or anybody else in the province to a law

enforcement officer that it's a new regulation that came in, but if it happened in another province, I'm not sure what the rules are. It may be a huge issue if something happened like that because of the notification.

People, especially seniors, are accustomed to doing things a certain way. I know my parents were the same way: Listen, once I get that in the mail, I'm going to go do this. I just see it as a problem. I think there's a way around it. I think you could probably do it by – if I have an email then take me off the list, but if I don't have an email address then send it to me.

**MS. GAMBIN-WALSH:** Yes, I can say it's a \$450,000 expenditure that's not necessary because the expiry date is on the front of your licence and as adults we have to be responsible.

**MR. K. PARSONS:** Okay. I know it came out in a release. What other means are you doing to ensure that people realize this is going to happen April 30?

**MR. DUTTON:** One of the things we did was notice through the public service network to all public service employees to alert them about the same time as the announcement, and encouraging staff in the public service not just to sign up themselves but also to alert their family and friends. We've heard from a number of people that have contacted their family and friends to sign up.

For quite some time the portal for electronic payments has had a provision for people to be able to provide their email address voluntarily even before the announcement was made. So we've been collecting email addresses over time and then getting people's consent to use that as the means to notify them for the following year.

I renewed my in March and I had provision there. You had to just login and provide your email address. You type it in twice to make sure there are no typographical errors. They send you a confirmation email to your home account so that you verify you are the actual person that was assigned to the driver's licence or registration.

**MR. K. PARSONS:** Do you believe there should be some kind of a public service

announcement on radio or something like that so people could be notified and understand? Not everyone has relatives that are working in the public service.

It's going to be new to a lot of people that are really expecting this – like I said, I get mine in the mail and I go do it. That's what most people in this province do. No one wants to have a licence that's expired or their car vehicle that's expired. They want to be able to abide by the law.

Again, if you're going to do this there should be a public awareness so that the public – other than public servants know about it, that the general public knows it also.

**MR. DUTTON:** Yes. We also included material in our mail outs at the end of the March, with the renewals that went out at that time. We have information available in all of our Motor Registration Division offices throughout the province. We're certainly looking at other things we can do through social media to help to raise awareness.

Your point is taken, and we're looking at any creative ideas to get the message out to people about signing up with their email notification or using other methods to ensure that they do renew.

As you mentioned, people driving without a licence or registration are subject to a fine. Besides the fiscal benefits, there is also an environmental benefit to not having to buy all of that paper and envelopes that won't be going to the landfill.

**MR. K. PARSONS:** Yeah. When it comes to a driver's licence, I know the new licence is good for 10 years, your photo ID right now under the new licence, but there's still a five-year renewal that has to be done. To remember it every five years for a person – I know it's on this but I'll tell you, I haven't looked at my driver's licence other than to pass it in to someone when somebody needed it. To know what the expiry date is, I wouldn't be able to tell you, and I'm sure no one over there probably would be able to tell the exact date.

You would, because, Minister, yours was just done last year with the new one. I saw the picture of it, so yours is done. It's just a concern of mine and it's a legitimate concern I have with people, that this is – and I'll move on now because that's enough.

I got to applaud the department; I was in and did the appointment through the appointment system at Motor Registration and it worked really well for me. I have to say, it was a great system and stuff like that. Now, the day I was in there was probably a bad day. I know Motor Registration at the time, it depends on the time of the month when people go to Motor Registration. It seems like more towards the end of the month you'll see people going, but what has it done for wait times? Are there still a lot of wait times in there?

**MS. WHEATON:** It actually has done quite significant for wait times. What we still find – one of our next hurdles that we have to tackle is certain times of the month people kind of put off, so we have some days when you can go out there and there are literally 200, 300 people there and there are other days that there are 10. That's one of the pieces we're next looking at to try to tackle, try figure out: what is it that causes that crunch?

The appointment system does help hugely. Like you, I regularly receive reports from people who are in and out in two minutes. I've actually had stories about that. So we're really pleased about that. It's made much more life-work balance for staff because life is much more predictable.

**MR. K. PARSONS:** Okay.

This just occurred to me the other day when I was driving also; I noticed there are still a lot of faulty licence plates out there. I know last year they had to pay a fee, I think it was \$30, when they came in. I think that all got straightened up and we reimbursed the people that had to pay for it.

Is that still in place now? Are the faulty licence plates step program over, or if you come in now with a faulty licence plate do you have to pay for it?

**MR. DUTTON:** Normally, anybody with a (inaudible) plate and bring it in to Motor Registration and have it replaced free of charge.

**MR. K. PARSONS:** Okay. All right.

If a person goes to Motor Registration today, and I know there's a new driver's licence right now, that's still done in Ontario? I know first when it came out there was a company – so it's still done in Ontario. Okay.

If you don't mind, I got a few questions that's along the motor registration line but they're not really with the division. I just wonder if the minister can update the status on the automobile insurance review for the province.

**MS. GAMBIN-WALSH:** The PUB has sent back – two of the reports back or three from the PUB?

**MR. DUTTON:** There were two of the three reports are public.

**MS. GAMBIN-WALSH:** Yeah. Two of the three reports are public and we're waiting on a third report.

The department is actively reviewing the data we received and we've met with the taxi industry a number of times. We're working collaboratively with them. There are some changes coming to Motor Vehicle Registration as it pertains to the taxis. The whole concept and the idea is to work with them to help them decrease their insurance but, overall, the objective is to help decrease insurance for the general population as a whole because we are paying the highest insurance in Canada.

**MR. K. PARSONS:** Okay. So the results of this review, when are we going to see the results of the review? How long do you expect it's –

**MS. GAMBIN-WALSH:** It will probably take until the fall, so we can enter this into the House of Assembly.

**MR. K. PARSONS:** Okay. The next one I got drives me crazy all the time. That's not hard sometimes.

There are a lot of uninsured drivers and there are a lot of outstanding fees of uninsured or unregistered drivers and we're hearing about it all the time. What is the department doing to correct what's happening with people that are out there that are not registered, uninsured drivers? Is there any legislation we should be putting in place that should ...?

**MR. DUTTON:** The Department of Justice does the fines collection.

**MR. K. PARSONS:** Yeah, I know.

**MR. DUTTON:** I think the Minister of Justice and Public Safety has made some comments publicly over the past year over some of the options he's considering. From our point of view one of the things we've done through Bill 27 was to put an onus on the driver to demonstrate that they are insured. As opposed to before the government had to prove the person was driving without insurance, now the onus is on the driver to prove they did have insurance. It's one of the ways to try to help improve enforcement.

We've also signed a Canadian Driver's Licence Agreement with the other provinces and territories of Canada. We've agreed to review the movement of people between jurisdictions on whether they have any unpaid fines. People from Newfoundland and Labrador moving to Alberta or vice versa, before they would get their licence issued, we would check to see if they had outstanding fines in the other jurisdiction. That will help us to close the gap a bit more on those individuals and any other ideas we can pursue.

I think there's a public perception when the police announce that they've pulled someone over with thousands of dollars of unpaid fines that those are *Highway Traffic Act* fines, but they aren't necessarily. One of the cases last year involved a person where the fine was related to the *Tobacco Control Act*, but because the police stopped them and were able to check their database – they find people they stop through traffic stops that owe any kind of fine to the government, not just the *Highway Traffic Act* fines. It creates a false perception that maybe there are more *Highway Traffic Act* fines outstanding than there are.

**MR. K. PARSONS:** Okay.

Just one more question, Chair, if you don't mind.

**CHAIR:** (Inaudible.)

**MR. K. PARSONS:** We brought in some new legislation on impaired driving laws last year. I'm really supportive of it and I spoke in the House about it also. I'm just wondering now, I know we brought in this new legislation for impaired driving, will the same legislation apply for marijuana or will there be new legislation introduced?

We brought in that the car would be taken from them and we brought in the interlock system –

**MR. DUTTON:** All I can say is in the *Highway Traffic Act* today drug-impaired driving is an offence and there are existing penalties for drug-impaired driving. I think we were one of the few provinces that had that sort of provision. It's also an offence under the *Criminal Code*.

The federal government has Bill C-46 that's dealing with the *Criminal Code* offences as they relate to cannabis and driving. They published regulations in the Gazette, Part I, that would set what they call per se limits where they would determine like with the blood-alcohol level that if someone has a level of THC that's above the per se limit, they will be deemed to be impaired for the purpose of an offence under the *Criminal Code*. That hasn't been published yet in Gazette, Part II, which would make the regulations final. The bill is still before the Senate, so that hasn't completed its process.

I understand the federal government indicated that while July was the initial date, because of the time it takes to move through the legislative process in the federal government, that it would probably be later in the summer before those rules would take effect. We're looking closely at what they're doing and whether that has any implication for the *Highway Traffic Act*.

The deployment of the testing devices is another issue that we're waiting for the federal government to deploy to the policing services, and provide the necessary training for highway traffic officers with the RCMP and the RNC to

be able to successfully deploy them. In the absence of that, they can still do Field Sobriety Tests. If someone doesn't pass a Field Sobriety Test they can be brought to the police station or to the hospital to do a blood test to determine their level of impairment.

**CHAIR:** The Member for St. John's Centre.

**MS. ROGERS:** Thank you very much.

Under Motor Vehicle Registration, in the Estimates meeting that we had with Justice and Public Safety a question was asked by the minister about the idea of issuing car licences – the plate – to the person rather than the vehicle so that you take your plate with you. He deferred to you folks, suggesting you were the minister to ask about this policy, which is getting more and more traction in public debate. Are you looking at that at all?

**MR. DUTTON:** That's something that's also been raised in our meetings with the taxi industry and with other stakeholders that have written to the minister. We are evaluating it. It's not as simple as it appears on the surface because we would have to make adjustments to our IT systems to move to a plate-to-owner over a plate-to-vehicle system. That's not necessarily an insignificant cost. We did discuss that with the Office of the Chief Information Officer to try to do a bit of a ballpark evaluation of what the costs would be and also to assess what would be the benefit.

One of the potential benefits on the revenue side would be if you had a different system you might be able to do personalized plates for people. They might be willing to pay an extra cost to be able to choose what their plate said as long as it was decent.

**MS. ROGERS:** Vanity plates.

**MR. DUTTON:** The other side of the coin is the issue around – where they have plate-to-owner in other jurisdictions they haven't completely resolved the issue of unpaid fines, so it hasn't been a foolproof solution. We have to weigh the cost of the IT upgrade against whatever revenue we might get from the vanity plates and how much better you would be at

collecting some of the unpaid fines. That's all part of an evaluation that we're continuing to do.

**MS. ROGERS:** Okay. Thank you.

Motor Vehicle, 3.1.03; we see a reduction in Salaries there from '17-'18 to '18-'19. Can you explain that reduction? Are there positions gone? What is that reduction there?

**MR. DUTTON:** No, this is enforcement. This is our highway enforcement officers. We had a number of vacancies throughout the year. We have these positions throughout the province, and between retirements and departures we had a lot of ongoing competitions.

We've been working actively to fill those positions as priority given to the safety function that they fulfill. We had five vacancies as of March 31 and we're working hard to fill the remainder of the positions.

**MS. ROGERS:** Okay. Thank you.

Under Property, Furnishings and Equipment we see a huge increase there.

**MR. DUTTON:** Sure.

The additional expenditure in '17-'18 was for the replacement of several of the portable weigh scales. We have a number of fixed scales in locations in the province, but the portable scales are used for deployment to other areas for enforcement activity.

We reallocated some savings from Occupational Health and Safety due to the one-time vacancies for this one-time expense. Rather than have it as an ongoing expense, we replaced six of them at once.

**MS. ROGERS:** These are portable scales to weigh vehicles?

**MR. DUTTON:** They do, yes.

**MS. ROGERS:** Oh.

**MR. DUTTON:** Yeah, to ensure that they're complying with weight restrictions. Trucking companies, particularly if they're involved in the construction industry and they're moving



aggregate or other things, we need to ensure that they're not doing unnecessary damage to the roads.

**MS. ROGERS:** Who would have known they existed.

Great, thank you.

3.2.02, Regional Services, under Salaries we see, again, a reduction of about \$320,000.

**MR. DUTTON:** Yeah, so the lower expenditure under '17-'18 was savings due to vacancies. They were offset by severance and leave payout to a retired manager. Then, for the year ahead, there's a decrease which reflects the planned savings to balance the salary plan. So there were some positions that were vacant, where people had left, that we were leaving vacant for the year.

**MS. ROGERS:** And how many positions would that be?

**MR. DUTTON:** We had four vacancies in the division at the end of March.

**MS. ROGERS:** And those won't be filled.

**MR. DUTTON:** Yes.

**MS. ROGERS:** Okay, so four positions cut.

**MR. DUTTON:** I think the manager, though, is one we are filling that's a funded vacancy. That manages the environmental health program. That's in this area, is it not? Yeah.

**MS. ROGERS:** Okay. And there are no backlogs in services in those areas?

**MR. DUTTON:** No, I wouldn't say so.

This is also another area where we're publishing service standards. So for all of the Government Services Branch we're publishing our service standards so people will have a way to evaluate how we're doing on meeting those standards in the year ahead. They've only just recently been published on the government website.

**MS. ROGERS:** Yeah.

**MR. DUTTON:** And that will give us a tool to be able to manage how we're doing in meeting the demand from the public.

**MS. ROGERS:** Can you tell us what parts of the province these four positions will be cut?

**MR. DUTTON:** I don't know if I have that offhand, but I can provide it.

**MS. ROGERS:** Great, thank you.

I assume whatever one of us gets, both of us will get in terms of information.

**MR. DUTTON:** We'll provide to you, yes.

**MS. ROGERS:** Yes, great, thank you very much.

Thank you.

Other Services, 3.3.01, Vital Statistics Registry.

I just want to say, I was a marriage commissioner for quite a while before I was elected and I still do that at times for folks. I was appointed as a marriage commissioner when same-sex marriages became legal, and the people in that department were extraordinary, absolutely extraordinary. They were just nothing short of fabulous, I just want to say that.

**MR. DUTTON:** Thank you.

**MS. ROGERS:** Yes, they were great. Ken Mullaly, that whole team there, they were very, very good at a time when it was very difficult for many people who were constantly going trying to get married and trying to get – and then when it was legal, to be able to so proudly go and be treated with such respect and dignity. It was just a win-win for everyone. So I just wanted to say that.

Under Salaries, 01, we see that from the budget of 2017-18, there's a decrease of \$85,000 for the budget of 2018-19 – I mean, yes.

**MR. DUTTON:** Yes, so the reduced expenditure in '17-'18 was reflective of vacancies for a portion of the year. So for the year ahead, we have some planned savings again to balance the salary budget. So we're not

impacting any of our current employees as a result of that.

**MS. ROGERS:** So what's happening is that the vacancy from the previous year won't be filled, is that it?

**MR. DUTTON:** Yes.

**MS. ROGERS:** So that's another loss of position, okay.

Do we know where that position is? Would that be somewhere –?

**MR. DUTTON:** It should be in Mount Pearl, as I believe all the positions are in the Mount Pearl MRD location.

**MS. ROGERS:** Okay.

You folks did have a lot of vacancies.

**MR. DUTTON:** Well, there's a lot of turnover, and I don't have the figure, but certainly there have been a lot of retirements in the past year.

**MS. ROGERS:** Mm-hmm.

**MR. DUTTON:** Yes.

**MS. ROGERS:** Okay, thank you.

Under the Queen's Printer, we see a significant shift in the revenue. Where would that revenue come from? Would that be – I won't even try (inaudible).

**MR. DUTTON:** I think primarily people who subscribe to the Newfoundland and Labrador Gazette.

**MS. ROGERS:** Okay. So that would be outside government.

**MR. DUTTON:** Yes.

**MS. ROGERS:** Okay. So I guess there was a substantial dip there in the revised for '17-'18.

Okay. Thank you.

**MR. DUTTON:** Yes.

**MS. ROGERS:** That is all I have for Other Services.

I do have some general questions around Regional Services, for instance school bus inspections. It's great to see the inspections online, and that probably is providing some support – some comfort to parents.

When will the 2018 inspections be posted?

**MR. DUTTON:** Well, we do inspections multiple times during the year.

**MS. ROGERS:** Yes.

**MR. DUTTON:** So normally in the spring, as I recall, they do at least 30 per cent of each bus fleet and then if there are any anomalies or issues then they may do more than the 30 per cent and perhaps do the entire fleet. So I think last year, we had online around late May or early June.

**MS. ROGERS:** Okay.

**MR. DUTTON:** So that would likely be our next publication.

**MS. ROGERS:** Okay, thank you.

Has the department started conducting spot inspections, and how is that proceeding?

**MR. DUTTON:** Spot inspections of school buses?

**MS. ROGERS:** Yes.

**MR. DUTTON:** Well, I guess, as they are required. They gather information from the public, if there are complaints or concerns. If anyone has a concern about the safety of buses they should certainly notify Motor Registration and they can take an inspection activity at any time. So that sort of thing would be carefully monitored.

I would say in the last year, since the new penalties were brought in and a lot of the safety record, I think it was a lot better, the last couple of inspections, than it had been in the year prior.

**MS. ROGERS:** Mm-hmm.

**MR. DUTTON:** So we're having some effect, and I guess it also demonstrates that most of the operators are committed to safety and we just have to make sure that those that were not or trying to cut around the edges, that actions were taken.

**MS. ROGERS:** Okay. The notes I have here –

**CHAIR:** The Member for Cape St. Francis.

We'll get back to you.

**MS. ROGERS:** I have just this last question.

**CHAIR:** Just one more question? Okay, with that –?

**MR. K. PARSONS:** Yeah, that's fine.

**CHAIR:** Okay.

**MS. ROGERS:** The department noted in the media that spot inspections would start this year.

So has the department started conducting spot inspections and how is that proceeding? That's the notes I have here.

**MS. WHEATON:** As Sean indicated, we have a model whereby we randomly select a percentage. It's completely at random so the bus company doesn't know.

**MS. ROGERS:** Okay, so that would be that. Yes.

**MS. WHEATON:** And that randomness determines if we decide that we're going to do the whole fleet. So they don't know which buses we're going – there's a whole lot of rigour built into that inspection process.

**MS. ROGERS:** Right.

**MS. WHEATON:** Then there's one time of the year when we're doing the entire fleet, but there is a random approach to it so they would not know which buses we would be selecting.

**MS. ROGERS:** So the company knows that you're coming to do inspections but they don't know which specific vehicles, is that it?

**MS. WHEATON:** Right.

**MS. ROGERS:** Okay.

**MS. WHEATON:** Sometimes they might not even know we're coming, depending on if there's some other issue noted, but, no, certain times of year we're doing the random sampling so we're in complete control.

**MS. ROGERS:** Great. Thank you very much.

**MR. K. PARSONS:** I have some general questions and just a few general questions.

I noticed today that there was one taxi company that came in and had their whole fleet, I believe, into Motor Registration.

I just listened to the news and I was just – why was it that it seemed like there was specific companies picked out rather than do random taxi inspections? I know there was two companies that were picked out. I know also that you did some random ones down at the airport. Was there a reason for that, on the inspection side?

**MS. GAMBIN-WALSH:** Just let me clarify, are you saying that there were, in fact, two companies picked out and checked?

**MR. K. PARSONS:** Yeah.

**MS. GAMBIN-WALSH:** No, that's not correct.

All the taxi companies right across the province were randomly checked out and the results came forward. The taxi company that went in today, they decided, it was on their own. We didn't even know they were doing it. They called in and they made the appointment and decided that they would do this themselves.

**MR. K. PARSONS:** Okay, so neither taxi company was chosen in front of the Village Mall or –?

**MS. GAMBIN-WALSH:** No specific taxi company was picked out, no.

**MR. K. PARSONS:** Okay, that's good. I'm glad to hear that.

I just want to ask a question. I know there's a real good answer to this but I was asked this question about seat belts on buses. I know there are reasons for not having seat belts. Are you looking at any way that we can have some seat belts on school buses?

**MR. DUTTON:** I think we take our guidance from the federal department of Transport on that.

**MR. K. PARSONS:** Okay and they don't recommend having seat belts on buses.

**MS. GAMBIN-WALSH:** I believe there was some information in the media this week about that and why there are no seat belts on school buses.

**MR. K. PARSONS:** I know. The height of the seats and there are a lot of different issues. I was asked that by a mother over the weekend and I said when I get Service NL in the week, I'm going to ask them that question.

Anyway, I want to know about blue zone parking. I know the new regulations are broad again – something that's very supportive. I like the job that's done around the Confederation Building. Have we hired any new enforcement officers? How are we doing to enforce it? It's a real bug of mine; it drives me absolutely crazy to watch this sometimes happen.

**MR. DUTTON:** In terms of the blue zone parking, the police also have the ability to ticket for blue zone parking offences. We put a focus throughout the department on trying to maintain the front-line capacity that we have today on enforcement and inspection services generally.

**MR. K. PARSONS:** Okay.

Just the last two questions; one is a review of the *Real Estate Trading Act*. What's the status of this act? Is the review done?

**MR. DUTTON:** I'm glad you came back to that. I'm sorry I forgot. I should have covered that earlier.

**MR. K. PARSONS:** Yeah, okay.

**MR. DUTTON:** We had a consultation process through the EngageNL web portal. That closed at the end of March. We had, I think, over 90 submissions through that so our staff are going through the submissions.

In addition to that, the real estate board held their own consultations across Newfoundland and Labrador. We had staff from our department sit in on some of those sessions, as well as Labrador Affairs staff sitting in on the sessions in Happy Valley-Goose Bay and Labrador West and shared their notes of that with us. The minister attended one of the sessions with the real estate board here in the St. John's metropolitan area. We're reviewing all of that feedback.

I believe the real estate board may prepare a formal submission that they had some discussions with the director on that they were still working on. We'll consider all of that with a view to whether we might have some legislation for government to consider as early as the fall.

**MR. K. PARSONS:** Thank you.

Last one. The *Residential Tenancies Act* is also under review. Can you give us an update at where that's to?

**MS. GAMBIN-WALSH:** I mentioned earlier about the *Residential Tenancies Act*. We are very active on that and I'm hoping to bring legislation in in the very, very, very near future.

**MR. K. PARSONS:** We might see it next week.

**MS. GAMBIN-WALSH:** Three verys.

**MR. K. PARSONS:** Okay.

Thank you.

**MS. GAMBIN-WALSH:** There's been a lot of work done on that.

**MR. K. PARSONS:** Yeah, okay.

I just want to say, Mr. Chair, I want to thank everyone on the other side for your answers tonight. I appreciate the time and effort. I know there are a lot of questions sometimes you can't

get answers to, but I really appreciate your time and effort here tonight. I really appreciate it.

Thank you so much.

**MS. ROGERS:** I also wanted to say thank you very much. I know from early morning to late at night like this how difficult it is, and then you have to be on deck again first thing in the morning.

So thank you so very much for your patience and your generosity tonight, and thank you for your great work.

Thank you.

**MS. GAMBIN-WALSH:** Thank you.

**CHAIR:** Okay, we will recall the sections.

**CLERK:** 1.1.01 through 3.3.03 inclusive.

**CHAIR:** Shall 1.1.01 through 3.3.03 inclusive, carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, subheads 1.1.01 through 3.3.03 carried.

**CLERK:** The total.

**CHAIR:** Shall the total carry?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, Department of Service NL, total heads, carried.

**CHAIR:** I'd like to thank you, Minister Gambin-Walsh, and your department heads and staff for providing answers for the Government Services Committee.

**CLERK:** Report without amendment.

**CHAIR:** Oh, I'm sorry.

Shall I report the Estimates of the Department of Service NL and Public Procurement Agency carried without amendment?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Carried.

On motion, Estimates of the Department of Service NL and Public Procurement carried without amendment.

**CHAIR:** Okay. The next meeting of the Government Services Committee will take place on Monday, April 30, 2018, at 9 a.m. here in the Chamber, at which time we will review the Estimates of the Department of Finance, Consolidated Fund Services and Public Service Commission.

A motion to adjourn.

**MR. KING:** So moved.

**CHAIR:** Carried.

Thank you.

On motion, the Committee adjourned.