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Speaker: Honourable Ross Wiseman, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Wiseman): Order, please!

Admit strangers.

Statements by Members

MR. SPEAKER: Today we are going to have members' statements from the Member for the District of Baie Verte – Springdale; the Member for the District of Lake Melville; the Member for the District of Lewisporte; the Member for the District of Humber Valley; the Member for the District of St. Barbe; and the Member for the District of Terra Nova.

The hon. the Member for Baie Verte – Springdale.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: Thank you, Mr. Speaker.

On April 5, 2011 a public meeting was held at Burlington Fire Hall to form a 50 plus seniors' group. I rise in this hon. House today to commend them on their first organizational meeting and recognize the outstanding work that the 50 Plus Club is doing to engage and encourage seniors.

Led by President Gerald Burton and his dedicated executive, this club promotes health and wellness, caring and sharing, and intergenerational activities with a vision to create safe, secure, age-friendly communities. What is so unique about this group is that it encompasses all three communities in the area; namely, Smith's Harbour, Burlington, and Middle Arm.

I applaud Mayors George Kelly, Neville Robinson, and Local Service District Chairperson Melvin Osmond and their communities for their overwhelming support of this exciting initiative whereby seniors are valued and honoured for their social and economic achievements.

I ask all hon. colleagues to join me in saluting the 50 Plus Encouragement Club for their leadership in building a positive, proactive, and innovative approach in remembering the past, honouring the present, and hoping for the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: hear, hear!

MR. SPEAKER: The Member for Lake Melville.

MR. RUSSELL: Thank you, Mr. Speaker.

I rise today to recognize Collin Baikie who was born and raised in North West River.

Collin, this past December, competed in his second amateur Mixed Martial arts bout picking up his first win in the sport. While Collin has his sights set on training to achieve his dream of one day fighting professionally in MMA, it is what Collin has done outside the octagon that I believe needs to be recognized.

Collin, when he is not training, returns to Labrador to promote healthy living through sport. He teaches children in Sheshatshiu the basic skills he has learned as a mixed martial artist, teaching them MMA in a fun environment.

While MMA is his passion, it is not the only sport that Collin has been coaching when he is home. He can often be found coaching both ice and ball hockey. It is this spirit of giving back to the communities of Lake Melville that I believe makes it worthwhile to recognize Collin's work.

I ask all hon. members of this House to join me in applauding the great work of Mr. Collin Baikie and wish him all the best of success in his future endeavours. Collin is a true Labradorian.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for the District of Lewisporte.

MR. VERGE: Mr. Speaker, I rise today to recognize Corporal Courtney Walsh of Brown's Arm. From her early years, Courtney took pride in her country and desired to be one of the Canadians who would make a difference. This desire led to her decision in 2004 to join the Canadian Military as member of the 772 Electronic Warfare Division.

In February of 2008, Corporal Walsh received her first deployment to Afghanistan. She was nervous and unsure what to expect; however, once she was there, her training enabled her to do her job exceptionally well.

On November 19, 2012, Corporal Walsh received the Queen's Diamond Jubilee Medal from Brigadier General Omer Lavoie. During the presentation it was noted that Corporal Walsh has shown exemplary service as a tradeswoman and paramount dedication to the Canadian Forces. She is an exceptional operator who is highly respected and always willing to go beyond what is expected in order to get the job done. Corporal Walsh is a dedicated soldier, an active volunteer, and a very worthy recipient of this award.

Members of the House of Assembly, please join with me today in congratulating Corporal Walsh and to also thank her for her service to our country.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber Valley.

MR. BALL: Mr. Speaker, I rise in this hon. House today to recognize awards recipients at the recently held Deer Lake Chamber of Commerce Business and Community Awards Gala.

I was very fortunate to have had the opportunity to attend the awards gala and was quite impressed by the passion and enthusiasm displayed by all those in attendance.

Mr. Speaker, I would like to congratulate those who received awards at the gala including: the Royal K-9 Spa, Angie Parsons, Business of the Year; Manager Perry Compton and Woodward Motors, Employer of the Year; Alison Ropson of Scotiabank, Employee of the Year; Robbins Enterprises, Rising Star Award; Amanda Freaque received the Community Spirit Award for her involvement in the Deer Lake Strawberry Festival; and B & S Trucking received a Special Recognition Award for their contributions to green waste disposal.

Years of Service awards were presented to Shears Building Supplies for sixty-one years of service, the Driftwood Inn for fifty-seven years of service, and Williams Building Supplies for fifty-seven years of service.

Mr. Speaker, small businesses are the backbone of many local economies throughout our Province, so I ask all members of this House to join me in congratulating the Deer Lake Chamber of Commerce and all of its members on a very successful Inaugural Business and Community Awards Gala.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. BENNETT: Mr. Speaker, I rise in this hon. House to recognize the success of the Heritage Cluster Pilot Project on the Great Northern Peninsula.

Supported through the Cultural Economic Development Program, an advisory committee of associated departments and organizations, partners Nordic EDC and CURRA, and project lead RED Ochre Regional Board, this three-year pilot project has helped community heritage organizations improve their operations and services, build their capacity, and improve their long-term sustainability.

The project involves thirteen community heritage organizations, eight from the District of

St. Barbe, including: Trout River Heritage Committee, Woody Point Heritage Committee, Bonne Bay Cottage Hospital Heritage Committee, Dr. Henry Payne Museum Heritage Committee, Nurse Myra Bennett Foundation, Torrent River Heritage Committee, Port au Choix Heritage Committee, and Big Droke Pre-Historic Cultures Foundation. Also included are L'Anse aux Meadows and Port au Choix National Historic Sites.

This Heritage Cluster Pilot Project concludes in 2013, but the goal of long-term sustainability will continue to be supported by a volunteer committee derived from the participating organizations.

Mr. Speaker, I ask all members of the House to join me in recognizing and congratulating the Heritage Cluster Pilot Project on its success.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. S. COLLINS: Thank you, Mr. Speaker.

I rise today to commend Buddy Wasisname and the Other Fellers on celebrating thirty years of bringing uncontrollable laughter and unforgettable lyrics to the people of this Province and beyond.

The group comprised of Kevin Blackmore, Wayne Chaulk, and Ray Johnson, along with bass player Byron Parady, hit the road every eighteen months to tour the Arts and Culture Centres throughout our beautiful Province performing at sold-out shows. I am extremely pleased and proud to acknowledge that both Kevin and Wayne resident in the Terra Nova district.

Buddy Wasisname and the Other Fellers provide entertainment suitable for all ages. They feel humbled that they are enjoyed by three or four generations of a family. Not only are they enjoyed by the residents of this Province but

they are also enjoyed by a huge fan base right across this country as well as in the States and abroad. Kevin Blackmore sums it up best by saying, "There's a certain truth in that we all need a good belly laugh now and again." Mr. Speaker, that is very true.

I would like to sincerely thank Buddy Wasisname and the Other Fellers for helping preserve our unique musical culture.

I ask all hon. members to join me in recognizing such a talented group of individuals.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Minister of Service Newfoundland and Labrador.

MR. MCGRATH: Mr. Speaker, I am pleased to rise today to recognize May 5 to 11 as North American Occupational Safety and Health Week.

This morning, I joined members of our local chapter of the Canadian Society of Safety Engineers, as well as representatives from employer and labour groups, to raise the NAOSH Week flag.

This year's theme, Safety and Health: A Commitment for Life! Are You as Safe as You Think? urges us – no matter where we do our work – to take a moment to take a second look at our daily routines and practices. Are we being as safe as we can be?

I thank the members of our local chapter of the Canadian Society of Safety Engineers who every year volunteers their time to plan and promote NAOSH Week. This local group was the pioneer of NAOSH Week and it has now grown to include the rest of Canada, the United States, and Mexico which is an incredible achievement.

Mr. Speaker, it is fitting that I, along with my hon. colleague, the Minister of Natural Resources, later today in this House of Assembly are moving forward with amendments to the Atlantic Accord which streamlines the occupational health and safety legislative framework for the offshore. This amendment tailors occupational health and safety principles to reflect the different offshore workplace parties and unique offshore working environment.

As employers, employees and government, we must continue to work together to seek out and identify risks and dangers, then work to eliminate them through prevention, protection, and sound policy-making. We must strive to enhance our safety culture, ensuring best practices are used at all times. Our best defence against workplace incidents is prevention. After all, accidents do not just happen – they are caused.

Mr. Speaker, as Minister Responsible for Occupational Health and Safety and the Workplace Health, Safety and Compensation Commission, I urge everyone in this Province to take that second look at their workplace and remember to always keep safety at the forefront.

Building a strong safety culture today yields a safer tomorrow for the next generation of working Newfoundlanders and Labradorians.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for Torngat Mountains.

MR. BENNETT: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. I do join him in recognizing North American Occupational Health and Safety Week.

This North American Occupational Health and Safety Week was first launched in June 1997 and the goal of this week-long event is to focus employers, employees, partners, and the public

on the importance of preventing injury and illness in the workplace.

This successful event is rooted in a community-based approach and I thank the many volunteers throughout our Province for their efforts.

As the minister mentioned, this afternoon we will begin debate on amendments to the Atlantic Accord to streamline occupational health and safety in our offshore. Mr. Speaker, any step forward in regulations that will look out for the safety of our offshore personnel is a positive movement, but I think this government must look at the implementation of Recommendation 29 from the Wells inquiry: to establish an independent offshore regulator. This is not a part of this bill, but we do hope to see that this legislation will be implemented in the future.

Thank you.

MR. SPEAKER: The Leader of the Third Party.

MS MICHAEL: Thank you very much, Mr. Speaker.

I, too, thank the minister for the advance copy of his statement. I am very pleased to join with him and everybody in the House in the recognition of North American Occupational Health and Safety Week.

We certainly should commend the work of safety engineers. Because while it is important for us to look closely at our workplaces and we have to take responsibility ourselves for that, we also need a strong presence of these professionals within government to protect the public, in general, and protect workers.

One thing I would like to speak to, though, is the need to keep paying attention to young people in the workplace, to make sure they know their rights and what to expect in terms of a safe workplace, and also know their responsibility. Although lost-time injuries among young workers have declined somewhat, we still have close to 500 a year, so it is important to continue educating our youth in the school system and

review our legislation and inspection regimes to ensure that young persons feel safe from reprisals for speaking out about unsafe working conditions.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Intergovernmental and Aboriginal Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. F. COLLINS: Mr. Speaker, I rise today to recognize a significant event in our history – the Battle of the Atlantic.

Each year on the first Sunday in May we commemorate those who were lost in the longest single campaign of World War II.

I had the honour of representing the Government of Newfoundland and Labrador and the people of the Province at events commemorating the Battle of the Atlantic yesterday, Mr. Speaker, in St. John's. I first attended a service of remembrance at St. Thomas' Church, after which I placed a wreath at the National War Memorial on Water Street.

These events were moving ceremonies that serve to remember and honour the sacrifices of those brave souls who gave their lives during this epic battle between September 1939 and May 1945. The battle was courageously fought by men and woman from the Royal Canadian Navy, the Merchant Navy, and the Royal Canadian Air Force, as they struggled to control the shipping lanes on the North Atlantic Ocean.

Mr. Speaker, their success came at a high price. The Royal Canadian Navy lost twenty-four warships and suffered approximately 2,000 fatalities, the Merchant Navy lost more than seventy ships and faced more than 1,700 fatalities, and over 900 aircrews were lost by the Royal Canadian Air Force.

Newfoundland and Labrador, Mr. Speaker, played a significant role in the Battle of the Atlantic with St. John's serving as one of the most important escort bases to be developed by the Royal Canadian Navy, and with many

thousands of Newfoundlanders and Labradorians serving as sailors, aircrew, and merchant mariners.

St. John's harbour also served as a port of refuge, with upwards of 6,000 survivors from torpedoed or storm-wrecked ships being cared for in St. John's during the war.

Newfoundlanders and Labradorians, along with other Canadians, have a proud military history and the Canadian Forces continue to do us proud serving admirably at home and abroad to this very day.

Mr. Speaker, I ask all members to join me in honouring all the men and women of our armed forces, past and present, for their tremendous contribution in the service of us all.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for Torngat Mountains.

MR. EDMUNDS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. As the minister said, Mr. Speaker, Newfoundlanders and Labradorians did play a significant role in the Royal Canadian Navy. In fact, Mr. Speaker, many of our young soldiers went to Nova Scotia to join the navy because they were too young to join here in our Province, as it was before Confederation.

Mr. Speaker, many paid the ultimate sacrifice in their efforts to protect the shipping lanes and convoys carrying supplies to our brave men and women serving overseas. Given our association with the sea, Mr. Speaker, it comes as no surprise that we would play an active role in the navy division. The Battle of the Atlantic was a significant event of World War II and we should all take the time to commemorate this event each and every year.

Mr. Speaker, Newfoundland and Labrador have continued to make up a significant part of our

armed forces and have continued to serve in war zones around the world. We must ensure that their commitment to peace in this world is not forgotten and all commemorative events throughout the year, including the Battle of the Atlantic, must be recognized and appreciated.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for St. John's East.

MR. MURPHY: Thank you, Mr. Speaker.

I also thank the minister for the advance copy of his statement. It was a really poignant ceremony yesterday that I went to, to recognize those people who fought in the Battle of the Atlantic. It is sometimes too bad that we have so many of these memorial days because we still have not learned to get along peacefully in the world.

We remember those who we lost at Beaumont Hamel here in the Province. We recognize other fellow Canadians lost during July 1. Again, to have a day to remember, while it is nice and everything, I cannot help but come back to the sermon yesterday that the chaplain gave at the church in wishing all these people peace in their own mind for the strife that they went through at the time, giving us democracy. I keep coming back to the sermon from the chaplain yesterday when he said the poignant words that hopefully one day the roar of peace will be much louder than the roar of guns. It is in their particular memory that we serve here in the House every day.

With that, I would like to thank the minister again for his statement and it was a really poignant ceremony. Thank you to the armed forces personnel who give so much and sacrifice so much every day.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

This morning the Minister of Fire and Emergency Services met with the federal Minister of National Defence to discuss search and rescue issues in our Province. The Premier in the past has said that she would ask for a timeline to implement the recommendations of the federal Auditor General's report.

I ask the minister: What commitment did you get from the Minister of National Defence this morning to improve search and rescue for Newfoundlanders and Labradorians?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, I did meet with Minister MacKay this morning at about 7:00. We had a good discussion in regard to search and rescue, not only here in the Province but also nationally, in Canada, and the challenges that the federal government have in providing that important service.

It was a good meeting as such. I outlined all the concerns that Newfoundland and Labrador has. We have been saying that now for a number of years. The Premier has actually communicated that as well.

I went and I asked them for timelines, an action plan and timelines attached to it, where we can have some level of confidence back into the system from the federal side. He agreed with that. He said he was willing to work with all the provinces and all the stakeholders, as well as myself as the Minister Responsible for Fire and Emergency Services. I will continue to do so. I wrote him, actually, again today to reiterate what I had said.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, following this morning's meeting, the Minister of National Defence also said that search and rescue services in the Province and, of course, nationally is indeed a shared responsibility and that the Province should be working with the feds on a co-ordinated effort.

I ask the minister: Did you get an agreement from the federal minister this morning to work on a co-ordinated effort, and what are the timelines that this action will be taking place?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Yes, Mr. Speaker, I did address the issue in regard to the timelines and a firm action plan on addressing the issues we feel are really important to the Province of Newfoundland and Labrador, being in personnel, the lack of personnel, and actually aging assets, along with the closure of the marine rescue sub-centre. So we will set some timelines around that now over the next few days or so.

Like I just said, I wrote the federal minister after I got back outlining the issues again. So I am hoping for a response from Minister MacKay within the next couple of days or so.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The Premier has said it is action that is required. We now know the national minister, Minister MacKay, says that it is a shared responsibility. So now that we have this shared responsibility

and we have a commitment to improve services, we need to figure out where the gaps are.

I ask the minister: Given that the federal government has committed to work with the Province, will you now commit this Province to a provincial inquiry into search and rescue in Newfoundland and Labrador?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, an inquiry really deflects away from the issues surrounding the Province. We do want action, and that is what I expressed to the federal minister this morning.

I also have to correct the hon. member when he says shared services. It is shared in the fact that the federal government is responsible for one component, and that is marine search and rescue, and the Province is responsible for ground search and rescue. They are two different components, Mr. Speaker, but we feed off each other.

What we need as a Province in regard to ground search and rescue is that if we phone the federal government JRCC in Halifax, we want to know they have assets and we want to know they have personnel in order to respond to that request. Certainly, the Auditor General's report has outlined deficiencies in regard to personnel and assets, and we want those addressed as soon as we possibly can.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

It is okay when you stand up and answer a question in this House to talk about two components but if you are someone who needs search and rescue, if you are putting in the call they really do not care. What they want to know is that there is communication, there is

collaboration and the system will work. Mr. Speaker, the federal minister this morning announced a \$1 million investment for ground search and rescue, which we all know is a provincial responsibility.

I ask the minister: What issues are there around ground search and rescue, the provincial responsibility that requires this \$1 million investment from the federal minister?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, the same is reflected in regard to our fire services. We have about 300 fire halls across the Province that require various pieces of equipment and various pieces of apparatus to provide the service that they are trying to provide to the residents who live in their community. The same applies in regard to your ground search and rescue. We invested over \$500,000 in infrared imaging, not in this Budget past but the year before that.

I welcome the investment in regard to the federal government in making that kind of announcement and hopefully they will come with more, which he has outlined and talked to as well, more in the pipeline. I welcome that. We will keep working with the federal minister and make sure that we have the proper and adequate service.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. BALL: Thank you, Mr. Speaker.

We welcome that investment. Any time we can get federal money into this Province we should go after it.

I would like to ask the minister: Who made the request for the investment into ground search

and rescue in our Province, and what other requests are in to the federal government?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, every chance I have in regard to my position as the Minister of Municipal Affairs and the Minister Responsible for Fire and Emergency Services I am making requests and asking for money, always. Whatever minister I am talking to in the federal government I am asking for dollars because we need it, we deserve it, we have aging infrastructure and we want to continue to invest in that infrastructure right across this Province, be it in ground search and rescue or be it in our fire halls, wherever I might get it.

I welcome the amount. We will take it and it will be wisely invested into our ground search and rescue teams. They will continue to provide the service, twenty-five of them, I think, across the Province. The service that they try to provide, they are well-trained, well-equipped and they do a great job for the Province.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The Minister of Finance told media last month that there would be 120 to 150 managers eliminated from Health Authorities across the Province.

I ask the Minister of Health and Community Services: How many managerial positions will be cut from health authorities in this Province in 2013-2014?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, as we announced during the Budget process, we have undertaken to do a number of reviews within our health authorities. We have just finished up an operational review, we are headed forward now with a clinical efficiency review, and a management review.

To put a precise number on the managerial positions that may be determined to be serviced to us in other ways would be premature at this point in time. We will continue forward to look through our operational numbers as to what will be the best number to provide to our regional health authorities.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

It was the CEO of the Eastern Health Authority who suggested that there would be sixty-five to seventy managers who would be cut as a result of the \$7 million Budget cut by the Province in 2013-2014.

I ask the minister again: How many managers do you expect? Is it true that the CEO of Eastern Health – is it true that you anticipate sixty-five to seventy managers being cut from Eastern Health?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, as we know from commentary that we have had in this House before, Eastern Health is ahead of the game because they have committed and finished their operational review. They are in a much better position to be able to put a number around the number of management positions they are looking to eliminate, or at

least the FTEs that they are looking to eliminate through their process.

The other three regional health authorities, however, have not yet finished that process, which is why I say it is premature yet to put a total number. We can extrapolate what it may be, but until they are finished with that particular review, the operational review – which I expect to be some time this summer, perhaps toward the end of June – than I really do not have a firm number.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The CEO of Eastern Health again last month said that one of the risks of cutting management positions is that there is a lack of monitoring. We all know, and we have learned lessons from the Cameron Inquiry what lack of monitoring can lead to.

I ask the Premier, you said last year that health care would be ring fenced: How can you ensure the people of the Province that these cuts would not trickle down to front line services?

MR. SPEAKER: The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, a commitment that was made right throughout this Budget process is that we would not impact front line service. We have been very clear about ensuring that.

As we look at all of these reviews that we have in place – and that is why we are doing all of them as opposed to just looking at one operational review, that benchmark. We are also looking at the clinical efficiency piece which will certainly look at the front line piece and how we can find efficiencies there. Mr.

Speaker, our overall commitment on all of these reviews is to ensure that what we are doing is providing the best care, the best quality care as well to all of our patients.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, despite government's bragging of investments into municipal infrastructure we continue to have water woes in many of our communities. River Head, St. Mary's Bay, issued a state of emergency last week due to a lack of water because of aging infrastructure.

I ask the minister: What is being done to address this serious issue in the community of River Head?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Yes, Mr. Speaker, and I will continue to brag in regard to our investments in infrastructure right across Newfoundland and Labrador; as a matter of fact, \$650 million of it since 2008.

My officials have been in contact with the Town of River Head, along with their consultants, and they are working their way through it. Another reason why we changed the Municipal Operating Grants, Mr. Speaker, was to put more money into small communities such as River Head to enable them to operate their communities much more efficiently than they did in the past.

If we did not have to be left with such aging infrastructure back in 2003, maybe they would still be working today, Mr. Speaker, but it has taken us ten years now to address a lot of issues in this Province and we will continue to do so under the Municipal Capital Works and under Municipal Operating Grants.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, I find it very sad that the minister could stand up and brag in this House of Assembly when there are 160 communities as of today, including River Head, that has a boil advisory in their water system.

I ask the minister, instead of standing up and bragging, instead of standing up and trying to make hay for the government: Can we please ask for some concrete proposals that is going to help these communities with their water woes which is creating a major problem in a lot of communities like River Head because those people are suffering every day? Besides bragging, can we see some concrete action from the minister?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, concrete action is \$650 million since 2008 in various projects right across the Province, mainly in water and sewer. Chlorination systems right across this Province that are reducing the number of boil orders in the Province.

The other reason why we developed the Municipal Operating Grant was to give smaller communities more money in order to operate their chlorination systems, which is an issue right across this Province with the smaller communities. When we get those up and running, and get the money where it should be in regard to small communities, you will see less and less boil orders right across this Province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Mr. Speaker, I asked this question on Thursday but no answer, so I will try again.

In 2006, this government committed to a comprehensive review of public prosecutions. The minister at the time said an independent review would be done immediately, and retired Justice William Marshall was named; however, seven years later nothing has been completed.

I ask the minister: Why have you not completed this long promised review, and since it was never done, what compelling evidence did you have to justify the cuts in Budget 2013?

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, there have been a number of opportunities over the last few years where we have taken a review of the Public Prosecutions Office, both the policies of the office, the procedures, and the way it was resourced. The Lamer Inquiry happened to speak to that in particular. Since that time, there has been a significant amount of investment made in the Public Prosecutions Office, both in terms of the number of people working there, the policies that we follow, the procedures that they follow, and professional development opportunities for them to gain training and opportunities to enhance their qualifications.

We make no apologies for what we have done in Public Prosecutions. We have continued to invest in that division. As I announced about two weeks ago or so with the Attorney General, we will continue to do a further review, and if need be, we will make the changes that are recommended from that.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Mr. Speaker, this government has now promised another review in

the justice system, this time with legal aid. Even though the minister announced a review last month, we learned in Estimates that there is absolutely no plan in place.

I ask the minister: Why did you promise a review but then do nothing to get ready for it?

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, what I had said in Estimates – I was asked if I had a plan in place at that point in time, and I did not have a plan in place at that point in time. I did not say, and I would not say today, that we did not plan for it.

We are planning for a review. We have developed a shortlist of potential firms or individuals who may be able to carry out that review, and the mandate of the review is very simple. As the Attorney General and I have both said on many occasions in this House, and as we said before the media when we did the press conference, that it will be an opportunity to look at how the legal aid is staffed, number one; and number two, how cases are received and whether they ought to be carried out by legal aid or whether there is another system that we can put in place to expedite the process of clients receiving the service, and that is what we will do.

SOME HON. MEMBERS: Hear, hear!

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

MR. EDMUNDS: Mr. Speaker, the source of the oil slick around Fogo and Change Islands has now been identified as the shipwrecked vessel the *Manolis L*. Residents of the area have great concern for the effects of the spill and what it will have on the area. Last week, the minister again passed responsibility off to the federal government.

I ask the minister: What role will the Province play in the efforts to both contain and remove the potential for a drastic oil spill in this area?

MR. SPEAKER: The hon. the Minister of Environment and Conservation.

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: Thank you, Mr. Speaker.

We accept the responsibilities as accorded to the provincial government, but in this case it is federal jurisdiction, under federal law and legislation. The federal government certainly have reacted and searched and found the source of the contamination, the leak. There is a plan in place to take care of that particular leak. As well, they have done some work onshore to make sure that any spills going in that area – they have established a non-fishing zone. Everything is put in place in order to deal with this situation, and if the waste water or whatever comes ashore, then we will look at our responsibility and take care of that.

SOME HON. MEMBERS: Hear, hear!

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

MR. EDMUNDS: Mr. Speaker, the shipwrecked vessel still has a considerable amount of fuel in its hull, which is in danger of rupturing. This would have a drastic effect on the shell fishery in the region, the same fishery that makes up 83 per cent of the provincial revenue from the fishing industry. The FFAW and local fish harvesters now have voiced their concern saying that there needs to be a plan.

I ask the minister: Why is the Province shirking its responsibility on this issue and putting the livelihood of the residents in jeopardy?

MR. SPEAKER: The hon. the Minister of Environment and Conservation.

SOME HON. MEMBERS: Hear, hear!

MR. HEDDERSON: Again, I say, Mr. Speaker, there is no shirking of responsibility. We are accepting the responsibilities that are associated with this particular spill.

As well, the investigation is complete, the leak has been found, and it is going to be addressed. Of course, we await word from our federal counterparts as to exactly what it is going to do, not only for the leak but for the future, to make sure that the resources offshore, our fishing in particular, are well protected, as well, the livelihoods of our people.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. Barbe, time for a very quick question without preamble.

MR. BENNETT: Mr. Speaker, over five months ago the Safe and Caring Schools policy was admitted not to be working.

MR. SPEAKER: A quick question, please.

MR. BENNETT: I ask the minister: Did he shelve this report in the interest of saving money, or are we going to hear about Safe and Caring Schools soon?

MR. SPEAKER: The hon. the Minister of Education, time for a quick response.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, our Safe and Caring Schools policy is working quite well; I will inform the member opposite.

MR. SPEAKER: The hon. the Leader of the Third Party.

MS MICHAEL: Thank you very much, Mr. Speaker.

A May 3 article in *Upstream* online talks about Husky Energy as being in the very early stages of assessing the potential for building a liquefied natural gas plant in Eastern Canada, underpinned

by the gas resources in our offshore. The market for the liquefied gas would be Europe.

Mr. Speaker, I ask the Minister of Natural Resources: Does he know if Husky's plans for a gas plant in Eastern Canada mean in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, I along with my officials had an opportunity to meet with officials of Husky. I believe their focus right now is on the new field that they are dealing with offshore Newfoundland and Labrador. I do not believe that this liquefied natural gas is a priority for the Province at this time.

MR. SPEAKER: The hon. the Leader of the Third Party.

MS MICHAEL: Mr. Speaker, I say to the minister that according to what has been written in *Upstream* online, it looks like it is a priority for Husky and they hope to have things in market by 2025.

If it is a priority for Husky and they are already starting to look at it, why is it not for this Province?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, I get to read many things. I have not had the opportunity to read the particular article that which she is referring to, but I would also be happy to have a discussion with the company. They come in from time to time and they brief us as to their plans.

I will certainly be happy to meet with them and hear what they have to say about liquefied natural gas, which could be an exciting addition to the economy of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Leader of the Third Party.

MS MICHAEL: Thank you, Mr. Speaker.

Based on what the minister just said then, I ask him: Will he commit to ensuring that if Husky moves in this direction – which they say publicly they are interested in doing – that this Province will profit from the value-added benefits of a liquefying plant on our shores, which would bring jobs as well as cash revenues?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, the position of this government on economic development is very clear. We support economic development subject to conditions. Number one is that the people of the Province have to be the prime beneficiaries of those things. There have to be benefits to the people of Newfoundland and Labrador. They have to make sure that whatever development they do takes place within the framework of public health and worker health safety and of protection of our environment.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Leader of the Third Party.

MS MICHAEL: Thank you very much, Mr. Speaker.

I could not agree more with the minister and I hope that he is going to pursue this motion with Husky.

Mr. Speaker, a government backbencher in the media recently said –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: – that this government has made \$50 million in the past four years from the former Abitibi hydro assets. This government's numbers have been notoriously inaccurate.

Mr. Speaker, I ask the Minister of Natural Resources: Will he table the evidence to back the claim that they have made \$50 million in the past four years?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, in 1904 the then government of this Province gave to Abitibi rights to our resources in Central Newfoundland: fibre, land, water rights. Mr. Speaker, it was all conditional upon them operating those resources and running a paper mill in Grand Falls-Windsor. When they stopped operating that pulp and paper mill, then those assets should come back to the people of the Province.

Mr. Speaker, this government made sure that exactly that happened.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Leader of the Third Party.

MS MICHAEL: Thank you very much, Mr. Speaker.

I suggest to the minister that he correct then the figure of \$50 million because it does not seem like that is a correct figure.

Mr. Speaker, last week the Premier stated that there were hundreds of millions of dollars of

assets expropriated from Abitibi which would take care of any liabilities that came with the deal.

We are aware of hundreds of millions of dollars in environmental cleanup liabilities. We know of the expropriated forest resources this government cannot find anyone to develop. Last week, we learned we paid a lot more for expropriated hydro assets.

I ask the minister: What are the huge hundreds of millions of dollars of assets to which the Premier refers?

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Thank you, Mr. Speaker.

I do not know where the Leader of the Third Party, the Leader of the NDP, gets her information. I do know where the people who were on *On Point* get their information because they were certainly off point on Friday when they taped that show.

I can tell you this, Mr. Speaker, they said there is no interest in the forest resources of Newfoundland and Labrador, 280,000 cubic meters of fibre. We have fourteen people interested in the fibre in Newfoundland and Labrador, from Europe, from the United States of America, from Canada, and, Mr. Speaker, even people in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Leader of the Third Party.

MS MICHAEL: Thank you very much, Mr. Speaker.

Mr. Speaker, in 2008 taxpayers learned they were on the hook for \$72 million for expropriated Abitibi hydro assets. Last week we learned of another \$76.4 million government has added to the tab. The Premier said power from

these hydro assets would be used to drive industry and create revenue and in the long term pay for itself.

So I ask the minister: Considering the hundreds of millions of dollars in cleanup costs yet to be paid for, how many decades can we expect to pass before this burden on the taxpayers is paid off?

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, we have acquired for the people of Newfoundland assets that are worth more in value than we will ever pay out, assets that will benefit the people of Newfoundland and Labrador, the people of Central Newfoundland and Labrador for generations to come. Those assets belong to the people. They were given to an English company to operate a paper mill; they stopped doing that. We took the assets back. We paid fair value for the hydro assets. We were not going to steal them. Those assets are there. They are the people's assets. The people now have them back, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for St. John's East.

MR. MURPHY: Thank you, Mr. Speaker.

As we are headed into the construction season, we have yet to hear of a majority of tenders that have yet to be announced for road construction work. There are about a handful on the government Web site.

Mr. Speaker, construction of roads needs more notice than what we have now, and what companies have as well. Why doesn't government announce tenders earlier so that these companies can prepare for the upcoming road construction season?

MR. SPEAKER: The Minister of Transportation and Works.

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you very much, Mr. Speaker.

I thank the hon. member for the opportunity to get up and talk about some of the great roadwork that is going on in Newfoundland and Labrador. I would just like to point out to him that there is significant road construction ongoing in Newfoundland and Labrador today.

The Trans-Labrador Highway is a great example. We have two significant tenders out; we have a partnership with the Government of Canada to continue with the Trans-Labrador Highway. We have \$300 million invested in Phase I, Mr. Speaker. The paving should be substantially completed this year in Phase I from Labrador West to Happy Valley-Goose Bay.

As well, we are doing great projects here on the Northeast Avalon such as the Team Gushue Highway which will have significant work done again this year, and the continuation of the project in Conception Bay South, the Bypass Road, just to name a few. Mr. Speaker, all of these projects are underway.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for St. John's East.

MR. MURPHY: Thank you, Mr. Speaker.

I think it has been four years now since they announced the Conception Bay South Bypass; it is still not done yet. If government had a plan for roads, they could plan tendering ahead of the season, people would have transparency in road construction, and companies would map out their own bidding strategy, saving taxpayers millions of dollars in costs.

I ask the minister: Why doesn't this government have a road construction strategy in place?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Transportation and Works.

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I would like to thank the hon. member once again for pointing out how significant a project such as the CBS Bypass Road is. It takes a long time to construct such a major project as the Conception Bay South Bypass Road.

He says four years; that is right, that is how long it takes. Look how long we have been working on the Trans-Labrador Highway, Mr. Speaker. We have been working on that for a decade, and we are committed to continue to work on it and complete that project for the people of Labrador.

The Team Gushue Highway going right through the centre of St. John's is going to move traffic from Kenmount Road, all the way through to Mount Pearl, and to connect into the Robert E. Howlett Memorial Highway for the people of the Southern Shore, as well the people in Trepassey district, Mr. Speaker. These are significant assets for the people of the Province and going to do significant improvements to the roads in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for The Straits – White Bay North.

MR. MITCHELMORE: Mr. Speaker, an Ireland forestry association study indicates that if just 25 per cent of their public buildings were converted to wood pellet boilers, the savings annually would be \$137 million.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: Wood pellets are cheaper than electricity or heating oil. They

reduce greenhouse gases, create sustainable local jobs, and save taxpayer dollars.

Mr. Speaker, when will the Minister of Natural Resources adopt such a progressive energy policy?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, I am pleased to be able to say that we have interest from all over the world with potential proposals for wood pellets, use of our fibre to make wood pellets. We recognize that wood pellets are of relatively low value.

We want to make sure that the people of the Province get maximum value from the resource, and get maximum value from the trees. We want to make sure we get the lumber; we want to make sure the newsprint industry is protected. We also know there are opportunities in Central Newfoundland for a project such as this, and there are also opportunities for investment in the largest wood pellet plant in Newfoundland and Labrador, which is in Roddickton.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I have no confidence that the Minister of Natural Resources is going to convert any of our public buildings into pellets.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MITCHELMORE: Mr. Speaker, fossil fuel projects send the majority of the wealth created out of the Province, whereas pellet –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you.

Pellet production keeps money local. Wood pellet production maintains sawmills, jobs for harvesters and foresters, and if public buildings were converted, would reduce government operations, saving millions of our tax dollars. These savings could be used for jobs and for programs.

Mr. Speaker, why is the Minister of Natural Resources not interested in creating long-term sustainable forestry jobs and saving our tax dollars?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, I have been involved in the political life of this country for over ten years and I was involved also before that. There are two types of politicians in this Province: there are ones who are trying to do something for the people of the Province; and there are others who do nothing but play politics and do not really care about the things that are really important.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: The Member for The Straits – White Bay North, unfortunately, is becoming one of them.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The Member for The Straits – White Bay North, for a quick question without preamble, please.

MR. MITCHELMORE: Mr. Speaker, why would the Premier take unnecessary risk with our tax dollars when a Halifax Global report clearly stated that the pellet export market would not be feasible without year-round pellet port shipping facilities?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Natural Resources, for a quick response.

MR. MARSHALL: Mr. Speaker, I have been to Roddickton and I have seen the plant there. I have met with the owner of that plant in Corner Brook, in Roddickton, and again in St. John's. Mr. Speaker, this government will do the right (inaudible) –

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The time for Question Period has expired.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Presenting Reports by Standing and Select Committees.

Presenting Reports by Standing and Select Committees

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

MR. FORSEY: The Government Services Committee have considered the matters to them referred and have directed me to report that they have passed without amendment the Estimates of the Department of Finance, the Department of Transportation and Works, the Department of Service Newfoundland and Labrador, the Office of the Chief Information Officer, and the Public Service Commission.

MR. SPEAKER: Tabling of Documents.

Tabling of Documents

MR. SPEAKER: The hon. the Minister of Finance.

MR. KENNEDY: Thank you, Mr. Speaker.

Pursuant to section 26.(5)(a) of the Financial Administration Act, I am tabling one Order-in-Council relating to funding pre-commitments for the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 fiscal years.

MR. SPEAKER: Notices of Motion.

Notices of Motion

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, I give notice under Standing Order 11, I shall move that this House not adjourn at 5:30 p.m. on Tuesday, May 7, 2013.

Further, I give notice under Standing Order 11, I shall move that this House not adjourn at 10:00 p.m. on Tuesday, May 7, 2013.

MR. SPEAKER: The hon. the Minister of Finance.

MR. KENNEDY: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Revenue Administration Act No. 3, Bill 7.

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

MR. BALL: Thank you, Mr. Speaker.

I give notice that on our next Private Members' Day, seconded by the Member for Torngat Mountains – and I will read in the motion:

WHEREAS we have seen many tragedies and many lives lost due to distress on land and at sea, including the *Ryan's Commander, Melina*

and *Keith II, Check-Mate III, Cougar 491, and Burton Winters*; and

WHEREAS the federal government has closed the Maritime Rescue Sub-Centre for search and rescue services in Newfoundland and Labrador; and

WHEREAS many questions have been raised about procedures and practices of the provincial government and the Department of National Defence in relation to these tragedies; and

WHEREAS the federal Auditor General has determined that search and rescue services in Canada are operating at a bare minimum and need significant improvements;

WHEREAS the federal Auditor General has identified that a common set of principles co-ordinating with other levels of government on national matters does not exist; and

WHEREAS the federal Auditor General did not audit or investigate provincial, territorial, or municipal search and rescue activities, including those of volunteer organizations, or the activities of other federal organizations such as the RCMP, who are involved in many search and rescue activities; and

WHEREAS the federal government has announced that it would co-operate with the Province on an inquiry into search and rescue issues;

THEREFORE BE IT RESOLVED that this House urges the Government of Newfoundland and Labrador to conduct a full investigation into search and rescue services in Newfoundland and Labrador using a public inquiry under subsection 3.(1) of the Public Inquiries Act, 2006, which states, "The Lieutenant-Governor in Council may by order establish a commission of inquiry to inquire and report on a matter that the Lieutenant-Governor in Council considers to be of public concern."

Thank you, Mr. Speaker.

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

MR. A. PARSONS: Mr. Speaker, pursuant to Standing Order 63, the motion just read into the House by the Leader of the Official Opposition shall be the motion debated on Wednesday.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

MR. SPEAKER: The Member for Torngat Mountains.

MR. EDMUNDS: Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS students of the Adult Basic Education program at the College of the North Atlantic do not wish to attend privatized educational facilities; and

WHEREAS the College of the North Atlantic has the most accredited Adult Basic Education program in Newfoundland and Labrador; and

WHEREAS students are concerned as to the availability of private institutions and whether or not they can accommodate additional students;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge Government of Newfoundland and Labrador to reverse this damaging decision to the students and reinstate the Adult Basic Education programming at the College of the North Atlantic.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is one of many petitions that I have submitted. They have come from all over Labrador and there is more coming from all around the Province. The concern that I am hearing in talking with Adult Basic Education instructors and with many, many, many students in my district, as well as in Lake Melville district, is that they have been accepted into ABE programs, but there is no sponsorship and sponsorship cannot come until this whole issue of where the future of ABE is going.

In terms of privatization, Mr. Speaker, the concern coming from the students is the size of Labrador as compared to Newfoundland. My district alone, Torngat Mountains is bigger than the Northern Peninsula and we have basically 6 per cent of the population in our Province who live there.

Mr. Speaker, the concern is if you are going to go into privatization of Adult Basic Education, what is going to bring these private institutions to remote areas? That is the biggest concern that our students have, plus the fact that the College of the North Atlantic is slated to have more cuts, more impacts, into delivery of programs. Certainly, they want to see this Adult Basic Education program and the satellite learning centres still maintained by the College of the North Atlantic.

Thank you.

MR. SPEAKER: The Member for St. John's East.

MR. MURPHY: Thank you very much, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS recently it was announced that the West Coast Training Centre in Stephenville will lose its annual funding from the Department of Tourism, Culture and Recreation, and will close at the end of June; and

WHEREAS the West Coast Training Centre is a training centre for the region, not just the immediate area, and has regularly hosted provincial training programs; and

WHEREAS closing the centre will affect the training of hundreds of young people in Western Newfoundland and beyond who will have nowhere to train but St. John's, reducing the number of elite athletes coming from outside the St. John's area; and

WHEREAS closure of this facility will mean lost opportunities for young people to obtain skilled coaching and for the public to enjoy regular sporting events and activities;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to maintain funding to the West Coast Training facility in Stephenville and work with user groups to develop a sustainability plan.

And as in duty bound your petitioners will ever pray.

Mr. Speaker, this is the second time up now with this petition that has been sent to our offices. This one contains 406 names. I have to notice the dichotomy of names here, anywhere from the Port au Port Peninsula. There are also names here from the City of St. John's, and from other centres, Stephenville, St. George's, and Boswarlos. We know the impact of what this centre means to the people of the Port au Port Peninsula.

I have to put it forth to the hon. members on the government side, Mr. Speaker, and to the ministers as well dealing with this issue, dealing with the closure, that this is a very small \$200,000 item that comes out of something in the order of a \$7.8 billion Budget. This is very important to the people of the Port au Port Peninsula and other people of the Province.

We are fortunate here in the City of St. John's that we have facilities, for example, like the Aquarena. I can point to the Aquarena which of course has fallen under the auspices of Memorial

University over the years. We are fortunate that we have another governmental organization that some of our facilities can fall under when it comes to jurisdictions. We have other groups that can bounce forward and preserve the integrity of some of these other institutions that are, for example, within our own city.

This one here is no less important to the people of Stephenville and the Port au Port Peninsula. This is a cornerstone, this is a building block. It is an essential meeting place for some of the young people of our Province. It is also an area where people can go and they can get exercise if they want to at a relatively cheap cost. I see no reason why government cannot come forth, for example, the Department of Tourism, Culture and Recreation to jump in here with a little bit of funding to keep this centre open, Mr. Speaker.

I present this petition to the House for the benefit of the residents of the Port au Port Peninsula.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's North.

MR. KIRBY: Thank you, Mr. Speaker.

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS residents of Newfoundland and Labrador have not been provided with detailed evidence providing justification for government's decision to remove Adult Basic Education from the College of the North Atlantic; and

WHEREAS residents of Newfoundland and Labrador are concerned that government's decision to remove Adult Basic Education from the College of the North Atlantic will lead to a

decline in already low provincial literacy rates;
and

WHEREAS residents of Newfoundland and Labrador are concerned that government's decision will limit access to ABE services in remote regions; and

WHEREAS residents of Newfoundland and Labrador are concerned that government's decision will result in a decline in the availability of supports to assist ABE learners; and

WHEREAS government's research shows that educational attainment is the most important determinant of earnings and sustained attachment to the labour market.

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to provide the full details of the enrolment, graduation, and funding analyses that were carried out to justify the decision to cut the Adult Basic Education program at College of the North Atlantic.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, there is a lot more to be said about this, as we are moving out of the Budget Debate. Although, I have spoken for all of the time that I am permitted to speak, there is certainly a lot more to say about Adult Basic Education.

I just received an e-mail from somebody while I was sitting here during Question Period, an instructor at the Burin campus who talked again to me about the moving targets of funding associated with Adult Basic Education. The argument government makes and the sort of continuous train of different figures that get trotted out to justify the decision.

It is interesting, on the weekend I met a person who works at the Placentia campus of the College of the North Atlantic and that person carpools with three ABE instructors. That will

tell you the sort of unintended consequences of making decisions such as this.

Somebody else got in touch with me at the end of last week and said that people in coastal communities in Labrador have had the advantage of staying in the College of the North Atlantic residence in Happy Valley – Goose Bay because the ABE program is offered at the public college that has a residence. What is going to happen to those students who have had the advantage of staying in residence at the North Atlantic?

What is going to happen to those people now when this is all privatized, and who knows who will be offering these programs? I somehow doubt they will not be hotels or motels that have accommodations that they can provide. So those are some more of the issues, and we will hear more about that as we go on.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

MR. A. PARSONS: Thank you, Mr. Speaker.

I have a petition. To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS students of the Adult Basic Education program at the College of the North Atlantic do not wish to attend privatized educational facilities; and

WHEREAS College of the North Atlantic has the most accredited Adult Basic Education program in Newfoundland and Labrador; and

WHEREAS students are concerned as to the availability of private institutions and whether or not they can accommodate additional students;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reverse this damaging decision to students and reinstate the Adult Basic Education programming at the College of the North Atlantic.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is a petition that is getting significant play in this House of Assembly and being entered by a number of members. It is certainly not the first one or the last one I will enter until government reconsiders this decision.

Now, it is interesting. I actually received an e-mail from an individual today who has a number of questions as to the criteria that government used to come up with this decision. I am not sure if this person will get any answers, so I figure I will put it at least here in the House. I will ask some questions and see.

One of them talks about the circumstances in which students are entering and leaving ABE. The government is putting out certain numbers and we have put out reasons why maybe the numbers are not exactly accurate. The question is: Are these students factored into government's figures? Are they any less of a success? These are the people who come in and start ABE, maybe not finish it, but are moving on to other post-secondary and getting employment.

The next question was saying that the per-student cost is higher at the College of the North Atlantic. Again, we would like to know how this figure was calculated. We have heard a number of figures from people all over the place and we still have not figured out how it was calculated. So we would like to see that and would like to see the working papers that were put together.

Mr. Speaker, I am waiting to see. We are into May month now and I am waiting to see how this is going to transition into the next stage. I know our fees are supposed to go out. We would like to see what is going to happen there.

We have significant concerns, the students have concerns, and certainly the people who just received their layoff notices on Friday have concerns.

Mr. Speaker, thank you for the opportunity to raise this issue again.

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

MR. KING: Mr. Speaker, as per Order 32, Orders of the Day, I move, seconded by the Minister of Environment and Conservation, we move to Orders of the Day.

MR. SPEAKER: It has been moved and seconded that we now move to the Orders of the Day.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Orders of the Day

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

MR. KING: Thank you.

Mr. Speaker, I call from the Order Paper, Order 2, Second Reading of a Bill, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, Bill 1.

MR. SPEAKER: The hon. the Minister of Natural Resources.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Minister of Service Newfoundland and Labrador, who is the provincial minister responsible for offshore

health and safety, that Bill 1, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 1, an act entitled, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Canada-Newfoundland And Labrador Atlantic Accord Implementation Newfoundland And Labrador Act". (Bill 1)

MR. SPEAKER: The hon. the Minister of Natural Resources.

MR. MARSHALL: Thank you, Mr. Speaker.

We are here today to debate second reading of Bill 1, which is an act to amend one of the Atlantic Accord Acts. We all know what an important document the Atlantic Accord Agreement, an agreement between the Government of Canada and the Government of Newfoundland and Labrador, means to the people and to the wealth of this Province.

I think it is important to also note, that the Atlantic Accord Agreement has been implemented into law and regulations made and promulgated under that law by the Legislature of the Province of Newfoundland and Labrador and also the Parliament of Canada.

This is a pretty lengthy piece of legislation. In a nutshell, I can tell you that the intent of the legislation is to place in the Atlantic Accord a modern, comprehensive occupational health and safety regime based on modern principles and policies of occupational health and safety regulation, to put it into the Atlantic Accord, tailor it so it applies to the Newfoundland offshore area; and secondly, provide the Government of Canada and the government of this Province with the authority to promulgate, in order words to proclaim and to make known, regulations relating to occupational health and safety.

These amendments are very significant for those who work in our offshore oil and gas industry. It is a culmination of over a decade of work by officials from the Government of Canada, from the Government of Nova Scotia, from the Government of Newfoundland and Labrador, as well as the Canada-Newfoundland and Labrador Offshore Petroleum Board, and the Canada-Nova Scotia Offshore Petroleum Board. The development of this legislation included input from industry and from labour stakeholders.

Over the course of our discussions on this important piece of legislation, we are going to cover all aspects of health and safety of workers in our offshore oil industry. As I said earlier during Question Period, the health and the safety of people who work in the offshore must be paramount in any economic development that takes in this country, and in this Province. As we get into this, I want to provide some background information first of all, as to how it grew to become the single, greatest contributor to our provincial Gross Domestic Product, the oil and gas industry.

People in this Province, Mr. Speaker, have been looking at the oil industry or looking at our offshore industry since the seventeenth century. The marine geology of Eastern Canada has been the focus of attention since that time when seamen measured the water depth and collected bottom samples off the seafloor.

Exploration of the offshore for Newfoundland and Labrador began in the late 1950s. In the early 1960s there were early seismic studies, and oil companies were quick to determine the area was a promising habitat for the accumulation of oil and gas. The first federal offshore permits to explore for hydrocarbons were issued on the Newfoundland Continental Shelf in 1964. The first wildcat offshore well was spudded in 1966 by PanCanadian and by Imperial Oil.

Mr. Speaker, the oil industry has provided us with a lot of wealth. When we started off people came to this Province for the fish. They went from there to the woods and the newsprint, and the mining companies in Bell Island and then in Labrador. Then the newsprint came about in

Grand Falls-Windsor, in Corner Brook, and in Stephenville. We have always been a Province that exports commodities into the world market. As a result of that, we are at the whim of the global economy.

Then the oil came, and the offshore oil came. We knew, and I think those who were in office at the time certainly knew, that there was now an opportunity with this new industry and with this new commodity to provide wealth for the people of the Province. To enable us to do what other places in the world could do for their citizens. To provide progressive social programs that we could not afford here and the oil would give us a chance to do that. To provide infrastructure, to build infrastructure, and to build things that are important, like hospitals and long-term care facilities.

The oil has given us a chance to do that. It has given us the opportunity to pay down our debt. It has given us the opportunity to lower our taxes so our taxes are competitive. I have said many times in this House, we do not have to have the lowest taxes in the country or the lowest taxes in the world, but we want a competitive tax system where government takes its hand out of the pockets of people and allows people to spend their income on things that are important to them, rather than things that government tells them it should be spent on through taxes.

Mr. Speaker, when the oil was discovered – and we all know the benefits we have. We have the Hibernia field out there, which I think when it was first discovered they talked about 93 million barrels. Every few years new forecasts are doing – and they have been at it now for many years. There is more oil estimated in that field than they thought was there when they first started.

We have the White Rose field and the Terra Nova field, and now the Hebron field is about to go. This is tremendous benefits and tremendous employment to the people of the Province. People are working onshore, of course, as well as offshore. Offshore takes place in a very hazardous, a very difficult climate, and a very difficult environment. We know about the

tragedy of the Ocean Ranger and we know about the tragedy of the Cougar helicopter crash. We have to, therefore, ensure that the workers who work there, that their safety is, of course, paramount.

Mr. Speaker, I could talk for the longest time about the benefits and the wealth that oil has given this Province, but it might be good to remember that when the oil was first discovered that we thought, and the people of Newfoundland thought at the time, that since we had brought that in to Canada, that we had brought these resources into Canada, Newfoundland being in 1949 an independent country, that those resources would still belong to the people of Newfoundland and Labrador. As was the case of oil and gas that existed out in Western Canada and was providing benefit to particular provinces, such as Alberta.

What happened at the time was that the federal government of the day disagreed with that. Their position was that the ownership of those resources was not in the hands of the people of Newfoundland, but, in fact, should be owned by all Canadians. That led to many battles and that led to many political campaigns in trying to get a change in that point of view.

Mr. Speaker, tremendous political battles were taken on by Premier Peckford and the people in his government: Premier Peckford, his Energy Minister who was William Marshall at the time, and the political staff that they had with them, the civil servants of Newfoundland who ultimately negotiated the Atlantic Accord. I think people like Cyril Abery and people like Ron Penney, and many others who worked there and fought for Newfoundland and Labrador. It even went to court. It even went to the Supreme Court of Appeal in Newfoundland and Labrador and we lost. We lost in our own Court of Appeal. We lost the battle over whether those resources were owned by the people of Newfoundland and Labrador. Unfortunately, the court did not agree because we did not have the Atlantic Accord.

The Government of Newfoundland and Labrador and the Government of Canada signed

the Atlantic Accord with the federal government February 11, 1985, but the road to the Atlantic Accord, as I said, was not a smooth one. The Accord ended decades of negotiations that had gone on between the two governments on the issues of ownership and management of the area offshore Newfoundland and Labrador.

Successive federal governments had fought the Province of the issue of ownership for resources that we had brought into Confederation. In March, 1984 the Supreme Court of Canada ruled that offshore subsea resources belonged to the federal government.

In June 1984, Brian Mulroney wrote to Premier Peckford stating that his government would recognize the right of Newfoundland and Labrador to be the principal beneficiaries of the wealth of the oil and gas off its shore. It was this letter that formed the basis of the Atlantic Accord.

The Atlantic Accord laid the groundwork for joint management of our offshore and it gave the Province the authority to charge royalties to companies as if they were existing on land. Without the Accord, this Province would not likely have benefitted to the degree it has from the development to the resources.

Credit is fully due to Prime Minister Mulroney; credit is due to the man who was his Minister of Justice and Attorney General at the time, John Crosbie; credit is due to Pat Carney, who was the Federal Minister of Energy in that they recognized – and I think the words of Brian Mulroney probably say it best when he said that he is not afraid to inflict prosperity on the people of Newfoundland and Labrador, and indeed it did.

I know members opposite like to say that the wealth we have is from the oil which came about from deals that they had negotiated. Sometimes I feel that one day they are going to say that they even would go out in rowboats at night under the cover of darkness and pumped the oil into the ground. The reality is that without this Atlantic Accord agreement, and without the people who negotiated that, out of fairness to the people of

this Province, we would not be experiencing the wealth that we have experienced over the last of ten years.

It is appropriate to look at what are the main provisions in the Atlantic Accord, because that is the foundation of what we are talking about here today. The Atlantic Accord, when you look at clause 1, “The Accord will be implemented, to the extent possible, through mutual and parallel legislation to be introduced by both governments into the Parliament of Canada and in the Legislature of Newfoundland and Labrador.” That means you have the principle of joint management. The management of the offshore is going to be shared jointly, joint management of the offshore through parallel legislation.

Clause 2 of the Accord sets out its purpose. There are a number of purposes, and I will just highlight a few. In clause (d) the purpose of the Accord is “to recognize the equality of both governments in the management of the resource...”. In other words, this Province does not manage the resource alone, neither does the federal government. We manage the resource jointly and with equality.

In clause (g) it says for the sake of “a stable and permanent arrangement for the management of the offshore... by enacting the relevant provisions of this Accord in legislation in the Parliament of Canada and the Legislature of Newfoundland and Labrador by providing that the Accord may only be amended by the mutual consent of both” parties. The consent to the amendment of the legislation is required by both parties. Neither party can operate on its own. If we want to do something and the federal government does not want to do something, it is not going to happen because the consent of both parties is required. Yet, some people do not seem to understand that.

In clause (h), “to promote within the system of joint management... consistency with the management regimes established for other offshore areas in Canada.” In talking about joint management, how do you accomplish that?

How do two governments jointly manage the offshore?

They do it through an agency called the Canada-Newfoundland and Labrador Offshore Petroleum Board. It has a board of seven members, three of whom are appointed by the Government of Newfoundland and Labrador, and three of whom are appointed by the Government of Canada. The Chair of the board is jointly appointed by both governments; there has to be agreement. If one does not agree, that person is not going to be appointed. The appointments have to be joint appointments.

Mr. Speaker, I will also look at clause 60 of the Accord. Clause 60 says, "Except by mutual consent, neither government will introduce amendments to the legislation or regulations implementing the Accord." Except by mutual consent, so both sides have to agree or nothing is going to happen.

Mr. Speaker, the C-NLOPB which regulates the offshore for the Government of Newfoundland and Labrador and for the Government of Canada has different sections. It is responsible, for example, for land tenure. It is responsible for safety. It is responsible for environmental protection. It is responsible for resource management.

The Department of Natural Resources of the Government of Newfoundland and Labrador is responsible for promotion and development of the industry, but it is the C-NLOPB which will regulate the oil and gas industry offshore of Newfoundland and Labrador and has four key mandates: offshore safety, environmental protection, resources management and conservation, and the last one is industrial benefits.

I said safety, and that is why we are here today. The impact of the petroleum industry is substantial and it would not have been possible if it was not for the tireless efforts of our offshore workers. We need to ensure that those who have helped to grow our Province are protected when they work offshore. There has

been a long history to get us here today, a very long history.

The C-NLOPB was established in 1986 and has the responsibility to ensure that all offshore work, activities, and decisions under its regulatory mandate are carried out in a manner that is paramount to the health and safety of the workers. The Accord Acts are both federal and provincial legislation, which were necessary to implement in both federal and provincial law the Atlantic Accord agreement in the Parliament of Canada and in this very Legislature.

The C-NLOPB was thus established as the primary regulator responsible for the management of petroleum resources in the Newfoundland offshore area. The Government of Newfoundland and Labrador retained responsibility for industry promotion, the royalty regime, and other provincial-type revenues.

Under the Accord Act the C-NLOPB issued work authorizations, prior to commencing operations, regarding any work activity that relates to exploration or relates to drilling, or relates to production, conservation, processing, and transportation. There has to be a work authorization, and the C-NLOPB may suspend or may revoke an authorization after it has been first issued.

The authorization of the work or activity is flexible, and the board has the ability to amend or require additional conditions related to the work or activity. This particular power provides the board with a mechanism to ensure additional health and safety measures are taken if required. The Accord Act sets out provisions which ensure that the board safety officers and the Chief Safety Officer are fully empowered to make safety-based decisions.

The safety officers ensure compliance with health and safety requirements. They have the power to order a company to cease operations, if, in their opinion, the operations being conducted are likely to result in a serious safety hazard for workers. This authority is very similar to the authority that provincial onshore safety officers have with respect to requiring the

suspension of work where there is an immediate safety or health concern.

The Accord Acts make safety a paramount consideration. For example, where there are reasonable grounds to believe an operation, in relation to either exploration or drilling, or production, or conservation, or processing, or transportation of petroleum is likely to result in bodily injury, then the Chief Safety Officer is empowered to order that the operation cease. An order by a safety officer or the Chief Safety Officer prevails over an order made by a conservation officer or the Chief Conservation Officer to the extent that there is any inconsistency between the orders.

Now, Mr. Speaker, on February 15, 1982, the Ocean Ranger capsized on the Grand Banks. Eighty-four people were on board, and there were no survivors. I think everyone here remembers where they were when that tragic event happened. Mr. Speaker, there were few families in this Province who were not touched by that tragedy. A Royal Commission was set up on March 17, 1982, and it was chaired by Chief Commissioner T. Alex Hickman, then the Chief Justice of the Newfoundland and Labrador Supreme Court.

Mr. Speaker, the commissioner's report recommended ways to improve safety in the Newfoundland and Labrador offshore industry. The Ocean Ranger commission undertook a detailed analysis of offshore safety issues by commissioning studies, meetings with the professional experts in the field of safety from academia and industry. They held public hearings. They visited offshore rigs, training facilities, and emergency facilities, and they participated in safety meetings with people who worked on the rigs.

The Ocean Ranger commission concluded, "...the single window approach would appear to be the best institutional arrangement for regulating offshore oil operations", as long as appropriate steps, such as "...the establishment of a Safety Branch within the single regulatory agency..." were taken. I think that is very interesting to note, because we subsequently had

another report after the Cougar helicopter crash, the Wells commission, the Wells inquiry, and he has recommended something different.

He has recommended that there be a solely independent safety regulator separate and independent from the C-NLOPB. It was interesting that the Hickman inquiry, the Ocean Ranger commission, concluded that a single window approach would be the best arrangement for regulating offshore oil operations, but they did recommend that there would be the establishment of a safety branch within the C-NLOPB.

The commission noted, and I am talking about the Hickman commission, that with a single regulatory agency, "...competing jurisdictions, administrative overlaps and lack of co-ordinated, consistent policy are diminished." The C-NLOPB follows this particular model, as recommended then. This was recommendation 86 of the 133 recommendations of Chief Justice Hickman, and the recommendation, "That Canada maintain the approach of a single regulatory agency, in concept and in practice..."

Following the recommendations of the Hickman commission in 1985, Rowland Harrison, who was a prominent lawyer and a former Director General of the Government of Canada, led a task force to review the recommendations of the Hickman commission and to review other safety aspects in the offshore environment. His task force recommended a number of changes to the Accord legislation related again to safety that led to the amendments of 1992.

I will just briefly quote from the Harrison Task Force. The Harrison Task Force was not only concerned with duplication and with regulatory overlaps. The task force report also noted that, "In addition to overlaps and duplication among multiple authorities, a division of jurisdiction also raises a serious risk of gaps in the regulatory system."

I think this is very important for us to note. "These may appear as gaps in the conferral of the jurisdictions of the respective authorities. They may also appear as a consequence of

confusion about the extent of the jurisdiction conferred or even about the exercise of a conferred jurisdiction. For example, each of two regulatory authorities may believe that a particular matter is within the jurisdiction of the other or is being regulated by the other whereas in fact neither is regulating, notwithstanding a clear need. Such gaps may be outright dangerous.”

So at that point the recommendations were that there would be a single regulator. There were concerns that if regulatory authority was dispersed over more than one agency, there was a possibility, not only of overlaps of duplication, but a dangerous potential for gaps in the system.

The Accord amendments in 1992 related to the Ocean Ranger commission and the Harrison Task Force and they had the unintended consequence of separating the concepts of occupational health and operational safety. As a result, the current wording of the Accord Acts has frustrated attempts by the Province and by the federal government to promulgate regulations dealing with it, or which would result in a comprehensive occupational health and safety regime for the offshore.

The Accord Acts only grant regulation powers with respect to safety. Safety in this context refers to operational safety, whereas the concept of occupational health and safety refers particularly and specifically to worker health and safety. There is no regulation making powers respecting occupational health.

The concepts of occupational health and safety are two closely intertwined to be separated in this matter. It is difficult to determine which aspects of provincial occupational health and safety relate to health, as opposed to relating to safety. It is equally difficult to draft regulations under the Accord Acts that relate solely to safety as opposed to health.

This separation issue was discovered when officials attempted to promulgate petroleum occupational safety and health regulations in the 1990s under the Accord Acts, but were unable to do so due to the lack of the regulation powers

related to occupational health. This prompted the governments to embark on a process that amazingly took fourteen years to not only provide the appropriate regulation making authority, but also to amend the Accord Implementation Acts to ensure for a more modern, comprehensive, legislative occupational health and safety regime for the offshore area.

In the meantime, there has been regulation. There has been a patchwork quilt of different things that have been put together in order to provide the protection for health and safety. The board has used contractual terms and conditions of the work authorization as a means to ensure an enforceable and comprehensive OHS scheme.

This includes the 1989 draft OHS regulations, namely the Petroleum Occupational Health and Safety Regulations – Newfoundland, and also provisions of the provincial Occupational Health and Safety Act, specially the right to refuse unsafe work and the requirement for the operator to establish joint occupational health and safety committees.

An MOU was developed of different governments and the board to give the safety officers of the board authority to administer provisions and to facilitate co-operation between the board and the relevant provincial departments. The framework of the existing Accord has provisions for operational safety, but does not have the modern, comprehensive, legislative occupational health and safety regime. Therefore, we are having these new amendments which are doing second reading on today.

As I said, the need for these amendments does not suggest that the worker has been at risk. The protection and safety of our offshore workers has always been the top priority of our government, along with the Government of Canada, and will never be compromised for the sake of development. Safety of our workers in the offshore oil and gas industry must always be paramount.

Ultimately, the proposed amendments to the provincial Accord Act will create a single,

comprehensive occupational health and safety legislative regime tailored for the Province's offshore oil and gas, with the authority to promulgate regulations under the Accord Act in each jurisdiction.

There have been many consultations before we arrived at this point. There has been a large body of work completed by the Government of Canada, the Government of Newfoundland and Labrador, and the Government of Nova Scotia – by both boards, both in Newfoundland and Labrador and also in Nova Scotia. Stakeholder information sessions were held with representatives of the industry and with organized labour, with participation sought from industry suppliers and service providers in 2002. In addition to that round of consultation in 2002, there was additional consultations held in Halifax and St. John's in April 2010 with industry and with organized labour.

Supply and service providers were provided with opportunity to provide their written comments on the discussion document, and government officials met with the Newfoundland and Labrador Federation of Labour and the Canadian Association of Petroleum Producers in May of 2010. Nine information sessions were held with joint OHS committees for offshore operators. Government officials considered the comments and, where appropriate, changes were made to the proposed legislation.

A notable change was made regarding the right to refuse language at the request of organized labour. The right to refuse language was previously based on Nova Scotia's and the federal government's OHS regime and incorporated the concept of inherent nature of the work or normal conditions of employment as tests for which no right to refuse existed. As a result of the consultations, this language has since been changed to reflect Newfoundland and Labrador's right to refuse unsafe work language.

The process of legal drafting and working with multiple parties on the necessary amendments, as well as incorporating the principles of a comprehensive occupational health and safety

regime for the offshore has been complex and it has been resource intensive. This comprehensive regime will provide for a level of protection for offshore workers that is equivalent to that that is available to workers onshore but enshrines into the Accord legislation, this legislation tailored for the offshore area.

The proposed amendments, Mr. Speaker, will seek to implement an offshore occupational health and safety regime under part 3.1 of the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act, and that is the act which implemented the Atlantic Accord into this Legislature.

That is good, as a provincial onshore regime, with respect to the employees' rights to health and safety information, with respect to employees' rights to joint participation in occupational health and safety committees, the right to refuse unsafe work, the right to raise health and safety concerns, and the right to protection from reprisals. As well, a culture that recognizes individual and shared responsibilities with regard to health and the safety of persons.

My colleague, the Minister of Service Newfoundland and Labrador, who is the Minister Responsible for occupational health and safety legislation in this Province will provide more detailed information on the amendments, so I am going to try (inaudible) only on some of the key amendments.

The comprehensive legislation regime will provide for a level of protection for offshore workers equivalent to that which is in effect for onshore workers, but enshrining it in the offshore legislation tailored to the offshore area. A significant achievement of the proposed legislative amendments will be the ability to strengthen occupational health and safety legislation for offshore oil and gas industry in the Province. They are tailored to the offshore working environment, and as I said, include the workers right of refusal, the workers right to know, the workers right to refuse to participate, and a workers right to raise issues with protection from reprisal, as well as a joint

allocation of responsibility among operators, among employers, workers, suppliers on matters relating to health and safety.

The new occupational health and safety regime proposed by the amendments clearly also applies to workers who are in transit to and from offshore platforms or to and from or between platforms in the offshore. The federal Minister of Transport will now be required to sign off on regulations for the application of occupational health and safety regime to workers who are in transit. The operator will continue to be responsible for the passengers.

This will help resolve any jurisdictional uncertainty for all parties involved in the offshore oil and gas industry, as well as to provide government with the necessary mechanism to act on matters related to occupational health and safety. These mechanisms will include the initiation of audits and inquiries, and the creation of a provincial advisory council to speak on occupational health and safety issues.

Mr. Speaker, the C-NLOPB has a responsibility to ensure that all offshore work, activities, and decisions under its regulatory mandate are carried out in a manner that is paramount to the health and safety of our workers. The safety officers of the board have been granted the authority to administer and enforce key provisions of the provincial Occupational Health and Safety Act, including the right to refuse unsafe work, and the formation of occupational health and safety committees.

Mr. Speaker, the bill contains provisions that are related to the disclosure of information. Both federal and provincial ministers are entitled to information or documentation relating to occupational health and safety under control of the board upon request. The offshore boards have discretionary powers and responsibilities to release health and safety information that is in the public interest. The chief safety officer may also disclose information with respect to occupational health and safety to government officials, agencies, and foreign governments if it is in the interest of public health and safety.

The Government of Newfoundland and Labrador is fully committed to openness and transparency, especially when it comes to matters related to offshore health and safety which are important to the people of the Province. Both provincial and federal ministers are entitled to information or documentation related to occupational health and safety under control of the boards upon request.

The bill also provides the board with the ability to disclose information relating to Part III.1 on a discretionary basis. This discretion, Mr. Speaker, I know the Leader of the Opposition has – or members of the media I should say asked some questions about why the use of the word “shall” was not there. Why wasn’t the release of information, the disclosure of the information, mandatory as opposed to discretionary?

The discretion is limited in a number of ways to protect prescribed information. For example, the board cannot release personal information or medical information relating to an identifiable individual without the permission of that person. Further, the board cannot release information that might involve trade secrets. The board must also evaluate in each case – and there could be a number of different types of requests that come in – whether the public interest in releasing the information outweighs any potential harm. The board will have to take the time to give consideration to that. These considerations will require that the board evaluate each case on a case by case basis, or each release I should say on a case by case basis.

The complexities of this process do not lend themselves to a requirement to release all the information. Rather, the board must evaluate in each instance whether the public interest in releasing the information outweighs the harm. In particular, the board must ensure that no information is released which would in fact cause harm.

Mr. Speaker, I would like now to discuss the Wells inquiry, which I mentioned briefly previously. As everyone in this House is aware, on March 12, 2009, Cougar Flight 491 crashed

into the North Atlantic. Eighteen people were onboard, and there was only one survivor. On April 8, 2009, the C-NLOPB established the Offshore Helicopter Safety Inquiry, led by Commissioner Robert Wells, formerly of the Supreme Court of Newfoundland and Labrador.

Mr. Speaker, the primary objective of the inquiry was to recommend improvements to the safety regime in the Newfoundland and Labrador offshore area to ensure that the risks of offshore helicopter transportation remain as low as reasonably practical. The terms did not include an investigation into the cause of the crash, as this was the responsibility of the Transportation Safety Board, nor did they include an examination of the Department of National Defence search and rescue capability.

Commissioner Wells – as all members, I am sure, are interested to know – released his report on Phase I of the inquiry on November 17, 2010, and there were twenty-nine recommendations in his report. They covered a range of issues including risk management, helicopter operations, helicopter operator protocol, personal accountability, protective equipment and training, risk management procedures, safety cultural evaluations, safety education, guideline reviews, and standards and regulations. The last recommendation, number twenty-nine, was the recommendation of a standalone independent safety agency. To date, Mr. Speaker, twenty-eight of the twenty-nine recommendations have been actioned.

On December 13, 2010, Premier Dunderdale confirmed her support, on behalf of this government, for all twenty-nine recommendations, including Recommendation 29. The Premier noted that this recommendation requires changes to the Atlantic Accord Act and the Province would immediately commence discussions with the Government of Canada, the other party responsible for the joint management, the other party whose consent is required in order to do this, to make the change and to amend the legislation. The proposed bill will provide a comprehensive occupational health and safety regime.

I should say, Mr. Speaker, before I go on, that I, upon my appointment as Minister of Natural Resources, did what my predecessors have done, which is to write our federal counterpart in Ottawa and ask that they join with us in agreeing to amend the legislation, to amend the Atlantic Accord to allow this Recommendation 29 to go forward. The federal government has not indicated any desire at this point to join with us in moving that recommendation forward. There was another part to Recommendation 29 with respect to the safety division and the C-NLOPB, the board, has moved with respect to where they have jurisdiction, they have done so.

Mr. Speaker, the proposed bill will provide a comprehensive occupational health and safety regime that incorporates the principles that are fundamental to offshore health and safety legislation. The establishment of an independent safety regulator will require considerable dialogue with the federal government, and ultimately an amendment to the Accord Acts. While discussions have been ongoing with the federal government on the implementation of Recommendation 29, the federal government have not indicated any interest in establishing this separate safety agency.

When I first heard this, my first reaction was, why not? I did not understand it, but when you read the recommendations of the Hickman inquiry and the recommendations of the Harrison Task Force, there are arguments against an independent safety agency; arguments which I read out earlier which recommend that you have all authority in one regulatory board.

I have looked at what other countries have been doing. I know that the Premier, and I know that my predecessor, the present Minister of Finance who was formerly Minister of Natural Resources, they were in England, and they were in Norway, and they met with the regulators there and talked to them. I understand while there is nothing official, regulators who do have an independent safety board and an independent civil air aviation authority are looking into the idea of maybe bringing everything together in one place.

It is important that we continue the momentum for introducing this bill without delay since the occupational health and safety legislative framework would be a key aspect of the mandate of the offshore regulator. Regardless of what the ultimate outcome of our discussions with the federal government on the independent safety regulator, we are committed to an independent safety regulator. We will continue to engage with the federal government. We will continue to encourage them to join with us. We are having discussions with the federal government on other areas which involve amendments or potential amendments to the Atlantic Accord. We will continue these discussions going, but we should not hold up this legislation while we wait for the outcome of those discussions.

I note that this process with respect to occupational health and safety, as I said, I think it started in 1999. That is fourteen years ago. I understand the reason for the delay, there were changes in government. There were three elections over that period. I indicated previously, I think at the news conference, that there are officials in this government, and I am sure in the federal government, who have spent their careers working on this particular legislation. They have worked very hard and they are to be commended.

This process with respect to occupational health and safety was well underway before the commencement of the Wells inquiry. It is important to note that Commissioner Wells said in his Phase I report, and I am referring to pages 284 and 285 of his Phase I report. That he had been made aware by the Governments of Newfoundland and Labrador and the Government of Canada of the intention to pass occupational health and safety legislation, of our intention to amend the Atlantic Accords to pass legislation. He, in his words, indicated that this was a welcome initiative and an important step forward. It is important that we remember, that this legislation, in his words, in the commissioner's words themselves: That this is a welcome initiative and an important step forward.

Mr. Speaker, since I have some time left, I am going to look at the recommendation of the C-NLOPB's response to the recommendation for an independent safety regulator. It is important to note that that was outside the terms of reference of the Wells inquiry, but the commissioner obviously felt that it was important to be made. He emphasized that recommendation in Phase II, his second report, his Phase II report.

In Recommendation 29(b), the commissioner said that if 29(a), which was the standalone independent safety regulator, was not implemented that consideration be given to the creation of a separate and autonomous safety division within the board. The board has acted on this recommendation by separating the safety and the operations functions into two separate departments.

The Operations Department is headed by Mr. Howard Pike and the Safety Department is headed by the new Chief Safety Officer, Colonel Dan Chicoyne. Colonel Chicoyne was hired by the board and has taken on the responsibility of Chief Safety Officer. He has extensive experience in safety and was the Chief Accident Investigator for the Canadian Forces, as well as Director of Flight Safety for the Canadian Forces. He is also a former fixed-wing and helicopter pilot in the Canadian Armed Forces and held the rank as Colonel. So, Recommendation (b) has been followed by the C-NLOPB insofar as they have the ability to do so.

Mr. Speaker, it is important that we now proceed to incorporate the relevant occupational health and safety components within a single framework under the Atlantic Accord.

In conclusion, Mr. Speaker, the Government of Newfoundland and Labrador is committed to ensuring the health and safety of the Province's offshore workers and the protection of the environment. This bill, Bill 1, will strengthen our Province's offshore oil and gas regime with a focus on occupational health and safety by amending the Atlantic Accord and placing that under the C-NLOPB, with the oversight of the

C-NLOPB being provided by the federal Minister of Natural Resources with the assistance of Transport Canada. The difference here is that the oversight over the C-NLOPB from the Province's point of view has always been within the purview of the Minister of Natural Resources.

Now what we are doing is we are taking that occupational health and safety piece and that will now come within the purview of the Newfoundland Minister of Service Newfoundland and Labrador who is the Newfoundland minister responsible for occupational health and safety. That will ensure there is no conflict or no appearance of conflict within our government.

The bill and the amendment will align our offshore health and safety regime with that of Nova Scotia and will ensure that both areas will be consistent with other federal petroleum occupational health and safety regimes. We have to remember that the federal government is involved in offshore petroleum boards in Nova Scotia, in Quebec, in the Gulf of Saint Lawrence with Quebec, in the North, as well as, I believe, British Columbia. I am not sure of that last point.

Mr. Speaker, as I said, Service Newfoundland and Labrador will be given insight or oversight to administer the occupational health and safety regime. My colleague, the Minister of Service Newfoundland and Labrador, will now speak to the proposed legislation in more detail.

Mr. Speaker, I thank you for the opportunity to speak today on Bill 1, and I ask the support of all hon. members in this House on the passing of this very important piece of legislation. I look forward to the participation of members on both sides of the House in the debate on what is indeed, in the words of Commissioner Wells, a very welcome initiative and an important step forward for the protection of our offshore workers.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Verge): The Leader of the Official Opposition.

MR. BALL: Thank you, Mr. Speaker.

I certainly accept the invite from the Minister of Natural Resources and appreciate the opportunity to stand in this House today to respond to Bill 1, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act. So it is a privilege for me to stand here today on this very initiative. As the minister said, when you deal with occupational health and safety, it is important, indeed, that we should participate in the debate so we make sure we can protect the safety of our offshore workers.

Mr. Speaker, we see this piece of legislation as a progressive piece of legislation, something that actually enhances and makes it a safer place to work when you consider the offshore environment we have off our Province. This piece of legislation, as the minister clearly pointed out, has been in the works with a negotiation between Nova Scotia and the federal government for a number of years, almost fourteen years, in fact. That is a long time.

So it talks about how difficult it is when you think about trying to get another province and the federal government at the table to successfully negotiate a piece of legislation. As the minister said, we have seen many governments that really have taken part in this negotiation. I am sure many individuals have sat at the negotiating table.

When you look at Bill 1 that has been read in today, we did have a briefing session on May 2. I really want to thank the staff both at Service NL and at the Department of Natural Resources for the job that they did. We had quite a number of questions that were answered during that briefing session.

These are changes that we have seen to occupational health and safety that we see now has been in a number of Blue Books, for instance, and election campaigns. It has been

around for a long time. As the minister said, when you look at how we got here, the reason why we are here, is because the Accord Acts were amended back in 1992. That is a long time when you think about it.

As a result of that, and this goes back to as the minister mentioned, the Ocean Ranger commission and the Harrison Task Force. These amendments inadvertently separated the concepts of occupational health and occupational safety. The purpose there was to try to bring occupational health and occupational safety under one piece of legislation and that could enhance the legislative requirements that our workers work offshore.

Mr. Speaker, in doing so, it was required for the Province of Nova Scotia and the Province as well to have mirror legislation in place. They have successfully done that now and this is what got us to Bill 1. That is not to say there are not some questions that we would have as Opposition members and people as we look through the details in this act. It is a fairly extensive document, I would say, Mr. Speaker. It is quite a lengthy piece of legislation.

We also know that now we have the C-NLOPB that will now report on OHS issues not only to the Department of Natural Resources, but to the Minister of Service Newfoundland and Labrador as well. The Minister of Natural Resources will maintain the responsibility of all other issues around the Atlantic Accord.

As the minister mentioned as he spoke today, the Atlantic Accord – and I have mentioned this many times as I stood in this House of Assembly and talked about how important that document was in 1985. It has actually laid the framework and the foundation for much of the economic benefits that we enjoy today because of the offshore development.

The Atlantic Accord itself is a piece of legislation or it is an agreement that has brought significant benefits to the Province of Newfoundland and Labrador. Even today we enjoy the benefits. In 2005, we did see an

amendment to the Atlantic Accord and I will get into that a little bit later.

I want to touch on the C-NLOPB for a few minutes. This stands for the Canada-Newfoundland and Labrador Offshore Petroleum Board. This is a board that is appointed by two levels of government, the federal government and the provincial government. Currently, we have two vacancies on that board as a result of a senate appointment and as a result of a resignation by one of its board members, Mr. Reg Bowers.

What do they do at C-NLOPB? I have, over the last number of months, spoken to individuals who have worked there and some board members, too, Mr. Speaker. We are trying to get a better sense because we have made statements publicly that we would like to see the C-NLOPB become a little more technical so that the appointees on that board will have a better understanding of the technical aspects of our offshore developments.

We have been assured in recent meetings that there is quite a number of staff. We have been told there are between eighty and ninety staff who currently works at the C-NLOPB. What happens then, you have the appointees of this board who then carry out the governance of C-NLOPB.

Their particular areas of concern would be that of safety, environmental protection, resource management and industrial benefits, both for Canada and Newfoundland and Labrador. It is not just the benefit that we would see here in Newfoundland and Labrador, but this board also oversees the benefits that we get to Canada. From what we understand and we believe this to be, is that it really does not put a priority on any of the areas that they provide oversight in, and certainly safety has never been compromised. They do monitor offshore activity.

We have asked the question in this House, when you monitor offshore activity, one would be the resource management and the industrial benefits: How did we get ourselves into a situation in January where we kind of just missed 8 million

barrels of oil? If the monitoring is happening offshore, how would we miss this amount of oil? We have asked that question in the House because it has significant financial implications, for instance, to our Budget, and indeed monitoring in general.

The response we were given is that as a result of the improvements at the FPSO that were done in Marystown over the summer, that the flow rate, for instance, on the FPSO which is operating offshore, indeed, what they were doing was actually extracting more oil. As part of the resource management and the industrial benefits, what they did is reported it earlier than they would have, which would have been in June; therefore, we would have had the benefit of having those extra 8 million barrels of oil.

So that is what happened there. It just gives us a sense and a flavour for what happens with the monitoring offshore. They have been very clear to point out to us that in no way do they compromise offshore safety for industrial benefits.

What I did after that, I said, okay, let's go and take a look at the C-NLOPB to see what is there, what information is available to us as the public, what information is out there in the public realm as it relates to safety. If you go in to their Web site, there is an area there that relates directly to safety.

As an example, they use what they call a Reportable Injury Frequency Rate. If you look at their table it is identified as RIFR. For instance, in 2011, if you look at the injury frequency rate you would see that for every million hours of work in 2011 you had 5.29 is the number of man hours that is reported there. These are numbers you could use just to see – so you could gauge for what is happening in that offshore environment as it pertains to injury frequency rates, what is actually happening in the workplace environment out there, Mr. Speaker.

Mr. Speaker, that is the work of C-NLOPB, and, of course, it is an important board for us. As I said, it currently has two seats that are vacant

right now. It was put in place as a result of the Atlantic Accord that was established back in 1985. The significance of the Atlantic Accord, of course, which was signed in 1985, gives us, as a Province, 100 per cent of the offshore resources revenue as if those resources were on land. Then the C-NLOPB, this board was put in place to monitor this activity and make sure that the spirit of the Atlantic Accord was – that this is actually the way it worked, providing oversight into the Atlantic Accord.

When you look at what has happened from 1985 to 2005, the intention, of course, of all the benefits from the Atlantic Accord would occur in the Province as if that activity was on land as opposed to being offshore. This would put us where we are supposed to be, at an equal spot with what is happening with, for instance, provinces like Alberta.

Now, it was amended in 2005. The Atlantic Accord was first meant to expire in 2017, but as a result of the amendment in 2005, as many people would know, people who are watching would know that we took a \$2 billion payment. In doing so, we took five years off the expiry date of the Accord.

So, when members speak about this year's Budget and it talks about how we get less money, \$500 million less because of the expiration of the Atlantic Accord, well this was something that was planned. When we accepted the \$2 billion cheque it was meant to go into reducing the debt. If you look at the amendment, it clearly says that. As a matter of fact, the amendment of the 2005 Accord and the payments were identified and spelled out from 2006 to 2012 of how this would all occur. The \$2 billion will go towards reducing the Province's debt. I say all that because the Accord and the C-NLOPB, the activity that they do go beyond offshore safety, it also goes on to monitoring the resources we have offshore.

I want to speak for a bit now about the Wells inquiry. The minister spent quite some time on the Wells inquiry and I would like to do so as well. The Wells inquiry was an inquiry of Commissioner Robert Wells that was established

by the C-NLOPB. It must have meant we had an agreement from both the federal government and, of course, the provincial government.

When you look at the mandate, it was to determine and recommend improvements to the safety regime to ensure that risk of helicopter transportation of our offshore workers – even then, back in 2009 as a result of the accident that we saw, the crash of Cougar 491 and seventeen lives lost, March 12, 2009, a day that we will all remember, Mr. Speaker, when we consider the significant events that have happened in our Province. We are still waiting, I will say too, to get this monument established for those offshore workers. I would encourage the government, an aside here, to get on with that.

As a result, the Wells inquiry made – it was a significant inquiry that had a lot of people involved in that. They did report in two phases, as the minister said: one on November 17, 2010, Phase I with the recommendations; again, Phase II on August 15, 2011.

The commissioner made it quite clear, that of all the recommendations, Recommendation 29, in his mind, was the most important recommendation. Recommendation 29 in his report is 29(a) and he refers to 29 (b). These two important pieces, these two recommendations, 29(a) was the key one which his suggestion was and his recommendation was a new independent and standalone safety regulator to regulate safety offshore. He also mentioned that this would require legislative changes. He was very clear on that.

I spoke to Commissioner Wells many times about this as we would meet, and I would ask him: Where do you think this is going to go? Still, this Recommendation 29, even though he welcomed, as the minister said, the new legislation that was coming as a result of the occupational health and safety, that was welcomed news – as a result of this, his inquiry came in the middle of this, as I said, as a result of the accident in 2009.

Here we were in a situation where we had the federal government at the table, both provinces

of Nova Scotia and Newfoundland and Labrador at the table, and we needed legislative changes to make Recommendation 29(a) a reality. Recommendation 29(b), I just want to touch on that. This is something that not many people focus on.

This is what Recommendation 29(b) was; it was a separate safety division of the C-NLOPB with a separate budget and separate leadership. As a matter of fact, he went as far to say that if we were to accept Recommendation 29(b) that what he wanted to put in place was an independent advisory board. That would be made up of people who were not connected to – I cannot remember the exact words, but indeed they were not connected to the oil industry. You had two options here, Recommendation 29(a) and Recommendation 29(b); Recommendation 29(a) being his preference of the new independent and stand-alone safety regulator, and Recommendation 29(b) which would be a separate safety division within the C-NLOPB.

Mr. Speaker, the comment that I would like to make is that now that you had the parties at the table, why would we not now discuss Recommendation 29(a) which was the independent safety regulator? Even to this day we do not know. We know that the Province and the Premier has said on many occasions that they support the independent offshore safety regulator.

We do not know why it is the federal government does not want to go there. Why is it? What are the outstanding issues? We know in other parts of the world this has been done. Even though when we go back to the Hickman commission inquiry around the Ocean Ranger, they then said they did not talk much in those days about the independent offshore safety regulator. They preferred, as a matter of fact, that the recommendation coming out of that inquiry would be something similar to what we have today.

Since then, when you look at what has happened around the world, both in Australia and Norway, and as a matter of fact the commission itself speaks to this. In Australia and Norway today

we do see a separation of an offshore regulator. This in a sense is what we were looking to see here. In light of the fact we do not even know today, I would say, Mr. Speaker, why it is the federal government refuses to go there. We have the Province committed to this; we have had the people of this Province committed to this. This is something that they wanted to see, the most important recommendation from the Wells inquiry, and here it is today. We do not even know why the federal government does not want to come onside with this.

When you look at Commissioner Wells and some of the other things he went on to say, his inquiry was to make recommendations around a safety plan for companies operating offshore, search and rescue obligations of helicopter operators, and the role of the board and other regulators to ensure companies comply with legislative requirements for worker safety.”

As I said, he delivered his report in two phases, one on November 17, 2010 and the other August 15, 2011. Recommendation 29(a) was the most important recommendation of all the work that the commissioner did and all the people who went and spoke to that. There were a number of people around this Province, from employee groups to individuals, many people came and made representation to the commissioner. As a result of all this, I think it is over 300 pages in his report, what it came down to was Recommendation 29 was indeed the most important one.

When you look at what has happened around the world, and I mentioned Australia and I mentioned Norway, if you go in and you really look at what they have done, in particular the Australia model around offshore safety is one that gets some attention. This was put in place, as well, as a result of inquiries. The fact is that the recommendation coming out of an inquiry or a commission is nothing new. As a matter of fact, in Australia we saw two. One was the Montara Commission of Inquiry in 2011 and the Productivity Commission Report in 2009.

When you look at it, these reports were given to the Commonwealth Minister of Resources,

Energy and Tourism and endorsed and established by the National Offshore Petroleum Safety and Environmental Management Authority, which is the authority in Australia. So I say all of this to say that as a result of those inquiries and as a result of those recommendations, what happened in Australia is they went ahead and put in the independent regulator. The CEO, the independent regulator there, is established under a statute very similar to what we would need here. The CEO reports directly to the Commonwealth Minister of the Department of Resources. The legislative format external review is then reviewed every three to five years.. We know it can be done, but what we do not know today is why it is the federal government actually do not want to go there.

When you look at Bill 1, the occupational health and safety legislative changes that we are talking about here today, really we are no clearer after fourteen years of negotiation and since the crash of Cougar 491, we really are not clearer today. It is a question that deserves to be answered, I would say, Mr. Speaker. Why is it today that the federal government just refuses to endorse and start the process to put an independent offshore safety regulator in place here in Newfoundland and Labrador? It is a simple question.

You could also look for more information around the Norway offshore safety and the Petroleum Safety Authority there. It just goes on. This information is out there; it can be done. It has operated successfully in other jurisdictions in the world. I believe that if we are going to put in a safety regime, if there is anything that we can do to enhance the legislation that we have around Bill 1 today, and this is a piece of legislation, as I said, it really improves the working environment for workers offshore, taking it to the next step and putting in the independent offshore safety regulator is the step that needs to be included right now. With the people at the table, it is very difficult to know why this has not happened.

Mr. Speaker, in recent weeks, I guess, or in recent days now in going back from last week we have had significant concern around search

and rescue assets within our Province and indeed the country as a whole, and it has raised a lot of questions. If you are going to operate in a safe environment in offshore – we know that the North Atlantic certainly can be a very stressful place to work and the environment in itself can be challenging. We have seen two significant accidents, I would say, Mr. Speaker, as it relates to offshore, as it relates to the oil developments offshore, one with the Ocean Ranger, and, of course, with the Cougar 491. Putting in this independent offshore safety regulator is something that is a concern for us.

In doing so, we also have to raise questions about search and rescue, where we are today as opposed to response times. We cannot have different response times on weekends. We have an offshore industry that works seven days a week, 365 days a year. We have men and women who are working offshore, working in very challenging environments, I say, Mr. Speaker. Here we are with search and rescue resources, from a national point of view, where we do not know – there are actually different times. Whether it is a Monday to a Friday, kind of bankers' hours, to a weekend, the response times are different.

I do know, and I would not want to be an alarmist here today, that as part of the operators working offshore they are required to put aspects of search and rescue in. We also know that in general sense search and rescue, when you think of Coast Guard and you think of our air force, these are primary assets when it comes to a major accident offshore. We need to know that those response times are there because we believe, as I believe everybody in this Province believes, that our workers deserve a world-class offshore search and rescue which would provide occupational health and safety, which would actually make improvements in all aspects of occupational health and safety, Mr. Speaker.

The federal Auditor General Michael Ferguson clearly pointed out last week that here we are today in 2013 with information systems that are near breaking point. We really do not know – and this came up today where the Province and the federal government right now are really not

communicating to a sense around search and rescue, that we really need to know who is in charge. There are certain aspects of search and rescue that there is a provincial responsibility, but that seems to be dismissed.

We have heard members opposite talk about this is completely federal jurisdiction. Well, that is not the case. There are resources that we are responsible for. We also know that staffing levels have had major problems getting the appropriate trained staff in place to work in our search and rescue offices. We also know that last year we seen the closure of the maritime search and rescue sub-centre right here in our Province. That was put in place to help the joint rescue sub-centre because of the amount of activity.

The maritime search and rescue sub-centre was put in place to complement the joint rescue sub-centre which was in Nova Scotia. That was put there to help support and to help relieve pressure. Now we are with that centre closed down and moved to Nova Scotia. This is all a depletion of search and rescue services, which is all part of the overall occupational health and safety that we require for offshore workers.

Of course now we have also seen the announcement last year of the pending closures of the Coast Guard offices in our Province. That again is something that I believe when we look at our search and rescue, when you look at our safety, the people who work offshore, this is something that we should not just stand idly by and let happen.

Mr. Speaker, the other thing about this piece of legislation when you read it through, Bill 1, there is a fair amount of information here that, in terms of the language itself, it speaks in discretionary terms. We would like to see this bill strengthened where we get more directive language.

I would just point to just a couple of sections here, Mr. Speaker. That would be disclosure of information, section 201.84. It just reads like this and it is quite a bit here, "Notwithstanding section 115, the chief safety officer may disclose

information, other than information relating to the medical history of an identifiable individual or other prescribed information relating to an identifiable individual, an individual's identity the disclosure of which is restricted under section 201.82 or information the disclosure of which is restricted under section 201.83, related to occupational health and safety that he or she obtains in his or her capacity as chief safety officer to officials of the federal government, a provincial government or a foreign government, or of an agency of any of those governments, for the purpose of a federal or provincial law or activity or a foreign law, where the officer is satisfied that disclosure is in the interest of health and safety and the information is disclosed subject to any conditions agreed upon by the officer and the government or agency."

What we have an issue with here is just the use of the word "may". We believe that this legislation can be strengthened in certain areas of this bill where we could see it more directive. In that case we would use the word "shall".

In this section as I said, Mr. Speaker, the CSO or the chief safety officer may disclose information to the government officials after he or she is satisfied that disclosure is in the interest of health and safety. The problem here is that leaves it to the discretion of the chief safety officer.

In the areas where the person's identity of the health records and all those things, those private issues are not the area of concern, we are suggesting that as part of the reporting that there are areas that we need more directive words to be used and words like "shall". We see the same thing in section 201.84(2) where the, "Officials of the provincial government or of an agency of the provincial government may for the purpose of this Part disclose information...".

Throughout this we do see the word "may" used which is a discretionary word, where in some cases we would prefer to see the word "shall" used which would be more directive language and would mean that this information could be disclosed to the public, I say, Mr. Speaker.

As I said, this is a big piece of legislation. We do know that with the legislation we have here the principles of the legislation, which Bill 1 is all about, now we know that we have five years to put the proper regulations in place so that this piece of legislation can go and have the impact on the occupational health and safety for our offshore workers, as it was intended.

So, once we get there in five years' time – so how do we get there? So what we have established now are working groups that have been established to develop the regulations. We know we took fourteen years to get to where we are today, to this piece of legislation, now we have five years to put the regulations in place.

We believe that this can be done, and we will encourage all levels of government to do whatever they can to make sure this gets done so that this piece of legislation can become law to the point where its intended purpose to actually – not to say that we have workers out there working in an unsafe environment today, but indeed, if we had Bill 1 with the supporting regulations, we need that done as quickly as possible, I say, Mr. Speaker.

The other thing I will just spend a few minutes on again, and I will finish up speaking about, is Recommendation 29. This is important to the people of this Province. It is important to all the families and all the offshore workers that we have working offshore today. It is important to us that we do get the independent offshore safety regulator. It is the most important recommendation, as I said, made by Commissioner Wells.

It is something that we will continue to press for. It is an area that we would encourage this government to put that full-court press in place where we can get action in place so that this independent safety offshore regulator is in place in Newfoundland and Labrador, similar to what we see in other jurisdictions across the world. It is something that we believe in. At least right now, tell the people of this Province why it is the federal government is holding out on this important recommendation by the Wells inquiry, Recommendation 29, and the (a) part of that

recommendation. Not the (b) part; it is the (a) part which is the independent offshore regulator.

So, Mr. Speaker, I will conclude my remarks right now by saying that this is a piece of legislation that we believe improves occupational health and safety for our offshore workers, Mr. Speaker, although we do believe there are certain areas within this piece of legislation, within Bill 1, where we could see more directive language used as opposed to discretionary type language, we believe this would improve this bill. In a general sense, the occupational health and safety of our offshore workers is in a better place with this legislation than it would be without it.

Thank you, Mr. Speaker. Thank you for your time.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Minister of Service Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you very much, Mr. Speaker.

It gives me great pleasure to be able to stand up today and speak to Bill 1, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.

I would like to thank the Minister of Natural Resources for his opening remarks on this bill, and also the Leader of the Opposition for the words he spoke on the bill. I think it is clear that so far both parties, the Opposition as well as the government, are going to be supporting this bill it sounds like.

This has been a long time coming. It is a very significant piece of legislation. It is a comprehensive occupational health and safety regime that we are amending to this piece of legislation, and it is all about improving the

health and safety in the offshore activities and industry that we are dealing with today.

I think it is important we note that we have been working with putting measures in place, as you heard the former speakers mention. For the last fourteen years we have been working on these amendments to this piece of legislation and to the Atlantic Accord to improve health and safety in the offshore industry. We have been working in a patchwork approach. What we have been using is provisions in the Accord Act. We have been using draft occupational health and safety regulations and we have been using memorandums of understandings, just to name a few, Mr. Speaker.

What we are hoping to do is put a streamlined regime in place with the amendments to this act that will deal specifically with the offshore industry and make it a much tighter and more specific regulations there when it comes to the offshore. I think one of the big parts of simplifying this occupational health and safety legislative framework are three of the principles that we use. That is transparency, accountability and enforceability. All of those are for the benefit of the offshore employers and their workers. We want to make sure we are protecting everybody.

The fundamental OHS legislative principles and practices that reflect the offshore working environment, we want to make sure they are consistent. We want to make sure they are consistent with occupational health and safety principles and practices as they are here on the ground. Our Occupational Health and Safety Branch on land, we have a very stringent set of regimes in place. That is what we want to see out on the offshore also, out on the platforms.

Anyone who knows our Occupational Health and Safety Act are familiar with the three rights provisions that we use within that act. Those three rights are the rights to refuse unsafe work – you heard the Minister of Natural Resources mention these also. The right to refuse unsafe work and the ability to raise health and safety concerns without the fear of reprisal. If there is something there we have to be able to refuse to

work under those conditions without the fear of being reprimanded for that.

Also, the right to know about the hazards that may exist in a workplace, that may be out there, not just to know about them to avoid them, but also to probably change them and make it a safer place, and, of course, a right to participate in discussions that affect any occupational health and safety matters. We do that through our occupational health and safety committees. Worker representatives sit on those, and that is what formed Bill 1.

Mr. Speaker, we have never seen such a significant step forward in any piece of legislation as what we are offering here for the protection of our offshore workers. I think it is worthy of noting that right now my department, through Service NL, and of course under the occupational health and safety department, we do not have any control in what happens right now in the offshore.

There is a Memorandum of Understanding there, but it is a very limited role for the Occupational Health and Safety Branch. Who they report to now is the C-NLOPB, which is the Canada-Newfoundland and Labrador Offshore Petroleum Board. They report directly to the Minister of Natural Resources. Once the amendments are changed there, what will happen is the C-NLOPB will report directly to the Minister of Service NL through the occupational health and safety department. I think that is a huge step forward, Mr. Speaker.

I think with this amendment in Part III.1 of the Atlantic Accord it will now give my department, Service NL, an oversight for the role of the occupational health and safety matters. It is very important in streamlining that, that we are getting direct communication there between the C-NLOPB and the Department of Service Newfoundland and Labrador through occupational health and safety.

The C-NLOPB will now, as I said, report to Service Newfoundland and Labrador through this new Part III.1. Essentially, an occupational health and safety act will be embedded into the

Atlantic Accord. Again, a huge step forward here. It is very significant and I think it is a positive shift that we are showing that we want to go further to protect the workers in the offshore workforce. One of the key things here is this enhances accountability with occupational health and safety in the offshore.

Through the Department of Service NL, will we utilize the expertise of the Occupational Health and Safety Branch that we now already have in place. They will oversee the C-NLOPB's administration within this new Part III.1. I think the occupational health and safety here, that we already have existing has a proven record. They have shown professionalism, they have shown fairness when they are dealing with the workers and the employers. They are consistent and they exercise the expertise that they have there. These are all valued points that I think will enhance and strengthen Part III.1 of the amendments in Bill 1.

In the last year, Mr. Speaker, we prevented – I think it is very worthy of noting – 1,073 potential serious injuries or fatalities through our zero tolerance approach to certain high-risk, unsafe conditions or acts here on the land. Through our strategic and targeted enforcement program, we have identified over 15,300 unsafe workplace practices or conditions which required to be corrected. This gives a couple of examples, Mr. Speaker, as to how important the occupational health and safety regime is here on the ground and, certainly, as important to our employers and employees who are within the offshore industry.

Our enforcement strategies are working to make our provincial workplaces safer and healthier. We look forward to working with the C-NLOPB. I have spoken with the staff in Occupational Health and Safety. We are looking forward to having a direct communication and a strong communication in working with them in the offshore working environment.

Of course, these amendments and the creation of this Part III.1 of the Occupational Health and Safety Act for the Atlantic Accord still

recognizes the joint jurisdiction of the federal and provincial governments. We heard the previous speakers talk about that. We talked about the structure of the C-NLOPB. We have three provincial representatives, three federal representatives, and we have a joint representative who both the provincial and the federal governments both agree upon. If they do not agree, as was mentioned before, then we go back to the drawing table. It is very important that we recognize we will still have that joint communication between the federal and provincial government.

I think it is also important to note here that the provincial Government of Newfoundland and Labrador and the federal government are also working with the C-NSOPB here, which is the Canada-Nova Scotia Offshore Petroleum Board because, of course, Nova Scotia also has to deal with the offshore industry. It is important that all three pieces of legislation are mirrored and working together.

That is something that we have been diligent on making sure that we are working with Nova Scotia as well as the federal government here. I think it was on Thursday that it was the first reading in the House of Commons for the federal government. On Friday the Government of Nova Scotia introduced first reading to their legislation in their House of Assembly. We are collaborating together there and making sure that it happens.

Mr. Speaker, this new oversight role adds to the project activity for occupational health and safety. I am pleased that in Budget 2013 that was recognized that there were extra resources needed here. Funding for one occupational health and safety position was granted within the Budget 2013 and also the realignment of another occupational health and safety position. We have recognized that and worked that into the Budget in 2013 so that we could move forward with that.

I hope that all the hon. members here in the House have recognized, especially if they look closely at the details of Bill 1, how much it resembles our already established Occupational

Health and Safety Act. As you have heard other speakers mention, we have been working on this now for fourteen years. We took the original act that is in place now and made a lot of the adjustments that we will talk about when we go into Committee. A lot of the adjustments, especially in the wording that is made there, was to fit it in, to blend into the offshore industry, realizing how complex some of that can be, working in the offshore industry. So we have taken the original act that we use now and made the necessary changes within that act, or amendments, so that it would be suitable to the offshore industry.

I think with the streamlined legislative regime we are working on now, we want to see clarity of the roles and responsibilities for all the workplace parties, whether it is an employer or an employee, and provide clear penalties for those who violate any of the requirements we put in place. That is one of the important parts of making sure the Occupational Health and Safety department deals directly with the C-NLOPB, so there are no middle grounds there and wondering who said what or how it went. We want to make sure they deal directly with the department, which gives them the opportunity to put in clear requirements. If those requirements are not met or if they alter the requirements, then the proper penalties can be adhered to in a very timely manner.

The provincial Occupational Health and Safety Act also governs all industrial sectors, whether right now the act we have in place, whether it is health care, construction, manufacturing, retail, forestry, mining, the service industries, and many others. The amendments we are recommending here to the Atlantic Accord have been developed specifically to reflect the working environment of the offshore petroleum industry.

The provisions have been put in place with the comprehensive occupational health and safety regime. We think they are progressive. We think they exceed any requirements that are put forward to us. The reason we are doing this is, when we put these amendments in and we move this new piece of legislation, we want it to be

progressive enough so that it can bring us into the future of what the offshore petroleum industry is going to offer to us.

So we have taken a long, hard look at this. We felt let us bring it into the future now. We will not deal with today; we want to also deal with tomorrow. I think that is a progressive move on government's part.

Our goal at the Occupational Health and Safety department can be boiled down to one concept. Basically what that is, is we want everybody to go home at the end of the day and we want them to go home safe and sound. We do not want to hear of any tragedies.

I laid a wreath last Sunday for the National Day of Mourning. I laid two wreaths, actually: one on behalf of the Province and one on behalf of Service NL. There was reflection there in the past Sunday that there were actually twenty people who succumbed to industrial injuries this year and there were six fatalities, giving a total of twenty-six in past year 2012-2013, and that is twenty-six too many.

I think with a strong occupational health and safety regime in place we can certainly cut down on those. As I mentioned earlier in the numbers that we have put forward, it is something we do not take lightly. We work very hard and diligent on it to get those numbers down to zero is where we would like to see those numbers. The only way you can accomplish that is if everybody is working together and everyone clearly understands their own roles and responsibilities when it comes to occupational health and safety.

Mr. Speaker, I think everyone here can also appreciate the significant amount of work that has been done in order to get us where we are at. I would like to take an opportunity just to thank the staff at Occupational Health and Safety, the staff in Service NL, the staff at Natural Resources, as well as the federal government, the C-NLOPB and the C-NSOPB, in collaboratively working together to get us where we are today.

As I stated, I think we are taking a huge step forward and without the hard work over the last fourteen years of many governments and certainly an awful lot of professionals, we would not be where we are today and we would not be introducing this bill and bringing it into second reading. I think it is a milestone that we have accomplished this and it is a huge step forward.

Those involved in the offshore oil and gas sector include industry, include labour, suppliers, service providers, occupational health and safety committees, and they have all given an invaluable amount of advice and guidance to formulate the OHS policy that is going to be reflected in the legislation that we have here today. I would like to also thank the individuals and groups for their advice and guidance that have worked us through this piece of legislation.

Mr. Speaker, I have a couple of minutes left there so I would just like to outline some of the themes that are contained in the legislation itself because I think it is important to highlight the progressiveness of this legislation. These draft amendments recognize that there are a number of categories of groups and individuals working or providing services in the offshore and these entities have clear roles and responsibilities. Everybody should know their special role and the responsibility that they have. We have tried to outline those in the bill.

We have clear and specific language in the amendments. These are tailored towards the operators, towards the employers, towards suppliers, providers of service, employees, supervisors, and any other party who would be involved in that. I think it is important that everyone know their role, be very clear on what their role is and their responsibility, and that they all ensure safe and healthy workplaces in the offshore industry.

There are also key provisions in the bill which require open communication and the sharing of information among the workplace parties. On the ground, we call them occupational health and safety committees; in the offshore we will call them workplace committees. They will be structured very similar to the occupational health

and safety committees. We are hoping to enhance the principle of transparency there so we have clear, timely, and open communication. I think all of this is very critical, this information is very critical for ensuring safe workplaces.

Mr. Speaker, we recognize the communication and information sharing is a two-way street. Employees also have responsibilities, and as I mentioned, they will also sit on these committees that we will have in place. We want to make sure the work is done correct right from the beginning. We want to make sure people have the tools in order to do that job correctly.

I think the amendments to the Accord will also bring into law the occupational health and safety regulations. As we mentioned, you heard both speakers before me mention, we have a five-year time frame there in order to have those regulations put in place. We want them to be modern; we want them to be progressive. We need to look to the future, so we want to make sure those regulations will actually bring us into the future in the offshore industry over the next five years. They have already started the implementation of putting those regulations together.

Mr. Speaker, I see my time is getting very short. I know I will get an opportunity to stand up again and get into more explicit details in committee. I appreciate the opportunity to stand here today and speak on the bill. I hope that everybody will be in support of it.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Littlejohn): The hon. the Member for Torngat Mountains.

SOME HON. MEMBERS: Hear, hear!

MR. EDMUNDS: Thank you, Mr. Speaker.

It is certainly a pleasure to rise to speak to this very important piece of legislation, Bill 1. Mr. Speaker, the cry for workplace safety has been around for hundreds of years. We can go back

to the tragedy with the *Titanic*, the events surrounding the sealing disaster in 1914, the Ocean Ranger tragedy, and Cougar 491. All of these tragedies have had questions asked or investigations.

Certainly, improvements in safety have come on stream based on all the accidents we have had. I have just mentioned a few. I would also like to mention the thousand of lives lost in the countless tragedies we have had in our fishery in the last 500-plus years.

Mr. Speaker, inquiries have been called to task to address many of the tragedies in our Province and in our country, but not all of them. Inquiries have not been called for all of them. I would like to point that out, but many. I think as long as we have activity in our oceans in terms of offshore oil development, fishing, tourism, we will continue to have accidents and tragedies. That is the sad reality. It is part of our livelihood.

The lives that are lost, Mr. Speaker, that have been lost, are due to many, many factors in our Province. Lives have been lost through natural events, like storms. Weather conditions, I would say, account for the majority of the loss of lives on our oceans and on our lands and ice in our Province. Lives have been lost due to mechanical failures and equipment that we use. Also, lives have been lost due to accidents in the workplace. I think this is probably the basis for this amendment to the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act.

I agree, Mr. Speaker, with all the previous members who stood up in this hon. House and talked about the need for occupational health and safety, and that it is an essential component to the Atlantic Accord. The need for implementation is paramount. I am sure every person in this Province would agree on this.

Now, Mr. Speaker, following the crash of Cougar Flight 491, in which we saw the loss of seventeen lives, there was an inquiry about health and safety in our Province. I guess Mr.

Wells' investigation led to many recommendations.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. EDMUNDS: Mr. Speaker, the majority of them dealt with helicopter safety, as it was a direct result of a helicopter crash.

There was a recommendation calling for changes to be made. There was a call for a new list of rules and regulations that would ensure safety in helicopter offshore. In the list of Mr. Wells' recommendations, he also called for the establishment of a new standalone safety regulator. There were a number of reasons for this. I guess the biggest reason is that it would drive home the need for safety. With a separate regulator, the flaws in offshore health and safety would be corrected and enforced without any discretion.

Recommendation 29, Mr. Wells said it was probably his most important recommendation. Certainly, we would like to have seen this implemented into this legislation. I know the Premier has said on many occasions that it would mean reopening the Atlantic Accord and to have co-operation of the federal government and the Government of Nova Scotia.

I think in terms of Bill 1, which has been in the makes for some fourteen years in terms of visiting MOUs, looking at existing legislation as it relates to offshore safety, the federal government and the Government of Nova Scotia had to be at the table. Fourteen years was more than enough time to look at the seriousness of Mr. Wells' recommendation on an independent regulator in the offshore component.

I think there was a missed opportunity here, because what we see here, although it is something that I would agree with in principle, Mr. Speaker, it does leave a lot to be desired in terms of enforcement and compliance. I will talk a little bit about that shortly.

There is also a list of recommendations, Mr. Speaker, that came forward from the Newfoundland and Labrador Federation of Labour. If you go through the recommendations from the Federation of Labour it also calls for strong legislation, strong language, into the legislation to make it more enforceable, to make it more open and to have more impact, Mr. Speaker.

I guess one of the concerns that I have in going to the briefing – and I would like to thank those who gave us the briefing from the minister's departments; it was very informative. As we go through some of the amendments in this proposed bill, Mr. Speaker, I see a lot of language that tends to be more discretionary as opposed to direct and pushing enforcement. It certainly takes away from the bite of legislation that is as serious as what we have on the table in front of us today.

When you lose some of that discretion – and I will just read off a couple of examples, if I may, from this bill. Words like “may” and “discretionary powers” are used when there could be words like “shall” and “enforced”.

Mr. Speaker, one section quotes that the chief safety officer may disclose information with respect to occupational health and safety to government officials, agencies, and foreign governments if it is in the interest of health and safety.

I think if something is in the interest of health and safety – and there are a lot of players in our offshore industry, Mr. Speaker. We can go back to the lives lost on the Ocean Ranger, the lives lost on Cougar 491, and several nations are represented. When you are looking at enforcing health and safety in our offshore, I think you tend to want to stray away from words like “may” and insert words like “shall”, which strengthens the regulations as they are proposed.

The board has discretionary power to release health and safety information in the public interest. I do not think there should be a question here. I think discretionary should be replaced with something that is stronger, that is

more mandatory. This is what we see, Mr. Speaker, in this proposed legislation. It leaves room for improvement and those are points that have been echoed by the Newfoundland and Labrador Federation of Labour in their recommendations.

I agree with the minister to negotiate an agreement through whatever avenues he used – he did mention some existing legislation, negotiation, and MOUs, all have been visited over the last fourteen years. When you have to negotiate an agreement between two provinces and as well with the federal government, it is no small feat. I applaud the efforts that have gone into these amendments in the last fourteen years, and the work that it has taken to get to the stage where we are now.

When you look at strengthening the language in such an important amendment to the Accord as what we have here, I think we just have to look at the eighty-four lives that were lost when the Ocean Ranger sank, the seventeen lives that were lost when Cougar 491 crashed. We could even go so far as look at the eleven lives that were lost at the oil rig explosion in the Gulf of Mexico, Mr. Speaker. This just drives home the need for strong regulation and enforcement. This is crucial to health and safety in our offshore sector.

Over the last twenty years or thirty years, Mr. Speaker, we have seen services put in place as a result of some of these inquiries. We saw the installation of the JRCC in St. John's as a result of I think it was the Ocean Ranger tragedy. Disasters continue to happen, yet installations such as this have been removed. It does shake our faith in search and rescue capability.

Certainly, over the last two, three or four days, Mr. Speaker, we have seen some serious adjustments to search and rescue. We have seen the vulnerability of search and rescue, all which plays a role in our inshore as well as our offshore search and rescue industry.

I do not think we need to wait for another disaster to unfold. Lives have been saved with this technology and with the implementation of

services. I know because I have been a part of search and rescues situations where lives have been saved.

Mr. Speaker, I have also been part of search and rescue sorties where lives have been lost. I think search and rescue services in our Province and in our country need to be there. I think this amendment to the Atlantic Accord drives home the importance of having safety on-site. Because if our search and rescue services continue to diminish then certainly occupational health and safety becomes more paramount when you are hundreds of miles offshore, away from secondary or trauma centres that can save lives. We all agree that an ounce of prevention is worth a pound of cure.

I think that is the basis for this legislation and, certainly, we would like to see it implemented. It is just that I would like to see it implemented with much more stronger language. Maybe we should follow the course of the occupational health and safety equivalents in countries like Australia and in counties like Norway where they do have independent regulators in the offshore industry.

I am going to clue up my remarks, Mr. Speaker. Maybe I will get a chance to speak again in Committee. You hear the minister talk about the right to refuse unsafe working conditions; that is fully understandable. The ability to raise concerns without the fear of reprisal; that is fully understandable. The right to know about hazards or potential hazards; that is fully understandable, Mr. Speaker. I do not have a problem with it. The only problem is that when you have discretionary language in there, it creates a certain level of doubt. When you are in a situation where you are miles away from land, you are at the mercy of your own strategies, your own implementations, I do not think there should be any room left for doubt or left for question.

Although I agree with this in principle, Mr. Speaker, I am hopeful that there will be stronger legislation to follow Mr. Wells' most important recommendation, to have the implementation of

an offshore safety regulator independent of the regimes that we have in place now.

With that, I will take my place. Hopefully we can get to discuss this more.

Thank you.

MR. SPEAKER: The hon. the Minister of Intergovernmental and Aboriginal Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. F. COLLINS: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased today to be able to stand and speak in support of Bill 1, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act. I am proud to support this bill because it creates a comprehensive occupational health and safety regime for our offshore, which of course will benefit everybody involved in the offshore sector.

As the Minister of Natural Resources pointed out earlier, our offshore sector has brought tremendous benefits to this Province. The level of benefit would not be possible, Mr. Speaker, without a very important intergovernmental agreement that we signed with the Government of Canada in 1985. That agreement, of course, is the Atlantic Accord.

When we joined Confederation, Mr. Speaker, we brought the bounty of the offshore with us. In 1949, very little was known about the oil and gas that lay undiscovered beneath the seabed. The first seismic surveys were conducted in the Grand Banks, I think, in the 1960s and the exploration activity continued until the commercial oil field Hibernia was discovered in 1979.

I remember, Mr. Speaker, at that time I was the Mayor of the Town of Placentia. I remember all through the Province at that particular time different communities were promoting themselves and actually competing with one another as potential supply bases for the offshore sector. I can remember having delegations over

from Aberdeen, Scotland, and I can remember delegations going to Aberdeen, Scotland, all to the point of developing supply bases. We were looking at Argentia at the time as a potential supply base, and there were a lot of other communities in the Province doing the same thing.

Since that time, of course, the oil and gas industry has grown into a vibrant and modern industry, and that is driving our economy right now and providing excellent employment opportunities for our people. Mr. Speaker, getting there was not easy. As many in this House know, development could not proceed until the provincial and federal governments resolved the ownership and the management disputes that were pertaining to the ownership and jurisdiction over the seabed resources.

Of course, the federal government took the position that the offshore resources fell under its jurisdiction, and the Province took the opposite direction. As the minister pointed out earlier, the matter eventually wound up in court. Since the impasse was unable to be resolved after several years, the Province shifted its efforts in trying to negotiate an agreement to secure joint management and most of the revenues of the offshore.

Many of us will remember the 1984 federal election. Progressive Conservative Leader Brian Mulroney made a written promise that if elected he would give the Province equal say over offshore management and make the Province a principal beneficiary of the oil and gas industry. After that election, Mr. Speaker, Prime Minister Mulroney's government began talks with the Province which resulted in the signing of the Canada-Newfoundland Atlantic Accord in February, 1985.

I was proud to say I was in the audience on that particular occasion when that was signed. I remember well the words of the Premier of the day and how prophetic his statements were with regard to, "Some day the sun will shine..." We compliment and appreciate the vision these people had at that time and the impacts that their work has had on this Province today.

The Minister of Natural Resources mentioned Premier Peckford, and the minister of the day, Minister Marshall, and the work they did in bringing that Atlantic Accord home. It was implemented through legislation in the Province in 1986, and followed up with the federal Parliament in 1987.

Mr. Speaker, there are two main areas covered by the Accord. As mentioned earlier, one is joint management of the offshore area, which recognizes the equality of both governments in the management of the resource, and that is administered by the C-NLOPB. The second component of the Accord is the revenue sharing scheme to allow the Province to establish and collect revenues as if the resources were on land.

The Accord provides, of course, for legislative measures to allow the Province to establish and collect royalties and provincial corporate income tax, sales tax, other bonus payments, rentals and fees and so on. The Accord has given our Province and our people tremendous benefits and opportunities. The offshore sector today is a major revenue generator for the provincial government through these royalties, taxes and fees, and will continue to be so for some time to come.

You heard the Premier on Thursday mention the potential now off the Labrador coast and what the assessments have shown down there and how the investments made by Nalcor are coming home with respect to the possibility of discoveries and drilling and licences off the Coast of Labrador. Mr. Speaker, it provides many jobs for our people, and that is what brings us to this bill. Whenever and wherever people are working, there is a need to ensure that an appropriate and effective occupational health and safety regime is in place. That is what these amendments are all about.

The Accord Act, Mr. Speaker, as it currently exists, in addition to the things I just mentioned, govern safety in our Province offshore. As my colleagues pointed out earlier, it does not contain a comprehensive legislative occupational health and safety regime. They made mention to the amendments in 1992, how

inadvertently health regime was left out of the amendments. The amendments we bring forth today will address this.

As has been stated here in this House many times, worker safety has always been a top priority of our government and the fact that we are bringing these amendments forward today is proof of that. That is not to say, Mr. Speaker, that prior to these amendments our workers were at risk without them. Without these amendments our workers were not at risk.

These amendments that we are bringing forth today have come about after a great deal of collaboration between a number of jurisdictions, the federal government, the provincial government, the Government of Nova Scotia, the C-NLOPB, and the Nova Scotia Offshore Petroleum Board, as well as consultations with the industry and with various stakeholders of the oil and gas industry. Labour, as well, had a major input into the drafting of legislation.

Mr. Speaker, with these amendments, the offshore health and safety regime of this Province will be in line with that of Nova Scotia. It will be consistent with all the other federal petroleum occupational health and safety regimes in the country.

Mr. Speaker, as I mentioned, while safety is our top priority and while we are bringing forward these amendments today, this is not to suggest that our workers have been at risk in the past. The offshore currently has an occupational health and safety regime which is administered and enforced by the C-NLOPB. It is somewhat of a patchwork system and that is what these amendments are trying to do, to streamline these amendments and get rid of the patchwork quilt of suggestions that we have.

The C-NLOPB, through a number of mechanisms, contractual terms, and conditions of work, does enforce an OHS regime through safety provisions in the Accord Act that it uses. It has an MOU to give the C-NLOPB safety officers the authority to administer key provisions of the provincial legislation. It also has the authority to draft occupational health and

safety regulations as terms and conditions of work authorizations. Every time a licence is given now draft regulations are provided with that.

Mr. Speaker, the current regime does not have a streamlined – while it has a regime to implement OHS regulations, it is not a streamlined regime and it is a very patchwork organization. The amendments that we are talking here today will serve to tailor those policies and principles to the offshore. We are going to tailor our current occupational health and safety regulations for the Province to an offshore environment. That will lead to one safety regime that streamlines and simplifies the occupational health and safety legislative framework for the offshore and for the benefits of employers and workers. Through these amendments we will provide a clear and enforceable regime, and provide appropriate regulatory-making powers in offshore petroleum occupational health and safety.

Mr. Speaker, the amendments will tailor the occupational health and safety policies and include a worker's right to refuse to perform unsafe work, for example; it will include a worker's right to know the risk associated with that work; it will include a worker's right to participate in health and safety committees; and a worker's right to reprisal protection for raising health and safety concerns. As well, there is a joint allocation of joint responsibility among operators, employers, workers, and suppliers for matters related to health and safety.

Mr. Speaker, the bill and the proposed amendments will resolve the jurisdictional uncertainty that is there at the moment. Any time you have a jointly operated regime, as we have with the C-NLOPB, there are always grounds for jurisdictional uncertainty. Who is responsible for what? While the C-NLOPB is using the current transitional regulations and different, as I mentioned, contractual terms, conditions of work, MOU, and so on, all to get the job done, but because it is such a patchwork organization there is jurisdictional uncertainty for the parties involved.

That is what these proposed amendments, Mr. Speaker, will resolve. They provide government with the necessary mechanisms to get on with the OHS-related matters. For example, the government will now have access to be able to initiate audits, safety audits for example. They would be able to initiate inquiries and be able to initiate the creation of a provincial advisory council that will advise the government and the C-NLOPB on OHS issues.

The C-NLOPB, Mr. Speaker, will have the ultimate responsibility to ensure that all offshore work, activities, and decisions under this regulatory mandate are carried out in a manner that places the health and the safety of offshore workers at the very forefront. As I mentioned, some of the key features: a worker will have the right to refuse, for example, to do unsafe work; they will have a right to know if there are any risks associated with the work; and the right to participate in health and safety committees. As I mentioned as well, they would be protected from speaking out and raising health and safety concerns. These are key features of these amendments.

Mr. Speaker, this bill will apply to workplaces in the offshore area, workplaces for the purpose of exploration, drilling, or for production, conservation, and processing of petroleum. For the purposes of this bill, a workplace will include any marine installation or structure where an employee is employed; any workboat operating from a marine installation or structure that is used by an employee to perform routine maintenance or repair work; any dive site from which a diving operation is conducted; and any underwater area where a diving operation is conducted by an employee.

Mr. Speaker, this bill contains provisions that apply to the health and safety of workers as well in transit, workers in transit to and from workplaces by vessel or aircraft. The federal Minister of Transport will now be required to sign off on regulations for the application of an occupational health and safety regime to workers in transit. The operator will still be responsible for the passengers, but now there is a third minister who comes into play, the federal

Minister of Transport, and he has the authority to sign off on regulations regarding employees in transit to and from the workplace.

Mr. Speaker, these amendments will provide for the Department of Service Newfoundland and Labrador, which is the department responsible for the provincial Occupational Health and Safety Act. A direct oversight role for occupational health and safety matters to the offshore. That is a significant improvement. For the purpose occupational health and safety, C-NLOPB will report then to Service Newfoundland, but they will continue to report, as the minister mentioned earlier, to the Department of Natural Resources on other matters related to the Accord Act. Essentially, what this amendment does it inserts occupational health and safety legislation into the Atlantic Accord.

Mr. Speaker, I believe that having Service Newfoundland and Labrador acting in this oversight capacity with respect to offshore health and safety is a tremendous move. It is a great thing. Because Service Newfoundland and Labrador has a proven track record and a great deal of expertise in improving workplace safety in Newfoundland and Labrador.

Legislation also respects the giant nature of the jurisdiction of the offshore of federal and provincial governments; and, to that end, the federal government will be making amendments to its act as well, in Parliament, in the very near future. Once in effect, Mr. Speaker, these new provisions will mean that our offshore health and safety regime will be every bit as good, and in some cases better, than our onshore workplace. I heard the minister saying earlier today that our goal is that every worker goes home safe every day.

Mr. Speaker, these legislative amendments also put in place transitional regulations that will serve to ensure that there is no regulatory gap while the new regulations are being developed. As mentioned, it will probably take five years, or it could take up to five years to put the regulations in place, but to ensure that the occupational health and safety regulations are

enforced during this transitional period there are three transitional regulations that will apply.

These are the Newfoundland and Labrador offshore installations and structures health and safety transition regulations, the Newfoundland and Labrador offshore marine installations and structures transition regulations, and the transition regulation respecting the safety of diving operations. The bill contains also a provision whereby these transitional regulations are to be repealed within five years unless they are repealed earlier. These regulations will be temporary but a sufficient bridge until the new regulations have been developed.

Mr. Speaker, the new regulations will be developed hopefully within five years, and will be developed in a manner that is consistent with the development of these amendments. They will once again involve the collaboration between the different levels of government. The federal government, the Province of Newfoundland and Labrador, and the Province of Nova Scotia, as well as the two offshore petroleum boards, and as well as the industry stakeholders. There will be much consultation and collaboration input into the development of these regulations. While these are being developed, the transitional regulations currently existing will be kept in force.

Mr. Speaker, the bill we have introduced today will lead to a safer and a healthier offshore work environment. It will benefit everyone involved, especially the workers and the employers operating this vibrant and exciting sector. I am pleased to have the opportunity to speak in support of this bill, and I encourage all hon. members to support it as well so that we can create a clear, streamlined and world-class occupational health and safety regulatory regime for our offshore petroleum sector that will be enshrined in legislation in the Accord Act.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you very much, Mr. Speaker.

I am quite pleased to be able to stand this afternoon and speak to this bill that is before us today. Bill 1, a bill to bring an occupational health and safety regime into the Atlantic Accord Act. As has been said by the minister and speakers ahead of me, I totally agree this is an extremely important piece of legislation that we are dealing with today, and will be dealing with I guess for a couple of days this week.

It is important because we need to ensure in legislation that there is absolutely no doubt, that workers who either get on a boat or get on a helicopter and go to the offshore to work in the oil and gas industry, that they are covered by the same protection that we have for workers who are on land. It is extremely important. I think it is significant that we do have an agreement among three governments, two provincial and the federal government for the language that is in this act.

I am sure the minister probably pointed this out, but I will say it again. What we have in our hand is actually an act in and of itself, which will be put into the Atlantic Accord Act. The Atlantic Accord has three parts, and this will be known as – well, it has four parts I think. This will be Part III.1, so becoming a significant piece of the Atlantic Accord but is an act in and of itself. It is written as an act in and of itself to ensure that we have a regime covering occupational health and safety.

I want to thank the department for giving us a very good briefing last week. It was one of the best briefings I ever have been given I think. The assistant deputy minister was just phenomenal in the way in which he presented the act to us. I think one of the things that was pointed out was how important it was that this act is covering occupational health and safety.

There are not many things in the act that I can question. Not that I am trying to question, but in going through it, most of the pieces in the act are quite satisfactory. I do want to speak to the broader picture, but before speaking to the

broader picture I do have a couple of things that I want to raise. I would like the minister to note them because I probably will also speak to him after I raise the issues in the House. I would hope that when we come into committee we might be able to look at the two points that I am going to bring up.

Before doing that, I do want to talk about a couple of the things that are important in the act; one in particular has been mentioned. That is the right of refusal to work, which is an essential piece now in occupational health and safety. If a worker has reason to believe – and the reason has to be able to be proven – that he or she might be going into a dangerous situation that is being asked for in their workplace, they have the right to refuse that piece of work.

This bill that we have in front of us is comprehensive in dealing with that issue, and I am really glad to see that. Comprehensive not only in the definition of what refusal to work means, but comprehensive in all the steps that have to be taken if a person refuses to work based on a reasonable doubt of the safety of doing that piece of work.

The one thing that I am a little bit concerned about – and this is one thing that I think would be really easy to deal with and I hope that it would be. When I read through the clauses and they are full clauses that deal with the right to refuse, clause 201.47, clause 201.48, and 201.49. Then it goes on, a few more with regard to issues related to the refusal to work. There are several clauses.

What I cannot find in all of that, and the process is really good, but nowhere does it state that the process has to be put in writing. There is a talk about, for example, if a case proceeds and it goes to the workplace committee, the workplace committee may make recommendations with regard to the situation, but there is nothing that says the process should be documented. I think it is really important, and I have spoken to some people with regard to this issue.

I think it is important that somewhere it is noted that in the minutes of the workplace committee

the fact that there has been a refusal to work, the fact that the person who refused to work brought it to the workplace committee. The fact that anything was done around refusal to work needs to be documented somewhere. I think the minutes of the workplace committee could be where that would happen.

I know we are dealing with a piece of legislation that is mirrored in Nova Scotia and is mirrored in the federal government, so I do not know what the room is for adding something to it. This would in no way change the intent of the legislation. It is just making sure that the refusal to work is documented. I am wondering if some language could be put in that would allow that to happen. I ask the ministers to look at that and to see if that might happen.

As I said, I do not think it would be a difficult thing to do. As I said, I am not sure of how difficult the process will be because of the fact that three Legislatures are dealing with this piece of legislation. I am assuming that if we are speaking to it here in the House, obviously we can look at the possibility of making a slight change like that. Like I said, it in no way changes the intent, in no way whatsoever. It just makes sure that somewhere there is a reference to the documenting of the situation.

In actual fact, you could have the whole process happen, and happen in a way that nothing ever was written down on paper. So I put that out for the minister to look at. Perhaps we can talk about it in committee, when we get to committee. I see the minister nodding, so I am glad of that.

There was one other thing. Now this one is not – well, I guess it is. I was going to say it is not quite as simple. It has to do with the code of practice.

In sections 201.13 and 201.18, we are dealing with the code of practice. I have two concerns. The first concern is in 201.13, it talks about the chief safety officer. It says, “The chief safety officer may, in writing, require an operator to establish a code of practice in respect of occupational health and safety...”. Then when

we go to 201.18, it says, “The chief safety officer may, in writing, require an employer to establish...”. In one case it is the operator, in the other case it is the employer.

I am concerned about two things. There are not many places in the bill where it talks “may”. In most cases actually, we see “shall” in most of the places. In these two we see “may” being used about something that I think is extremely important, and that is the code of practice.

I have spoken to some people who are involved in these issues. Again, I am putting it out. I do not know how much can be done about it, but there is a concern. In actual fact, a code of practice is very, very important. It is not a casual thing. I am not saying that the use of “may” makes it casual.

First of all, there is a concern that it should be very definitive, shall be. There shall be a code of practice, but there is also a concern that the code of practice should be something that, in itself, comes from the regulator and comes from government. That is how important people who are working in the industry feel about a code of practice.

I do have a question. Maybe when the minister speaks to us about it again, in committee in particular, I would like to have a bit of a back and forth on this one, I think. Why wouldn't it be that the code of practice would be put in place by the health and safety agency with the C-NLOPB as regulator, making sure that codes of practice are in place? It just seems a little bit too – not definitive, to by choice. I cannot get the exact word I want, but I think we all know what I mean.

It is the use of “may” and not saying it “shall” happen, and also just putting it in the hands of the employer and the operator. Even though the employer and the operator are accountable to the chief safety officer, and even though if there is a code of practice demanded by the safety officer it has to be posted publicly in the workplace, et cetera, which is covered by clause 201.34.

The issue is a code of practice is really considered essential. It is one thing to have a policy, but the code of practice lays out exactly what should happen coming from the policy. So, maybe if the minister can get some more information on that and we can talk about it a bit more in committee. I do want to talk about it there because I do have a concern about it.

Now I want to – because I do not have a long time. I am going to leave the little nitty-gritty things and talk to that more in committee. Now I would like to speak a bit – in the time that is left to me – about the whole thing of the fact that Recommendation 29 of the Wells Report has not been considered. I understand what has been laid out by the minister. I know how long this process went on, and I know the process preceded the Cougar helicopter disaster. I know it preceded Mr. Wells' recommendation with regard to a separate agency but the report from Mr. Wells, which came out in 2010, his first report, was certainly given at a point in time when the separate agency could have been considered.

I do appreciate the minister talked about the fact that the federal government was not open to this discussion. It really does disturb me that the federal government is not as open to this discussion. I do not think it is one that we should let go of because, in actual fact, when we look at – I am only going to take three countries, and I will not go into detail.

When we look at Norway, which in 2004 created an independent regulator when it came to safety and emergency preparedness; and when we look at the United States, which made a similar move only a few years ago, and we look at Australia, who also did the same thing, having been producing oil for a number of years, move towards doing this. I think it is time for us to ask, and it is time for the federal government to ask themselves: Why did these jurisdictions make this move?

I have to say, I have tried to find evidence that these three countries in particular are looking at reverting to one agency, and I really cannot find any evidence. If there is evidence there that the

minister has, I think it was the Minister of Natural Resources who said it, if there is evidence there that that is the case, I cannot find. If he has it, I would be happy for him to share it with us.

Looking at the way things are moving with, for example, the Petroleum Safety Authority in Norway, they are nowhere near saying they are not needed in Norway. When they took over, or when they decided to have a separate agency at that time, the Petroleum Safety Authority in Norway had responsibility for safety, emergency preparedness and the working environment, as well as protection of the environment in Norway's offshore petroleum sector. Then that responsibility was taken over when the Petroleum Safety Authority was formed.

The important thing about the Petroleum Safety Authority in Norway is that it has strong legislative teeth as an agency, just as its counterpart has the regulator. It has authority to issue detailed regulations for industry safety. It issues permits and consents. It issues orders. It can enforce fines. If necessary it has the power to halt operations and issue prohibitions.

I know that the C-NLOPB has that authority now, and I understand what the minister was explaining when he talked about the fact that you have two arms as it were. There are going to be two separate sections in the C-NLOPB, but the bottom line still is that the C-NLOPB has all the oversight and the C-NLOPB does have a responsibility for making sure the industry moves forward, for making sure the industry is profitable, for selling land and it does cause a conflict of interest. There is no doubt about that.

That is what was recognized in Australia, the United States, and in Norway. The PSA, as it is called, the Petroleum Safety Authority of Norway, has been seen now as the world standard when it comes to offshore health and safety and environmental concerns. I think that is something that we need to remember, that what we have here – which is excellent; it really is excellent – is all about health and safety for the workers. It is to make sure that the workers are in a safe workplace and that there are

systems in place to ensure that the workplace will always remain safe for them. The protections are there for them. The responsibilities are outlined as well. Because we all have responsibilities, too, and that is excellent.

When we look at the broader picture, there are more things that need to happen. There are more things that need to be done that are beyond the occupational health and safety when it comes to the workers protection in the workplace.

For example, when you look at the agency, the Petroleum Safety Authority, in Norway you look at the broad picture that they cover. For example, they look at barriers; safety barriers must be maintained in an integrated and consistent manner in order to minimize risks. In other words, you must make sure at all times that they are looking at all the potential for barriers to safety in the system. It is a big picture that they follow. It is not just dealing with a piece of legislation around protecting the worker and just dealing with that legislation; it is looking at the broader picture.

They manage at all levels of the industry. They are involved in management at all levels of the industry to work to make sure that they reduce major accident risks and ensure that these efforts are pursued in a coherent manner. That means doing research, that means looking for new ways, and that means being out there and making sure that things grow. It is not just managing a piece of legislation.

The thing that is a concern is that we will have a couple of new people put in place in order to help make this legislation work, but it is still only a very small group of people. I am not accusing the federal government of this; I am just putting it out. Are they afraid of putting more money in? Is that what it is about with them? Because I do not have an answer for why they would refuse to do this when it is something that is happening in other parts of the world and in other countries.

I am glad; I know that our government has said that they support the separate agency. I know

the Premier has said it. I would hope that we will not think that because we have this piece of legislation in occupational health and safety, that we will lay back now and say that is it, everything is done. I think we have to keep pushing until we do get a separate agency so that we can deal with the much broader picture of environmental safety, the much broader picture of research that needs to be done, and working towards the future to having the best.

MR. SPEAKER (Wiseman): Order, please!

I remind the member her time has expired.

MS MICHAEL: Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Member for Mount Pearl South.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: Thank you, Mr. Speaker.

Let me say what a pleasure it is for me to stand in this hon. House today to speak to Bill 1, An Act to Amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act. Mr. Speaker, as has been said – and I do not think there is anybody in this House of Assembly on either side really who would disagree with this piece of legislation. We have many Newfoundlanders and Labradorians who earn their living by the sea; and, in particular, as it relates to this piece of legislation, it is about improving the safety of those who work in our offshore.

We know it is a very harsh environment; we know that the industry, in particular, has a lot of hazards associated with it. It is very important as legislators that we do everything we possibly can, Mr. Speaker, to ensure the safety of our loved ones who work in the offshore.

Mr. Speaker, I do not want to rehash too many of the points, a lot of it has been said, much of it has been said. On a personal level as somebody

who worked as a safety practitioner prior to becoming an elected member of this House, I was particularly interested and pleased to see this legislation come forward.

Mr. Speaker, I think it is important, though, to note and to emphasize the fact that while this piece of legislation is new and while this legislation is going to bring forth a new health and safety regime that is going to be embedded in the Atlantic Accord, I think it is important to recognize that as it currently stands we have safety legislation in place. We currently have regulations in place to protect our workers in the offshore.

I would not want people to get the impression somehow that all of a sudden today we are all interested in safety, but we were not interested in safety all along. Nothing could be further from the truth. We do have a number of pieces of legislation currently in place, but as I said, this is now going to bring it all together under the Atlantic Accord.

The other thing is that in the current legislation under the Accord there was recognition of occupational safety which are things like slips, trips and falls, things like personal protective equipment, safety management systems, and so on. It did not recognize occupational health issues. That piece was the piece that was inadvertently left out. When we talk about occupational health issues, we are talking about industrial hygiene issues; we are talking about issues around exposure to chemicals, air quality issues, and perhaps issues associated with noise and hearing loss. All of those types of things are what we would consider occupational health issues, which were inadvertently left out the last time an amendment was made back in 1992.

What we are going to do now is we are going to have this comprehensive piece of safety legislation that is going to address a number of issues that we have in our offshore for our workplace in particular. Of course, from this we are going to be able to develop regulations. As it currently stands, we are using regulations, but they are not necessarily totally developed specific to the offshore. Once this process is

through and we bring forth this new act, then there is going to be a group put together that is going to be representing industry, it is going to be representing labour, and it is going to be representing the various government departments involved, those being Justice, Natural Resources, and Service NL, and to have all those stakeholders come together to develop comprehensive regulations.

Now, Mr. Speaker, there are a number of things that are going to be covered under this new safety legislation. Some of them have been referenced already, I do believe. Certainly the three core principles under any health and safety regime are your three rights. Of course, that is the right to know. Every worker has the right to know any hazard he or she may face in carrying out their duties. It is certainly the responsibility of the employer to ensure the worker is made aware of what those hazards are, and that there are protections put in place for the worker to deal with those hazards, whether that is training, whether that is having safety legislation, policies, and procedures, or whether that is the provision of personal protective equipment. All of these things have to be put in place to protect the workers.

Workers also have the right to participate. They have the right to participate in health and safety. They do that through their joint occupational health and safety committees. They also have the right to bring matters of safety and of concern to their employer, and the employer must act upon those to ensure the worker is protected. They also have the right to bring concerns to the authorities if they feel that their issues are not being dealt with by their employer, by their committee, and so on. They have another step; they can bring it to the authorities to ensure that their safety is protected.

The ultimate protection, Mr. Speaker, that any worker has in the workplace – it is enshrined in all safety legislation and it certainly will be enshrined in this legislation – is the right to refuse. When we talk about the right to refuse, we are talking about the right to refuse dangerous work. If an employee is asked to do

something and they feel that in carrying out those duties that their safety is compromised, they have the right to refuse to do it.

That really is the ultimate protection that can be afforded to any employee. Regardless, you can have all the safety policies and procedures in place that you like, you can have training, orientation, personal protective equipment and so on, have all these measures in place to protect people, but the ultimate protection that every worker is the right to say: Do you know what? I am not comfortable with doing this. This is not safe. I refuse to do it. That will be embedded in this legislation, which is a great thing.

Obviously, embedded in here as well is going to be a safety management system, which will be mandatory. In terms of our safety management systems, that would include things such as accident-incident reporting and investigation. It is going to include things such as regular workplace inspections, safety auditing systems, emergency preparedness plan, safety training, new employee orientations, a safety record-keeping system, and a contractor safety program.

If you have contractors who are doing work for you or subcontractors, there has to be legislation and protocols in place to ensure that those contractors and subcontractors are also working in a safe manner. Whether that be working in a safe manner for the protection of the contractors and subcontractors themselves or also the safety of all the employees. Sometimes you can introduce a contractor to a worksite and the things that they are undertaking can have an impact on the other people working there. We need to have a comprehensive plan to deal with all those things and all of that is going to be dealt with in this new legislation.

Of course, the hierarchy of responsibility, basically we are going to make sure that there is accountability, responsibilities identified at all levels of the organization for safety, and accountabilities at all levels as well. That goes from the guy who is in charge down to the worker, to the supervisors, contractors, anyone involved, to ensure that they all are aware of

what the responsibilities are and they are all held accountable for that.

Mr. Speaker, one of the other things which is in here, which I think is a very good thing, is that it is not just dealing with people actually working on the rig itself, but it also talks about people being transported to and from the offshore. So, anything in the legislation is going to deal with not just on that rig, but transportation to and from. Therefore, employees being transferred to and from the offshore will also have the same rights as they would if they were actually working on the site, including the right to refuse. The right to say: I do not feel safe in being transported to this site or from the site. All of those protections that are in place around the right to know, the right to refuse, and so on, that is going to be applied to transportation as well.

Of course, Mr. Speaker, a big piece of any kind of legislation is enforcement. There are going to be provisions here for enforcement, to have officers available to be able to go out to the site, be able to do not just accident investigations, but able to, in a proactive manner, show up, do inspections, ask to see training records, ask to see safety records to ensure everything is up to scratch; and if they find deficiencies, they have the ability to write directives and so on, Mr. Speaker, to ensure that corrective measures are put in place by the employer to protect the people on-site. Of course, there are going to be fines and so on associated to any non-compliance issue.

Mr. Speaker, as I said, those are some – and there are a number of others – of the basic principles which are going to be applied to the legislation. As I said, there is also going to be regulations, and regulations are going to be developed. It being done here in Newfoundland and Labrador, being done by the Government of Nova Scotia, and their Atlantic Accord, and the federal government as being involved in the process as well. All of the relevant departments, as I said, will be involved in it, and all the stakeholders from the employees to the group representing labour and so on, they are all going to be involved in it, they are going to be

consulted on it, consulted on the new regulations as they are developed.

In the interim, we do have regulations put in place to deal with safety while the new regulations are being developed. Once those regulations are developed, they are going to be very, very specific to the site. They are going to be specific to the offshore, and they are going to cover a lot of details. When we talk about regulations, that is going to talk about the requirement for eye protection and hearing protection, and foot protection and head protection, when it is required. It would talk about things like employees working alone; it would talk about things like confined space entry. It would get into things like lockout-tag out of equipment before you operate on it. It would get into the operation of equipment, qualification of workers who operate equipment, all those types of issues, Mr. Speaker.

Mr. Speaker, my time is running down so I will just say that from an overall perspective I think this is a great move. I have heard the other speakers, on the other side in particular, talk about the independent safety regulator. I understand their issue, and as a government we agree with them. We agree there should be an independent safety regulator.

The Premier has said that she has been pressing this issue with the Prime Minister's office. Our ministers on every occasion meet with their counterparts in Ottawa; they are pressing this issue. I would say to the Leader of the Third Party, I would agree with you that we cannot give up pushing. We will not give up pushing on that because we believe that is also an important thing to do.

I think this is a time here today that we are actually talking about a piece of legislation and I think everybody is on the same page. I think that is a positive thing because it is all about our husbands, our wives, our children, our grandchildren, and so on in many cases who are working in the offshore. We want to make sure that all of our family members are protected. That is what this legislation is all about.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Mr. Speaker, considering the time of the day, I move, seconded by the Minister of Justice, that the House now adjourn.

MR. SPEAKER: It has been moved and seconded that this House do now adjourn.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

This House now stands adjourned until 1:30 p.m. tomorrow.

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