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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.

Before we start today, I want to welcome to our galleries a very renowned Newfoundland entertainer, Kelly Russell.

Welcome to our gallery.

**SOME HON. MEMBERS:** Hear, hear!

### Statements by Members

**MR. SPEAKER:** Today we will have members' statements from the Member for the District of Port au Port; the Member for the District of Bonavista North; the Member for the District of Cartwright – L'Anse au Clair; the Member for the District of Conception Bay East – Bell Island; the Member for Torngat Mountains; and the Member for the District of Exploits.

The hon. the Member for the District of Port au Port.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CORNETT:** Mr. Speaker, I rise today in this hon. House to recognize four cadets from the 2904 Cambrai Royal Canadian Army Cadet Corps in Stephenville who were nominated for the Major General W.A. Howard Medal. Cadet Warrant Officers Andrew Patten, Alyshia Chaulk, Stephen Eckert, and Cadet Sergeant Keisha Ogden were named nominees by placing in the top six cadets in the Province.

This award is given to the outstanding senior army cadet in each province and territory who receives the highest overall assessment on the National Star Certification Exam. During Cadet Week in Newfoundland and Labrador, at their weekly cadet parade, a special ceremony was held to present Cadet Warrant Officer Andrew Patten with the Major General W.A. Howard Medal for 2013.

Mr. Speaker, I ask all hon. members to join with me in offering my congratulations to Cadet Warrant Officer Andrew Patten and nominees Cadet Warrant Officer Alyshia Chaulk, Cadet Warrant Officer Stephen Eckert, and Cadet Sergeant Keisha Ogden, and to all cadets for their involvement in the Cadet Corps. Also, Mr. Speaker, a thank you to all who make the Cadet Corps a strong presence in our communities.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Bonavista North.

**MR. CROSS:** Mr. Speaker, I stand today to salute the Town of Carmanville.

The Stewardship Association of Municipalities, SAM, was formed to reinforce commitment to wetland conservation. In September of this year, SAM was hosted by Mayor Sam Winsor at Carmanville, which first signed their Municipal Stewardship Agreement in 1995.

Middle Arm is a highly productive coastal area, and waterfowl use it extensively in the spring and fall. The rich plant and invertebrate communities that flourish in the Arm attract birds to the area. Some ducks, particularly the red-breasted merganser, stay in the Arm and breed on the small islands.

A bird-banding program has been ongoing in this area since 1983. Birds banded in Middle Arm are regularly recovered along the South Coast of Newfoundland, Nova Scotia, New Brunswick, and as far south as Florida. Information gathered from such work helps determine each species' range and migration patterns.

Carmanville Pond is shallow and nutrient-rich, and supports extensive growth of aquatic vegetation and the associated invertebrates.

At the fall conference, Carmanville renewed their agreement. I ask all hon. members present to support me as I salute towns like Carmanville

that continue to support and protect the environment we inhabit. They extend an open invitation to all of us to visit their interpretation centre and to experience their unique nature trails.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Mr. Speaker, Mahatma Gandhi once said, "Champions are made from something they have deep inside them – a desire, a dream, a vision."

George Roberts was one such man. He was from the small, isolated community of Norman Bay on Labrador's Southeast Coast, and a true leader in every sense of the word. George spent endless hours spanning decades filling out applications or writing proposals requesting funds to enhance the infrastructure of his little town.

A fisherman with a down-to-earth personality, he had a sound grasp on the needs and issues in his town and region. He was instrumental in acquiring a new school for Norman Bay. He lobbied hard for a reliable ferry connection and many other services like groomed trails.

George wanted the best for his family and community. Even though there seemed little chance of success, with determination and persistence many times his efforts saw successful outcomes.

It was a sad day in early July 2013, when I travelled on a small ferry with many of his family and friends to pay our last respects to George.

I ask all hon. members to join me in this tribute to Mr. George Roberts.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Conception Bay East – Bell Island.

**SOME HON. MEMBERS:** Hear, hear!

**MR. BRAZIL:** Thank you, Mr. Speaker.

I stand in this House today to recognize an outstanding citizen from my district who needs no introduction when we think of traditional music, the preservation of our music culture and the teaching of musical talents to the next generation of traditional musicians.

I speak of Mr. Kelly Russell of Bell Island. While Kelly has taken a leadership role in a number of community organizations such as Radio Bell Island, I want to highlight his most recent accomplishment of being named to the Order of Canada.

Kelly has been a professional musician for over thirty-eight years and has been a member of some of the Province's landmark groups such as Figgy Duff and the Wonderful Grand Bank. To me, and I know, the people of this Province, Kelly is known nationally and internationally as a true ambassador for our culture, our heritage and our musical talents.

He has been awarded the Newfoundland and Labrador Arts Council Award for Music, twice awarded the Tourism Industry Association Certificate of Recognition, and awarded the prestigious Marius Barbeau Award for his contribution to Canadian folklore.

I ask all my colleagues to join me in congratulating Kelly as a deserving Order of Canada recipient.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. EDMUNDS:** Mr. Speaker, I rise in this hon. House today to congratulate Mr. Gregory

Rich on being elected the new Chief of Natuashish.

I also want to congratulate the new Band Council members: John Nui, Mary Jane Edmunds, Sebastien Piwas, and Nachele Poker.

Mr. Speaker, I am encouraged by Chief Rich's commitment to lead in a positive manner to create a healthy community for the people of Natuashish. His willingness to work with everyone in his community to tackle the many sensitive issues facing them is welcomed news. It is our hope that such a co-operative approach will lead to a long-term healing plan for the children of Natuashish.

Mr. Speaker, I know Chief Rich to be a very genuine person who will lead with integrity and determination. His personal experiences with addictions and tragedies will instill in him an appreciation to do what is right for his community. I am prepared to work with Chief Rich to ensure a healthy and vibrant community for his people.

Mr. Speaker, I ask all hon. members to join me in congratulating Chief Gregory Rich and the new Band Council of Natuashish.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Exploits.

**SOME HON. MEMBERS:** Hear, hear!

**MR. FORSEY:** Thank you.

Mr. Speaker, it gives me great pleasure today to stand in this House to recognize Steve Glavine of Bishop's Falls for being awarded a lifetime achievement award with the Bishop's Falls volunteer fire department.

We are all aware of the commitment of volunteer fire fighters. They are ready for duty twenty-four hours a day and of course this

would not be possible without the support they receive from their families.

Steve has given his time unselfishly to fire and emergency response for thirty-two years and his dedication to his community has certainly been recognized by his peers.

Mr. Speaker, I ask all members to join me in congratulating Steve Glavine for being awarded a lifetime achievement award with the Bishop's Falls volunteer fire department.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Statements by Ministers.

#### Statements by Ministers

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** Thank you, Mr. Speaker.

I rise today to highlight our government's ongoing work towards activating a Province-wide 911 system throughout Newfoundland and Labrador.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** Just last week, I joined hundreds of municipal officials and others at the 2013 Annual Convention and Trade Show of Municipalities Newfoundland and Labrador. There I delivered a presentation about our government's plan for Province-wide 911, which showed the tremendous progress that is being made by our new project implementation team.

Mr. Speaker, by December 2014, the Province will have a fully functional basic 911 service to support the dispatch of first responders throughout Newfoundland and Labrador.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KENT:** This will alleviate the need for residents to remember multiple telephone numbers to reach the first responders they require when an emergency occurs.

Mr. Speaker, over the coming weeks and months as this project proceeds, the implementation team will engage in consultations with emergency response stakeholders and the municipal sector. Emergency response zones will be identified and an educational campaign for emergency responders and the general public will be developed. Finally, in advance of the December 2014 implementation date, operating guidelines, procedures, and protocols for the new basic 911 system will be developed.

That will not be the end though, Mr. Speaker. Upon completing the basic 911 system, we will immediately proceed to complete the necessary work to bring Next Generation 911 online for the Province. We are very much committed to this next step, which will include a resolution to civic numbering in communities throughout the Province, and the bringing together of government computer systems that support next generation.

Mr. Speaker, the basic 911 service is currently available in three areas of the Province. Residents can also currently access 911 from cellular telephones in areas where a signal is available. When the Province-wide basic 911 is activated, all residents will have access on both landline and mobile telephones. This will be a great enhancement to public safety.

The implementation of Province-wide basic 911, Mr. Speaker, is truly only the next step in our government's plan to enhance public safety for all residents of Newfoundland and Labrador. We have already made tremendous investments in emergency response vehicles, new firefighting equipment, support for ground search and rescue, enhancements to ambulance services, and other health and community service investments. We are proud of the impact that each initiative will have on our residents. When it comes to public safety, our commitment is strong.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I thank the minister for an advance copy of the statement. Certainly, it is good news to see that we are moving forward in this much-needed endeavour, one that this Province has been waiting for, for some time.

I would be remiss if I did not bring up – I found it very interesting, actually, because I have put a lot of petitions in over the last two years – when you look at one of the bottom paragraphs here and we talk about accessing 911 from cellphones, and the fact is we have large portions of this Province where we do not have cell coverage and we do not have the ability to call 911 – large swaths of this Province – areas that are covered by members from both sides.

I have asked the minister responsible if we can ever find out a strategy towards getting this covered, but I have not heard anything back. I think that is another place where this government needs to go. We do need to get that basic cell coverage.

I would also point out that I am looking forward to seeing what the cost of this is. Again, it is a great service, it is something we need, but we need to know what it is going to cost to residents of this Province.

I would also move forward to Enhanced 911 – it is good to see that we are getting there with the basic service; however, most areas have already gone to an Enhanced 911. Again, 911 is synonymous with safety, but we do have a number called 611 that was supposed to be put in with our provincial health line, the Auditor General mentioned it last year, and it has not been done. So, I am hoping the minister can help with that, in conjunction with the Minister of Health.

I do like in this statement the fact that we are talking about civic numbering. It is a great idea, we do need to get it done, and I am happy to speak to it.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. MURPHY:** Thank you, Mr. Speaker.

I would also like to thank the minister for the advance copy of his statement. At the same time as that, Mr. Speaker, I would have loved to have heard a little bit more of an update, I guess, for the members of the public out there who are grossly interested in the 911 system and how far it is gone, to actually hear how far government has gone in pressing municipalities towards the civic numbering. I think that is probably one of the most important hurdles that we have as regards to instituting Province-wide 911.

At the same time as that, Mr. Speaker, I would also like to press upon government the interest of the other stakeholders that are out there and how much of an interest that actually our cellphone companies have in getting 911 Province-wide. Knowing that Nova Scotia has province-wide 911 cellular already available to its people over there, I would like to know exactly how long it is going to take before this government actually presses the cellphone companies to institute the same features here in Newfoundland and Labrador.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Does the Member for The Straits – White Bay North have leave?

**AN HON. MEMBER:** Leave.

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

**MR. MITCHELMORE:** Thank you, Mr. Speaker.

I thank the minister for the advance copy of his statement. Provincial 911 was something that was promised nearly twenty years ago, and it is good to see that it is moving forward.

One thing I will say is that we cannot wait, we need to see the street addresses mapped in all communities of Newfoundland and Labrador so that people in emergency situations do not have to describe colours of homes, names of people, and other generalities.

Thank you, Mr. Speaker.

**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 influenza season approaches, I encourage my fellow Members of the House of Assembly and the general public to consider receiving the annual flu shot, which is now available throughout the Province. Combined with regular hand washing, the influenza vaccine is the most effective way to prevent the spread of influenza and to reduce complications caused by the virus.

People are encouraged to receive the influenza vaccine before flu season begins, as it takes about two weeks for the vaccine to take full effect. Influenza season in Newfoundland and Labrador typically runs from December to April. This year's flu shot protects against three types of influenza, including two types of influenza A and one of influenza B.

Mr. Speaker, the influenza vaccine is recommended, and provided free of charge, for people at high risk for complications from influenza, such as individuals with chronic health conditions, immunosuppression, and those under five and over sixty years of age. For a complete list of target groups, please visit the department's Web site.

Influenza is a common, and highly contagious, respiratory disease. Symptoms of the flu

typically include rapid onset of cough, fever, headache, chills, and general body aches and pains. Although most people recover fully from influenza, it may lead to serious complications such as pneumonia and has the potential to be life-threatening.

Mr. Speaker, in addition to receiving the annual flu shot, practicing the simple rule of Clean, Cover and Contain is recommended to help prevent the spread of influenza. Individuals should remember to thoroughly wash hands, cover coughs and sneezes, and stay home when sick.

For more information on influenza, the vaccine or flu shot clinics throughout the Province, residents may contact their primary health care provider or call the Newfoundland and Labrador HealthLine toll-free 1-888-709-2929.

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 thank the minister for the advance copy of her statement.

Flu season is indeed upon us and residents should at least consider receiving this flu shot, particularly those populations at a greater risk of developing complications from the flu such as our senior population.

This statement does bring to mind the short-lived policy out of Central Health last year where workers were told if they did not get vaccinated they would have to go home without pay if there was an outbreak. I noticed that we sort of stepped away from that. I think encouraging people to get it is fine but mandating it is also a very tricky question.

I would say that in the second last sentence here – we have a great Newfoundland and Labrador HealthLine. It is a great service. I am glad it is

there, but it is a long number that many people have trouble remembering. We should have the 611. It was promised. The Auditor General is asking: Why don't we do it? We should make it easy to remember in case of emergency. I would ask that we move forward, not only with the 911, with the 611, and I hope everybody does take an opportunity to get the flu shot.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I, too, thank the minister for the advance copy of her statement.

It is a good thing that the flu vaccine is provided free of charge to those who are at risk because it certainly does stop one from getting the flu. I think that is quite proven.

I think we need an upgraded PR program. There needs to be greater education and PR with regard to the benefits because there are still people out there who have misconceptions about the flu shot. I hear so many people who say: I am not getting the shot because I get sick when I get the shot. It needs to be explained why that might happen the first time you get a shot. We need more education so that those who most need the flu shot feel free to get it.

We also have to continue the education around hygiene as well. The minister refers to it in her statement but we especially need it in health care facilities. We have recent stories which indicate maybe in some health care facilities we are not doing as good a job around that as we might.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Oral Questions.

Oral Questions

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

**MR. BALL:** Thank you, Mr. Speaker.

Yesterday, the Government of Nova Scotia came out against the Maritime Link deal. They said the deal provisions are vague and put that province's ratepayers at risk.

I ask the Premier: If this deal falls through, what happens to the \$1 billion federal loan guarantee?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, the Leader of the Opposition has a terrible time with facts. He really does, Mr. Speaker, because I certainly do not mind at any time in this House or anywhere else having a debate upon the facts. We have to get the facts right, something they consistently refuse to do on the other side of the House.

Mr. Speaker, yesterday the Government of Nova Scotia did not come out against Muskrat Falls. They made a presentation to the UARB and they looked for eight points of clarification. We do not have an issue with that. This is a new government trying to bring themselves up to speed as quickly as they can on the deal that is before the UARB with regard to Nova Scotia and Muskrat Falls.

They are asking questions. It is exactly what they ought to be doing, Mr. Speaker. We are confident they are going to get the answers they require to approve this deal.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. BALL:** Thank you, Mr. Speaker.

I will tell you a fact. The headline actually said that they oppose the deal. That is one of the facts. Another fact is that we must have a partner in Emera to have a federal loan guarantee.

The new Minister of Energy in Nova Scotia, as the Premier said, attached eight more conditions to the deal to better protect the ratepayers in Nova Scotia. Our Premier has put us in a weak negotiating position because she prematurely started this project without approval in Nova Scotia.

I ask the Premier: How did it get so bad that this Province is spending \$1 million a day and the province of Nova Scotia is responsible for zero? How is this not a weak bargaining position or negotiating position for our ratepayers?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, the difference a few months makes. For the last two years members opposite have been arguing and trying to convince the people of Newfoundland and Labrador that Nova Scotia is getting their power for free – for free, Mr. Speaker. This is an awful racket for somebody to be kicking up who are getting their power for free, do you not agree?

Mr. Speaker, this is a good deal for Newfoundland and Labrador, it is a good deal for Nova Scotia. We do not go through the media to find out what is happening in Nova Scotia. We have a dialogue Premier-to-Premier, minister-to-minister. There are eight points of clarification they require, eight points of clarification that they will get.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. BALL:** I will ask the Premier: If you had a partner that is not committed would you not agree that you were in a weaker bargaining and negotiating position because you had started that deal, would you agree to that or not?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, if we had a partner that was uncommitted, we certainly would be uneasy. We do not have a partner that is uncommitted. There is a solid agreement between Nalcor and Emera.

We have understood for some time, long before sanction, that this would go to the UARB. We knew what we had, within the realm of possibility, a number of outcomes from the UARB, and we have a remedy for all of them. This is a good, solid deal between Emera and Nalcor. It is a good deal for the people of Newfoundland and Labrador and it is a good deal for Nova Scotia.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. BALL:** Thank you, Mr. Speaker.

Not only did the Premier put our Province in a weak negotiating position, she continues to deny protection for our ratepayers in this Province. One of the new conditions is that Nalcor and Emera will be responsible for the increased costs.

I ask the Premier: Why are you giving more and more, every step of the way, to the people in Nova Scotia?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, again, I am amazed at his change in position. How do you do more and give away more if your position has been, and it has been for the last two years, that we are giving them free power? Nothing could be further from the truth.

They are paying fair market value for their power. On top of that, we have found a residual supply of power that we from time to time do not need in this Province, Mr. Speaker, which we are also going to sell to them on terms that are fair.

The negotiation between Nalcor and Emera is done, Mr. Speaker. These are points of clarification, issues that have already been raised in the UARB. That information will be shared with the Government of Nova Scotia.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. BALL:** Thank you, Mr. Speaker.

Well, I have made it quite clear that for \$1.5 billion for the Maritime Link they will get 20 per cent of the deal. That is what I have always said. What the minister said yesterday is that these were conditions they were asking for.

Mr. Speaker, yesterday the Premier said that the Centre for Law and Democracy ranked Bill 29 as the third best in the country, but that same Centre said that Bill 29 significantly weakened the legislation by limiting the power of the Commissioner and excluding practically all Cabinet documents from disclosure.

I ask the Premier: Yesterday you agreed with the Centre about Bill 29, which significantly weakens Provincial access to information legislation, do you still agree with the Centre?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, it is really interesting that the Liberals who form the Opposition Party in this House did not have any such standard of openness or transparency for themselves, none at all. When they were in government for fourteen years, you could not get any information – you could not get any information.

Mr. Speaker, they are cute. You cannot take that away from them. They are cute because they introduced and passed the ATIPPA here in the House of Assembly.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**PREMIER DUNDERDALE:** They brought in the ATIPP legislation, Mr. Speaker, and they passed it. They just made sure that they did not have to live under it.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. BALL:** Thank you, Mr. Speaker.

I think the Premier knows what happened around the dates of that. There were agencies that needed to be included about the protection of privacy.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. BALL:** Mr. Speaker, in the review of Bill 29 and the Centre for Law and Democracy, they also said this is a time when the right for information is on a march around the world. Bill 29 presents a dramatic step backwards.

I ask the Premier: Will you stop defending this legislation and repeal the bill?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, I do not believe the members opposite understand anything about the ATIPP legislation. Fifty per cent of the requests, by the way, that we get at the ATIPP office come from the Opposition Parties; 24 per cent come from the media. There is only one-quarter of Newfoundlanders and Labradorians looking for information, Mr. Speaker.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**PREMIER DUNDERDALE:** The people who use the legislation the most, Mr. Speaker, up to last week, did not understand that Muskrat Falls did not fall under the ATIPP legislation.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Mr. Speaker, commercial users in Coastal Labrador pay the highest electricity rates in the Province, operating on diesel plants that are running at full capacity.

I ask the minister: When can those communities expect to see some action on alternate energy sources as you promised with the development of the Muskrat Falls Project?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, we have over twenty isolated communities in this Province, both on the Island of Newfoundland and in Labrador, who because of their distance from transmission lines, will

not be connected to main transmission lines just by virtue of the fact that the cost of electricity will be prohibitive to them.

To ease that burden, Mr. Speaker, ratepayers on the Island of Newfoundland subsidize ratepayers in those coastal communities to the tune of over \$20 million a year. Individuals in this Province pay the subsidized rates in isolated communities. We also subsidize rates in these rural communities through the Labrador Strategic Plan, and we are looking for further ways to reduce rates, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of Cartwright – L'Anse au Clair.

**MS DEMPSTER:** Mr. Speaker, the Northern Strategic Plan states that Labrador isolated commercial electricity rates would qualify for a rebate similar to residential rates once the Lower Churchill Project was sanctioned. Muskrat Falls was sanctioned nearly a year ago.

I ask the Premier: Why isn't there a rebate in place for Labrador isolated commercial electricity users?

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, it is again a case of getting the facts right. Because what the energy plan said, was that when Lower Churchill was sanctioned there would be a review of commercial rates in the isolated communities in Labrador.

Mr. Speaker, we are preparing to do that review in conjunction of seeing if there is a way to develop small wind and small hydro in these isolated communities to relieve the heavy burden of the cost of electricity.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. EDMUNDS:** Mr. Speaker, the Buildings Accessibility Act outlines the width of blue zone spaces and access aisles. We know that not all new developments are conforming to this regulation and that certain spaces up on Stavanger Drive, for example, are smaller than what is regulated.

I ask the minister: What is your department doing to enforce these regulations?

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Thank you, Mr. Speaker.

Mr. Speaker, the legislation is very clear; the regulations are very clear. We have inspectors out there on a regular basis, enforcement officers on a regular basis, checking into exactly what the hon. member just referred to on the opposite side.

Mr. Speaker, if anybody has any complaints, our team is more than welcome and more than happy to investigate any complaints along these lines.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. EDMUNDS:** Mr. Speaker, last year government made changes to the Buildings Accessibility Act mandating permanent accessible signage by September 30, 2012.

I ask the minister: Over a year later, why are these signs still absent from some public buildings, including hospitals?

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Mr. Speaker, again, in Service NL we do take this responsibility very seriously; enforcement officers take this responsibility very seriously. Any complaints and anybody who has any issues out there in the public, Mr. Speaker, please call our offices. We will investigate and we will find out exactly what is happening with specific incidents.

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.

Cystic fibrosis is the most common fatal genetic disease affecting Canadian youth. In July 2012 and again in May of 2013, the Minister of Health said newborn screening for cystic fibrosis was under consideration. The latest update from a few weeks ago was the department said they were still considering it.

I ask the minister: When will you announce a decision on whether or not Newfoundland and Labrador will follow suit with the rest of the Western world and include CF in newborn screening?

**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 the member opposite knows, because we have had some discussion around this, cystic fibrosis screening is available for any baby who is referred for that particular screening; it is simply not an automatic screening. We do have cystic fibrosis screening within the Province.

There are a number of discussions underway right now to consider whether or not we need an

automatic screening. As soon as we have concluded those discussions, we will make a decision around whether or not we will do that.

I want to assure the people of Newfoundland and Labrador, Mr. Speaker, that if they have a child who they feel requires screening, they ought to be in discussions with their medical provider. That screening is available for people who need it.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. A. PARSONS:** I thank the minister for the answer. I am fully aware that there is screening available upon referral. Everywhere else in the Western world is getting screening for newborns. A referral in some cases is not for months and years after and it is affecting the quality of life.

Nova Scotia starts screening in 2014. Because New Brunswick and PEI screenings are conducted in Nova Scotia, advocates are hopeful babies in all Maritime provinces will benefit. That leaves us and Quebec as the only holdouts.

I ask the minister: What is the hold up?

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

**SOME HON. MEMBERS:** Hear, hear!

**MS SULLIVAN:** Thank you, Mr. Speaker.

Mr. Speaker, again whenever we embark on any new program, we make sure that we do the necessary consultations and we make sure that we do the necessary reviews. That is precisely what is happening right now. The Department of Health and Community Services, in collaboration with the provincial newborn screening committee, is in fact engaged in those discussions.

I really want the people of Newfoundland and Labrador to understand that screening is

available, Mr. Speaker. Screening happens when a child is referred, and that does happen. In the meantime, our committees are meeting as we always do when we are embarking on newborn or any new enhancements to our health care services. We will make a decision and when that time comes, we will announce it.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. A. PARSONS:** Mr. Speaker, I have been asking questions in this House for two years, and advocates have been asking questions for a lot longer than that, on when are we going to get newborn screening for infants with CF? I keep getting the same answer: We are considering it. We are considering it.

I ask the minister: When will you do this? Please commit to a time for these families.

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

**SOME HON. MEMBERS:** Hear, hear!

**MS SULLIVAN:** Thank you.

Mr. Speaker, he continues to ask the question and I continue to give him the answer. The answer is that when we have completed all of the investigation that we need to do, we will make a decision. We have committed to doing that and we have committed to ensuring that if anyone requires the screening, they will be screened.

As soon as we have completed the work that is involved, we will have an answer as to what our intentions will be and we will announce that.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of St. Barbe.

**MR. BENNETT:** Mr. Speaker, yesterday government announced it will update its

antiquated aquaculture strategy. Unfortunately, the department has reduced its consultation to a simple questionnaire format that limits public input and allows government to control information and the message.

I ask the minister: Will he make this process more inclusive and accessible, and commit to hold public consultation sessions throughout the Province?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, that antiquated strategy has grown an industry of \$185 million this year on the South Coast of Newfoundland and Labrador.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** I will tell the hon. member what we are going to do. We are going to take this over the next three weeks, the period of time for consultation on this strategy, we are going to improve it, and we are going to continue to build this industry on the South Coast of Newfoundland and Labrador. That is what we have done to date. That is what we are going to continue to do.

If there are folks out there who want to make representation to the department, to the Office of Public Engagement that is holding these consultations, we are certainly open to it. They can do it through the Internet, they can do it in the sessions, and also certainly written proposals or documentation they want to send into the department. We are open, looking forward to the consultations, and looking forward to renewing our strategy.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of St. Barbe.

**MR. BENNETT:** Mr. Speaker, the people of Nova Scotia are provided an opportunity to attend twenty public meetings held by an independent panel that was appointed earlier this year. Their concerns will then be brought forward to round-table discussions before a report is presented.

I ask the minister: Why are our people being denied full input into such an important public policy issue?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, there is nobody being denied input here. The hon. gentleman again is – I do not know where he is coming from with his negative attitude and pessimism toward the aquaculture industry. We are open, we are having a consultation.

This industry has done quite well. There are some challenges. As we move through the consultative process, we certainly want to hear from all stakeholders out there. If there is somebody or if he wants to present, come along, send in some information, and let us know what you want to do. We are happy to hear it.

We believe in aquaculture. We believe in the South Coast and other areas of the Province where we are growing this industry. This is the same gentleman who wanted to tear up CETA negotiations where we had a \$4 million fund to build our industry on the wild side and certainly in the farming industry as well.

So we have no intentions. We are moving it forward. It is a great industry for this Province. The fishery is important for this government and we are going to move it forward.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of St. Barbe.

**MR. BENNETT:** Mr. Speaker, in addition to the multiphase process of public and shared stakeholder consultation, the Nova Scotia aquaculture panel is headed by two lawyers and will be assisted by an advisory committee and a scientific advisory committee.

I ask the minister: Will he protect our communities, the environment, and taxpayers like they are doing in Nova Scotia and hold a comprehensive review of the regulatory systems and options going forward?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, I recited in the House on a number of occasions the investments we have made in our biosecurity and the containment measures in terms of the industry. Our investment in St. Alban's, over \$8 million in terms of our facility; our building and veterinarian inventory; work with industry through the industry association; work with the Canadian Food Inspection Agency; work with the federal Department of Environment, and officials locally in my department.

We build a great cluster in terms of this industry. We are going through a consultative process now to review the strategy that has been so successful in terms of building that industry. I will listen to all the public out there. I would encourage all to become involved and let us hear what you think of the industry and how we can move it forward. Again, it is a good industry. It is doing quite well and we support it as a government.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

Mr. Speaker, the City of St. John's had requested implementation of photo radar on its streets as a traffic calming measure. They have spent considerable money on calming methods but speeding continues to be a major problem on residential streets.

I ask the minister: Why has this Province refused to allow the City of St. John's to implement photo radar as an effective means of traffic calming?

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you, Mr. Speaker.

I appreciate the question. As we have said many times on behalf of government, we are always willing to work with municipalities. My colleague, the Minister of Municipal Affairs, said yesterday that we are always open to a collaborative relationship, trying to move forward and making decisions that benefit municipalities.

The issue that is referenced here, I am not aware of it at this point in time but I am certainly prepared to have a look at it, if it is something that the city wants to pursue.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for the District of St. John's South.

**MR. OSBORNE:** Mr. Speaker, I met with the Minister of Service Newfoundland and Labrador and the Minister of Transportation about three months ago and brought this issue to their attention. It should be on the government's radar.

Photo radar has been implemented in other cities in this country for over twenty years, Mr. Speaker, and it has been effective.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. OSBORNE:** It has been challenged, Mr. Speaker, and it has been effective. It is an effective way of calming traffic.

I ask the minister again: When will this Province do what other provinces have done and implement photo radar for cities that require it?

**MR. SPEAKER:** The hon. the Minister of Child, Youth and Family Services.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DAVIS:** Thank you, Mr. Speaker.

There are some jurisdictions in Canada, in the United States and other parts of the world that apply different technologies to enforcement events and also to traffic calming measures. Technology has been evolving. I know other jurisdictions had faced significant challenges in implementing such technologies.

The Department of Transportation and Works, and also Service NL, I can tell you, is keeping an eye on potential technologies as they evolve. When a technology arises and an opportunity arises to make improvements with enforcement and working with our police services in the Province, we will take advantage of those opportunities.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

Photo radar has been challenged on a technical and constitutional basis, even up to the Court of Appeal in the Provinces of Alberta and British Columbia; however, with proper legislation, the issue of photo radar has withstood all appeals and petitions.

Cities like Edmonton, Calgary, and now Saskatchewan have photo radar in place. Alberta has had it in place for twenty years, Mr.

Speaker. I do not understand why the minister feels that there would be challenges to this; it has been proven in other areas.

When will this Province bring photo radar in and free up police to do other important work?

**MR. SPEAKER:** The hon. the Minister of Child, Youth and Family Services.

**SOME HON. MEMBERS:** Hear, hear!

**MR. DAVIS:** Thank you, Mr. Speaker.

I thank the member opposite for his insightful comments. I am glad that he agrees with some of the comments I made, because that is what I heard him say over there, Mr. Speaker.

Contrary to what he believes, it actually requires more resources to implement these types of technologies. They can be labour-intensive, they can be very costly as well, and you have to weigh that with the benefits that provide opportunity from them.

Mr. Speaker, we are investing significantly in policing services in Newfoundland and Labrador. We are investing significantly in the RNC and the RCMP to provide traffic safety throughout the Province. I tell you, I, for one, believe they are doing a great job.

**SOME HON. MEMBERS:** Hear, hear!

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

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

Mr. Speaker, last April, the final report of the Baie Verte asbestos miners' registry was presented to government. The report confirms that most Baie Verte miners received more exposure to asbestos fibres in a matter of months than the law permits for a lifetime.

Mr. Speaker, I ask the Premier: Will she support the call for the Workplace Health, Safety and Compensation Commission to immediately

exempt all former employees of the Baie Verte mine from any restrictions on claims for all asbestos-related diseases, without exception?

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Mr. Speaker, the Baie Verte Miners' Registry is one of the first of its kind in Canada. Mr. Speaker, it is something that we are very proud of.

The commission has a strong partnership that it has developed with the community groups in Baie Verte, as well as the United Steel Workers, Mr. Speaker. They have worked very closely together to get this registry up to speed and in place. As well, the commission will be using this registry in future adjudications. It is going to be a tool that they are going to be using in a very productive way. We think this registry will move the claims further and faster in a process that is going to be satisfactory to all.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

We all understand that it was great having the registry; however, it is not working at this moment.

I want to ask the Premier if she will investigate why the commission has approved claims for only 36 per cent of the Baie Verte registrants with medically verified, asbestos-related diseases.

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Mr. Speaker, again, the commission is continuing to adjudicate these claims on a case-by-case basis. These cases are based on the adjudication. It is based on scientific and medical evidence. They will continue to do so. They will use this registry as a tool in doing that adjudication, Mr. Speaker.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

If they are using scientific methods, I am asking the Premier to investigate why the commission refuses to include gastrointestinal cancers and chronic obstructive pulmonary diseases in the list of asbestos-related diseases, because science says they are probably related to the asbestos.

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Mr. Speaker, again, I reiterate the best scientific and the best medical evidence is what we are going by. Probably does not come into the equation.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS MICHAEL:** Thank you, Mr. Speaker.

I point out to the minister that precautionary principle does, and that is what should be brought into play here.

Mr. Speaker, we hear today that the federal government's cross-country CETA good news tour is not coming to our Province. Mr. Speaker, why is the Premier not demanding that

federal Cabinet ministers explain the CETA deal in our Province?

**MR. SPEAKER:** The hon. the Minister of Fisheries and Aquaculture.

**SOME HON. MEMBERS:** Hear, hear!

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, we went through a period in consultation with the federal government in regard to coming to the conclusion on the CETA agreement, Newfoundland and Labrador. We are certainly very delighted with the outcome of that; one being, as we all know, the agreement we had in regard to our fishing industry and getting access to the EU market, 500 million people, over \$17 trillion from GDP.

With that as well, through the Premier's efforts and our government, we were able to negotiate a \$400 million package to bring the fishery to a new stage in Newfoundland and Labrador. That is a \$400 million investment in a \$1 billion industry. It is probably unprecedented in a country of Canada that would be negotiated. We are very proud of it.

I understand at some future date the federal government may be here to talk about that, but certainly we as a Province are proud of what we negotiated. If the federal government wants to come, we will certainly welcome them.

Thank you very much.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS MICHAEL:** Thank you, Mr. Speaker.

So, is \$280 million the price the Premier was willing to take from the federal government to stifle local opposition regarding the secret CETA deal, I ask, Mr. Speaker?

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Premier.

**SOME HON. MEMBERS:** Hear, hear!

**PREMIER DUNDERDALE:** Thank you, Mr. Speaker.

Mr. Speaker, there is nothing secret about the documents that are available online to everybody in this Province. We are prepared to table them here in the House. There have been eighteen public meetings with ministers across this country. We expect that they will come to Newfoundland and Labrador, but if the Leader of the Third Party is asking me if I am prepared to forgo \$280 million for a visit from a minister giving information that we could get online, yes, I am.

**SOME HON. MEMBERS:** Hear, hear!

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

**MS ROGERS:** Mr. Speaker, the Town of Victoria wrote the minister outlining their very real concerns –

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

**MS ROGERS:** – about the rise in crime in their communities, speeding, drug related crimes, ATV violations, vandalism, and harassment of seniors; all arising from what they say is a lack of front line policing in their community.

Mr. Speaker, I ask the minister: What is he going to do about this?

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you.

Mr. Speaker, a very good question. The short answer is I am going to continue to do, with the support of the Premier and government, what we

have always done, and that is invest in front line policing services in this Province.

I remind the member, it is to the tune of more than \$900 million over the last ten years and somewhere in the area of 140 new police officers. We get representation every day, Mr. Speaker, from communities that have concerns. Most of them do not make political issues of it, like the member opposite is doing today by raising it in the Legislature where it just shines a light on a community for criminals and others to have a look at.

Most people come to me privately and they talk to me through the RCMP and the RNC who have particular jurisdictions, and we do it in a professional manner.

**SOME HON. MEMBERS:** Hear, hear!

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

I would ask the member to ask a quick question without preamble.

**MS ROGERS:** Mr. Speaker, is the minister still clinging to the weak assertion that cutting \$4.3 million and the loss of fifty-five positions to the RCMP will not affect policing services in rural Newfoundland and Labrador?

**MR. SPEAKER:** The hon. the Minister of Justice, for a quick response.

**MR. KING:** Mr. Speaker, I am clinging to two assertions. Number one, that the member opposite is playing political football because there is a by-election in Carbonear District; and, number two, I am clinging to the assertion I have from the RCMP that there have been no cuts – no cuts – to that area of the Province in front line policing.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

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 Thursday, November 21, 2013.

Further, I give notice under Standing Order 11 I shall move that this House not adjourn at 10:00 p.m. Thursday, November 21, 2013.

**MR. SPEAKER:** Further notices of motion?

**MR. KING:** Mr. Speaker, I give notice that the Minister of Health and Community Services will ask leave to introduce a bill entitled, An Act To Repeal The Health Care Association Act. (Bill 26)

**MR. SPEAKER:** Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

**MR. MITCHELMORE:** 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 government has a responsibility to ensure that Internet access is broadly available

so people have a right to be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights; and

WHEREAS Great Brehat still remains without broadband services; and

WHEREAS residents rely on Internet services for education, business, communication, and social activities; and

WHEREAS wireless and wired technologies exist to provide broadband service to rural communities to replace slower dial-up service;

We, the undersigned, petition the House of Assembly to urge the government to assist providers to ensure Great Brehat is in receipt of broadband Internet services in Newfoundland and Labrador.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is not the first I presented this petition. There are a number of communities in my district that do not have access to broadband Internet, and we must bridge that gap. We must look at mapping adequately where the gaps are and using the best technologies, whether it is a wired or a wire line, wireless service, or whether it is using cellular service under the Rural Broadband Initiative to make sure that more communities get broadband Internet access, including Great Brehat, which is a short distance from the Town of St. Anthony.

It can be in winter a significant gap with weather conditions when it comes to riding bus services. If you are able to access cellular coverage, it does not have any cellular coverage in this area, so if you have a cellular technology you can also tap into a broadband service, up to five megabytes per second. There are opportunities to use a combination of technologies to make sure residents, especially in geographic areas that are very rural, have access to some form of broadband service to bridge those gaps.

I am looking forward to working with the Minister of IBRD and other members to make sure a community like Great Brehat does get service.

Thank you, Mr. Speaker.

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

**MR. BENNETT:** Mr. Speaker, a petition to the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS there is no cellphone service in the Town of Trout River, which is an enclave community in Gros Morne National Park; and

WHEREAS visitors to Gros Morne National Park, more than 100,000 annually, expect to communicate by cellphone when they visit the park; and

WHEREAS cellphone service has become a very important aspect of every day living for residents; and

WHEREAS cellphone service is an essential safety tool for visitors and residents; and

WHEREAS cellphone service is essential for business development;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to partner with the private sector to extend cellphone coverage throughout Gros Morne National Park, and the enclave community of Trout River.

As in duty bound your petitioners will ever pray.

Mr. Speaker, given the government's intentions to introduce a 911 service throughout the Province, which is an excellent initiative, I would suggest that this petition is timelier today, even than it was yesterday given the government's statement.

Clearly, for a 911 service to work, streets have to be named, roads have to be named, numbers have to be applied to houses, and for sure people should have cellphone service. If people are in the area, imagine if you say to a tourist, if you venture forth into Trout River, fine, but you will not get any 911 service. The reason you will not get any 911 service is because there is no cellphone service here.

Mr. Speaker, given that the government is finally moving forward with 911 service, which is generally expected to be available in most of the modern world wherever roads are, for sure wherever emergency vehicles can go, you would expect to find 911 service for sure in build up areas –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. BENNETT:** – in towns where there are businesses. Maybe not in absolutely remote locations, however, certainly in towns and built up areas where you would expect to have a 911 service, you would also expect to have cellphone service. They go hand in hand. Mr. Speaker, this is even a more pressing reason why government in implementing its 911 service really should move on the cellphone request.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for the District of Fortune Bay – not Fortune Bay, Burgeo – La Poile.

**MR. A. PARSONS:** A third time is the charm, Mr. Speaker.

**MR. SPEAKER:** I am getting close.

**MR. A. PARSONS:** 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 humbly sheweth:

WHEREAS residents of the Southwest Coast must travel the TCH between Channel-Port aux

Basques and Corner Brook for work, medical, educational, and social reasons; and

WHEREAS Marine Atlantic ferries dock at Channel-Port aux Basques at various hours on a daily basis resulting in extremely high volume of commercial and residential travellers using this section of the TCH; and

WHEREAS the world-renowned Wreckhouse area is situated along this section of the TCH; and

WHEREAS the Government of Newfoundland and Labrador initiated a twenty-four-hour snow clearing pilot project in 2008 that excluded the section of the TCH from Channel-Port aux Basques to Stephenville;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to include the section of the TCH from Channel-Port aux Basques to Stephenville in the twenty-four-hour snow clearing project.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, actually, this is the second time this week that I have presented this petition. What I did is I talked about it in my social media, about what I stood up in the House and did today. I think people appreciated it because the response that I received from constituents not only in my district, but the adjoining districts, people who are not serviced by twenty-four-hour snow clearing, was absolutely tremendous.

There are a couple of things I wanted to bring up; I brought up a lot of important points yesterday about the work side and the fact that it affects our medical care. One group, in particular, that really are affected by this are our ambulance drivers, our paramedics. The fact is that just about anything major in our health care system has to go over the highway into Corner Brook, and I am talking about appointments with specialists, I am talking about anybody –

you cannot have a baby on the Southwest Coast; you have to go into Corner Brook.

The fact is many of these people are travelling in off hours. It is not like you can dictate when you are going to do this. You have to travel in all hours of the night, in all weather conditions, and there is nothing you can do to stop it. It is affecting our quality of life. Yet we send ambulances all over the highway without twenty-four-hour snow clearing.

I am asking that we be given fair and equitable treatment. I am asking that we be treated as we should be treated. Again, the fact that we have to travel for routine appointments and we are sending seniors across the roadway in inclement weather without getting that service when it is between Port aux Basques and Stephenville – and I am also talking not just about Port aux Basques, not just about the Southwest Coast, I am also talking about the residents in the Codroy Valley. I am talking about Flat Bay. I am talking about all these areas where we have to travel for anything, yet we have to go over a road that is not given twenty-four-hour snow clearing.

Mr. Speaker, I will continue to present this, and I am sure that the constituents in my district and everywhere else are going to continue to support me in doing this.

Thank you, Mr. Speaker.

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

**MS ROGERS:** 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 as a result of a recommendation in the Green report about wrongdoing in the House of Assembly, there is now legislation that protects anyone who speaks up with evidence of

financial abuse or other impropriety in the legislative branch; and

WHEREAS it is unfair for one group of civil servants to be protected by whistle-blower legislation when another group is not; and

WHEREAS Justice Green stated that the financial wrongdoing in the House of Assembly might have been discovered sooner if whistle-blower legislation had been in place; and

WHEREAS the Cameron inquiry into ER-PR testing found that problems with tests would have come to light sooner, therefore lessening the impacts on patients, if whistle-blower legislation had been in place;

WHEREAS the task force on adverse events recommended an amendment to the Regional Health Authorities Act to provide legal protection for employees reporting occurrences or adverse events;

WHEREAS whistle-blower protection is in place elsewhere in Canada and the provincial government promised similar legislation in the 2007 election but has not kept that promise;

We, the undersigned, petition the House of Assembly to urge government to enact whistle-blower legislation to protect public sector employees in provincial departments and agencies, including public corporations, regional health authorities, and school boards.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I am happy once again to stand in this House to present this petition on whistle-blower protection. As a matter of fact, I have been presenting this for over a year in this House, and people across the Province want it.

What I find so interesting, Mr. Speaker, is the fact that it is proven time again that adverse events, criminal wrongdoing, safety issues, could have been prevented had we had whistle-blower legislation. Again, the government in 2007 promised this – it was one of their

promises, and again it seems to be another in a line of broken promises.

It makes no sense why this government is not taking action now to enact whistle-blower legislation. All that it will do is offer more safety and more protection to the people of Newfoundland and Labrador. If we can have it in terms of financial wrongdoing, why would we not have it in terms of other aspects within our working public? It is a no-brainer, in fact, Mr. Speaker. This is something that is par for the course in provinces across the country. It is a safety issue, and there is no reason now not to do it. It is the right thing to do.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for the District of The Straits – White Bay North.

**MR. MITCHELMORE:** 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 Labrador-Grenfell Health employs a nurse practitioner at St. Anthony, able to take appointments and operate a full scope of practice for which nurse practitioners are licensed to operate; and

WHEREAS Western Health at Port Saunders and Norris Point on the Great Northern Peninsula have similar nurse practitioner practices; and

WHEREAS nurse practitioners have advanced education and training beyond the registered nurse level and provide comprehensive care, ranging from health promotion and prevention to diagnosis and treatment, including ordering diagnostic tests, prescribing pharmaceuticals and performing procedures within a legislated scope of practice; and

WHEREAS nurse practitioners are alleviating physician shortages in rural areas across Canada and Newfoundland and Labrador, by operating clinical practices in collaboration with physicians and other health practitioners, leading to better access to services and shorter wait times;

WHEREAS residents from Eddies Cove East to Reef's Harbour deserve to have regular nurse practitioner clinics that are available to other residents of the Great Northern Peninsula;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to ensure that a nurse practitioner clinical practice be established at the Strait of Belle Isle Health Centre to be fully integrated with the clinical practices of physicians.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, the Dr. Ross report had highlighted the importance of the nurse practitioner and the role that they play to improve wait times in collaboration with a team approach. It is very disturbing to see that one health authority can have double standards within its own authority of offering a nurse practitioner clinic that can operate in a full scope of practice in collaboration in a place like St. Anthony, and not offer a similar service at other clinics where it would operate, such as the Strait of Belle Isle Health Centre or the White Bay Central Health Centre in Roddickton, for example.

So we need to see better standardization so that we get better health care outcomes, so that people are provided with the services, and this is something that really should be looked at. I have had a number of discussions with the Department of Health and Community Services and Labrador-Grenfell Health on such matter, and I urge that this be a service that be implemented.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Orders of the Day.

### Orders of the Day

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

**MR. KING:** Thank you, Mr. Speaker.

Mr. Speaker, I call from the Order Paper, Motion 3, to ask leave to introduce a bill entitled, An Act To Amend The Highway Traffic Act No. 2, Bill 13, and that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded that the hon. the Minister of Service NL shall have leave to introduce a bill, An Act To Amend The Highway Traffic No. 2, Bill 13, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 13, and that the said bill be now read a first time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

Motion, the hon. the Minister of Service Newfoundland and Labrador to introduce a bill, "An Act To Amend The Highway Traffic Act No. 2", carried. (Bill 13)

**CLERK:** A bill, An Act To Amend The Highway Traffic Act No. 2. (Bill 13)

**MR. SPEAKER:** This bill is now read a first time.

When shall the bill be read a second time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 13 read a first time, ordered read a second time on tomorrow.

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

**MR. KING:** Thank you.

Mr. Speaker, I move, seconded by the Minister of Environment and Conservation, for leave to introduce a bill entitled, An Act To Amend The Labour Standards Act, Motion 4, Bill 17, and I so move that the bill be now read the first time.

**MR. SPEAKER:** It has been moved and seconded that the hon. the Minister of Justice shall have leave to introduce a bill, An Act To Amend The Labour Standards Act, Bill 17, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 17 and that the said bill be now read a first time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Labour Standards Act", carried. (Bill 17)

**CLERK:** A bill, An Act To Amend The Labour Standards Act. (Bill 17)

**MR. SPEAKER:** This bill has now been read a first time.

When shall the bill be read a second time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 17 read a first time, ordered read a second time on tomorrow.

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

**MR. KING:** Thank you.

Mr. Speaker, I call from the Order Paper, Order 7, second reading of a bill, An Act Respecting Food Safety In Food Premises. (Bill 22)

**MR. SPEAKER:** The hon. the Minister of Service NL.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CRUMMELL:** Thank you, Mr. Speaker.

Mr. Speaker, as Minister of Service NL, Bill 22 I am about to speak to. We are very proud of Service NL's Environmental Health Officers, who are highly trained individuals. They are well educated, professional, and nationally certified inspectors. They maintain the highest standards for inspection and enforcement of food safety legislation.

Mr. Speaker, when our food premises inspections identify areas which need to be corrected, in many cases the issues are addressed right on the spot. Less serious issues are given a period of time to be addressed. In the rare cases where there may be a potentially significant concern, our inspectors are authorized to exercise their professional judgment and either work with the operator to address the matter or, if necessary, to close an operation until corrective measures are taken. That is very rare. It is a great comfort to know that the closure of food premises as a result of health concerns does not happen very often and that reports of food-borne illnesses involving licensed premises are extremely rare.

Service Newfoundland and Labrador has undertaken a number of improvements to its food inspection programs over the years. Most recently, Mr. Speaker, last year we introduced a new online information service which provides consumers with the latest food inspection reports from all registered food establishments in Newfoundland and Labrador.

The existing Food and Drug Act has not been significantly amended for more than seventeen years, and there are sections of the act that have

not been amended in decades. Officials with the Department of Health and Community Services, in collaboration with officials from other government departments with food safety responsibility, including Natural Resources, Fisheries and Aquaculture, and my own Department of Service NL, recognize the need for a review of the existing Food and Drug Act and recommend a number of revisions. It had been determined that modernization legislation is needed to allow food safety officials to adequately regulate the food industry in this Province.

The new act will not place any new requirements on the industry, but will provide the legislative authority for the continued safe manufacturing process and sale of food in Newfoundland and Labrador. However, an example of improvement from Service NL's perspective is that this new legislation will provide clear, unambiguous definition of food that is unfit for human consumption. Food that has been identified as such must not be sold or distributed in the Province.

The enforcement capacity of our inspectors will also be enhanced under the new legislation. A more clear definition of their authority has been included, and they have been granted an equivalent level of authority to inspectors under other health protection legislation. These changes will further protect Newfoundlanders and Labradorians, and our already thorough food premises inspection program will certainly continue.

Mr. Speaker, I am confident the Food Premises Act will play a significant role in protecting the health of the public who purchase and consume food from food premises. There are over 4,000 food premises in Newfoundland and Labrador, and inspectors from Service NL conduct more than 6,000 food premises inspections every year. As previously mentioned, the results of these inspections continue to be made available to the public on Service NL's department Web site.

So, Mr. Speaker, this is good legislation. We will be supporting it, and I look forward to other comments.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I am very pleased to be able to stand and speak to Bill 22. An important bill, because it has to do with making sure the general public is safe when people go outside from their homes and eat, whether they go to restaurants, establishments that are big businesses. Even to eat in places where food is not usually served or prepared, the kinds of things that happen with not-for-profits when people have various bazaars, not-for-profit organizations, church groups, et cetera. So that we are covering everything from restaurants to tents in the bill we have before us today.

It is important. The whole point of the bill is making sure that establishments are perfectly safe and we do not have a health problem resulting because of food not being prepared in sanitary conditions, and that food which is not fit for eating is not served.

It is an important bill. That is why I think it is extremely important that this bill has in it a section which is called protection from liability. It is section 17. In actual fact, what section 17 is, it is protecting individuals who may report "...to an inspector or peace officer a violation or suspected violation of this Act..."

I think it is very, very important that a bill such as this recognizes that people have a responsibility to the public. It is a public service responsibility to report when something is not right, when people are not preparing and serving food under the conditions that are outlined in this bill, or when food that in and of itself is not safe is being served.

The fact we are concerned about people's health, the fact we want to make sure people are safe is very much, I would suspect, at the base of

having a clause in this bill, a whole section actually in this bill protecting people who report an infraction. It is interesting to note, this is the fifth – it will be when it is brought in and put into the act. We will have five acts that have a section in it dealing with reporting to people who have responsibility within the act.

There is a common name for this; it is called whistle-blowing. Whistle-blowing is recognized as being essential. This legislation recognizes that whistle-blowing is essential. It protects the person who does the reporting, who does the whistle-blowing. The person who does that will not be allowed to be dismissed or suspended. They will not be allowed to be disciplined. They cannot be demoted or harassed or in any other way penalized because they reported what they reported.

If the individual is acting in good faith, we know you could get somebody who might whistle-blow from a nuisance perspective. One would hope people would not do that, but it takes for granted that the person who is doing the whistle-blowing and who cannot be penalized in any way is acting in good faith, and on the basis of reasonable belief that in going to an inspector or peace officer, they are doing it from goodwill and have good reason to believe that there has been an infraction. They may not have complete proof but have good reason to believe.

The person also has to be acting in good faith and on the basis of reasonable belief will have reported “or stated an intention of doing an act that is required to be done in order to avoid having a person contravene a provision of this Act or the regulations.” In other words, they are trying to stop an infraction from happening. That is extremely important as well. What we have here is a description of protecting somebody who wants to make sure that this act is honoured.

In this act being passed – and of course we are going to be voting for this act – we will have in the legislation dealing with food premises a piece of legislation that offers whistle-blowing protection. The other four acts that we have in our legislation that have similar clauses, the

Environmental Protection Act – so if anybody were to in any way go against all the things that are covered by the Environmental Protection Act, if they in any way were to break any regulations that are part of the Environmental Protection Act and somebody reports that, the reporter is protected under the Environmental Protection Act.

I think it is extremely important that there again we are talking about an area that it is important to have people who are monitoring and who can freely report if they see something. Once again with environmental standards we are dealing with something that is there for the good both of people as well as the environment that people live in. That probably in many cases has to do with people’s health as well. I see a connection with why we have the whistle-blower clause in the Environmental Protection Act with the act that we are dealing with today.

We also have whistle-blower protection under our Labour Standards Act as well. That would be very important also because labour standards have to do with protection for people in their workplace. Just as this act is looking at protection for people in the workplace, so would the Labour Standards Act. Having whistle-blower protection there is also understandable.

We also have it under occupational health and safety. In the Occupational Health and Safety Act, there is also a whistle-blower clause. As also in the fifth act that has it, and that is the Personal Health Information Act.

We have five acts that have in them clauses that protect people who make sure that if they see somebody who is violating the act, that they report it. They report it in good faith and they report it because the act is so important for the common good.

It begs the question, Mr. Speaker, and it is a question that must be asked: Why is it that we have whistle-blower legislation in these five acts, yet we do not have it in other acts? I think it is a question I want to put out here today. We know that in other jurisdictions outside of this Province whistle-blower legislation does exist

and it exists in a general way. That there is actually whistle-blower legislation in and of itself, which covers a broad range, not just particular areas as these five acts do but a broad range of the life of people in a province or in the country.

It is really important that we look at why we only put it in certain acts and not have a piece of legislation –

**MR. SPEAKER:** Order, please!

I remind the member Bill 22 is not about whistle-blower legislation. It may be embedded in the act, so I would ask the member to confine her comments to the bill before the House.

**MS MICHAEL:** Will do, Mr. Speaker, thank you.

Therefore, Mr. Speaker, I will say that it is extremely important that this act recognizes that whistle-blower legislation is needed in this act. I will confine my comments then to this act. I am glad that it is here. I am glad that we recognize people have to be protected. A whistle-blower is not a bad person.

A person, for example, goes into an establishment and sees that the establishment is not clean or they go to a restaurant and they get sick in the restaurant and they can probably say very definitely they became sick because of eating in that restaurant, or if people know that establishments are operating without permits, they cannot see any sign of permits around, allowing them to operate, that there are all kinds of things that are infractions of the act. It is so important that people realize that reporting it is not a bad thing. It is not a weasel thing. It is actually an act of responsibility.

That reporting that an establishment is not operating under the act, reporting that to either the inspector or a peace officer is something that is being done for the common good. We need to build up that mentality that if we see something that is an infraction of this act, reporting it is for the common good, and that is what is so important. That is why it is so important for us

to recognize the need to have the protection for somebody who does that.

Sometimes, especially if it is a worker in an establishment and a worker sees a manager who is not managing under the regulations that are attached to the Food Premises Act, that a worker has to be protected. The worker has to know that if they go and report to the inspector, even if the inspector does not tell the person who has been reported, who has done it, who has done the reporting, maybe the manager can guess that the worker has to have protection, they cannot be penalized.

I am so glad that this act recognizes that somebody should not be penalized. We have to build up that mentality of people having a responsibility to report infractions. If we are going to make sure that an establishment or establishments work according to an act that people take seriously, that having clean premises and making sure that everything about the preparation of food part goes along with the regulations that are attached to the act, then if we are going to have better food premises in our Province people need to know that they can report what they see and what they find.

They need to be protected in doing it. It is for the common good so that people will not get sick, because that is why we have this act. That is why we are beefing up what we have here so people will not get sick. They can go out and they can be safe.

Having said that, Mr. Speaker, I do support the act. We will be voting for the act as my colleague, the Member for St. John's East and our critic in this area has said. I am very glad to see that it does include in Part IV the provision for the protection from liability for anybody who does report an infraction.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** The hon. the Member for Port au Port.

**MR. CORNECT:** Merci, Monsieur le Président, ce me fait un grand plaisir de me présenter dans cette Chambre d'assemblée législative et de prendre la parole sur cette législation importante et nécessaire.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CORNECT:** Mr. Speaker, I am very pleased to stand in my place today representing the great people of the great District of Port au Port, to speak to Bill 22, An Act Respecting Food Safety In Food Premises.

This piece of legislation has not been meaningfully amended for more than seventeen years, nearly two decades. There are some parts of this act, Mr. Speaker, that have not been amended longer than that time as well.

Mr. Speaker, what we are doing here is we are strengthening the Province's food safety legislation. We have done so with the guidance of the officials from Health and Community Services in collaboration with officials from other government departments such as Natural Resources, Fisheries and Aquaculture, and Service Newfoundland and Labrador.

These departments, Mr. Speaker, would have the responsibility of food safety as well. That is why it was important for them to be involved in the review of the Food and Drug Act and to make the necessary recommendations for revision.

Mr. Speaker, this bill will revise the law with respect to food safety in food premises. The Food and Drug Act will be repealed and the recommended revisions will then be put into the new Food Premises Act. We are saying that we are replacing the Food and Drug Act with a new Food Premises Act.

The new Food Premises Act that we are debating today contains some changes and improves that will strengthen the legislation. Again, it is further proof that we are committed to improving population health here in the Province of Newfoundland and Labrador.

**SOME HON. MEMBERS:** Hear, hear!

**MR. CORNECT:** We are doing so by developing modern and practical legislation which by my estimation is the basis for health protection programs. Mr. Speaker, the Food Premises Inspection Program is an excellent example of this.

Some of the improvements we are talking about are as the minister said yesterday and the Parliamentary Secretary to the Minister of Health said yesterday as well. The act makes it clear that food which is unfit for human consumption must not be sold or distributed in the Province, and unfit for human consumption has been defined.

What we are saying here in the act, Mr. Speaker, is that, "Food in a food premises and food being transported shall be prepared, manufactured, handled, cut, processed, packaged, displayed, stored, offered for sale, sold or served in a manner that prevents it from being unfit for human consumption."

So, Mr. Speaker, food safety is important to government and to the people of this Province. This new act will be the foundation for activities aimed at enhancing and improving food safety and, of course, preventing food-borne illnesses.

Mr. Speaker, the powers of inspectors have been strengthened and they are now clear and equivalent to the powers given to the same group of inspectors under the health population legislation. When I looked at the act, this is what it says about the powers of the inspector:

"9.(1) An inspector may, during regular business hours, for a purpose related to the administration or enforcement of this Act or the regulations, inspect or examine a food premises, processes, books and records of a person that the inspector may consider relevant for the purpose of determining compliance with this Act or the regulations, and the inspector may, without a warrant,

"(a) enter any premises (i) which is a food premises, (ii) where anything is done or is

suspected by the inspector of being done in connection with a requirement of this Act or the regulations, or (iii) where any property, or books and records respecting food safety are or may be kept;

“(b) make copies or extracts or take photographs, videos or audiotapes of facilities, equipment or food that the inspector considers necessary;

“(c) take food samples;

“(d) require the operator or an employee of a food premises to give the inspector all reasonable assistance, including the production of books and records as requested by the inspector, and to answer all proper questions relating to the administration or enforcement of this Act or the regulations and, for that purpose, require the operator or an employee to attend at the premises with the inspector; and

“(e) require the operator or an employee to make available the means to generate and manipulate books and records that are in machine readable or electronic form and any other means or information necessary for the inspector to assess the books and records.

“(2) Notwithstanding subsection (1), an inspector shall not enter a dwelling-house without the consent of the occupant except under the authority of a warrant issued under this Act.” Having said that, Mr. Speaker, the new act will not place any new requirements on the industry but will provide the legislative authority for the continued safe manufacturing, processing, and sale of food in the Province of Newfoundland and Labrador.

As you are probably aware, the federal government is responsible for the regulation of drug safety. Mr. Speaker, references to drugs has been removed from the new act. Regulation of pharmacies is the responsibility of the Pharmacy Board under the Pharmacy Act, 2012.

A section also removed, for example, was related to the slaughter of animals. It has been taken away because it is regulated under the

legislation of other departments such as the Meat Inspection Act of the Department of Natural Resources.

Mr. Speaker, I want to make it quite clear that our government takes the safety of food very seriously in this Province. Did you know that there are about 4,000 food premises in the Province of Newfoundland and Labrador? Also, inspectors within the Department of Service Newfoundland and Labrador conduct more than 6,000 inspections annually. Now, Mr. Speaker, those inspection results are available to the public on the Service Newfoundland and Labrador Web site. Anybody in the Province now can get this information on the Web site, especially information pertaining to their favourite restaurants or food establishment.

Mr. Speaker, we are proud of the fact that we have a thorough food premises inspection program. It is delivered by highly-skilled inspectors within the Department of Service Newfoundland and Labrador. That program will continue.

Because of this, Mr. Speaker, we are very fortunate that in our Province there has not been a major outbreak of food-borne illnesses for quite some time. We do get occasional cases of minor illnesses, but I believe the hon. Minister of Health and Community Services said in her remarks yesterday that the last illness outbreak in this Province in which a food source was identified happened approximately ten years ago.

Mr. Speaker, in our Province when an outbreak occurs, our public officials become involved, then the investigation begins. It is led by a medical officer of health. They work thoroughly and diligently to identify or try to identify which food is the potential source of the illness.

Mr. Speaker, let me say, people who own and people who work in the food industry provide safe and nutritious foods. The intent of the Food Premises Act is not to impose any new requirements upon the owners or operators of food premises. In fact, Mr. Speaker, in addition to the good work done by food premises owners

and staff, the act, the regulations, and the inspection program will play a major role in the protection of the public's health who purchase and consume food from the food premises in our Province.

En terminant, Monsieur le Président, merci pour l'opportunité de discuter les mérites de cette législation.

As I conclude, Mr. Speaker, I want to thank you for the opportunity to speak on Bill 22 this afternoon, An Act Respecting Food Safety in Food Premises.

For the record, Mr. Speaker, as the MHA for the great and cultured District of Port au Port, I will be supporting Bill 22.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER (Verge):** Order, please!

The hon. the Member for The Straits – White Bay North.

**MR. MITCHELMORE:** Thank you, Mr. Speaker, for the opportunity to speak to Bill 22, An Act Respecting Food Safety in Food Premises.

We have certainly heard throughout the debate a number of times the number of inspections that our officials are doing and the reporting, and that it is available through online when it comes to restaurants. Those are good things. Those are good enforcement measures; we need that.

Food safety is something that must be paramount for any organization that deals with food, whether it is in preparation or in the sale. So, what I did is I took some time with research staff to go back and look at the old act, which has been referred to – An Act Respecting Food and Drugs – which was first introduced in 1990, and then amended in 1997, and 2004.

I looked at that to see some changes that have been made in the current act, which I guess I have some questions or concerns about for the Minister of Health and Community Services,

and may have the opportunity to have those questions answered in the debate here; or if not, pose the questions further in Committee.

The previous Food and Drug Act under the section 2 – these are where the definitions are typically in bills – gave a concrete definition for things like temperature conditions for food cold storage, and that has been removed. So, I am just wondering about where Bill 22 does not specify cold storage parameters that this could be a concern moving forward. Because the temperature and the cold storage for food is certainly something that could lead to an outbreak if they are not stored at the appropriate temperature levels.

Another piece to be given consideration is looking at, where it lacks in the actual bill itself, the information for the food venders, distributors, wholesalers and other interest groups to seek out the best practices. From this legislation, how it is changing to make sure that some of the obsolete information has been removed and how it co-ordinates with other bills. How we can look at making sure that our food premises, those that are involved, whether they are a vender, a tent, a one-day, if they are home based, however they are dealing with food, that a package of information, based on changes to this bill, is made available to them.

We want to make sure if there is anything that has been modernized or updated from 1990 onward, that we are providing that information in a way that maybe when a food inspection is done, that further information can be provided. That there can be an electronic mechanism where we can send out tips to these businesses so when we are handling food that any changes or modifications, we can make sure that food is as safe as possible, is actually given to the front-line businesses because these are very real issues.

It was talked about that some of the act now has been changed that is covered under Chapter M-2, An Act to Provide for Animal and Meat Inspection in Slaughter Houses. We have seen in other parts of Canada the tainted meat scandal, and we need to make sure that we have

the appropriate regulations for safe food handling practices available.

One of the things is nowhere in Bill 22 now is there is language for point-of-sale information and how we put out if food is fresh or if it has been frozen. That is something I guess where the definition for food cold storage – maybe it falls under some other act, but I was not part of a particular briefing so that can be clarified.

It seems to me that no longer will you be able to order a meal, such as fish and chips, and be guaranteed to know if that fish was frozen or if it is fresh before preparation. When you are looking at culinary tastes in the Province, if you are looking at different restaurants, if you are looking at the consumer or the visitor who does not live here, we want to make sure that we are able to get the best possible information to them. It seems like a point-of-sale perspective, the legislation does not cover that any more.

I did see a number of where cases in the legislation of the bill itself where it seems there has been able to be some form of red tape reduction, which is very positive when it comes to looking at things like a telewarrant. That can reduce the red tape and the time that it takes to make sure that the public is protected in getting that information, where an inspector can get a warrant, can move into a site and actually do the enforcement that is needed to be done if food practice is unsafe.

I also took some time, Mr. Speaker, in this act, Bill 22, to look at our counterparts in Nova Scotia as to what their food safety regulations are, under section 105 of their health protection act. It is much larger and more comprehensive. It lists regulations about waste, bathrooms in food service centres, in restaurants, specifics illustrated for maintenance, cleaning and sanitation of food that seems to be lost in this particular bill.

I guess, in particular, it has been noted that the meat aspect is covered under a specific act, but also the Nova Scotia act looks at regulations for labelling, for quality assurance. This may be where we get into looking at diverse

multicultural populations such as halal and kosher practices and kosher products. I am not seeing that specifically in the act itself.

Bill 22 does not actually go into specifics like Nova Scotia does when it comes to food safety regulations. Hopefully, we will see that come forward, if it is not in the bill, that these things would actually be listed in regulations in the Newfoundland Gazette and that we are provided with comprehensive regulations to make sure that our food safety act is as comprehensive as it can be and that the enforcement does follow. Food safety has to be paramount when we are looking at the diverse set and growing appetites in Newfoundland and Labrador and the number of food premises that we have.

We need to make sure that our legislation, if we are modernizing it and taking out outdated information that is covered under other acts, that we are not also losing some of the potential when it comes to making sure that we do have very safe mechanisms. I think the food cold storage piece, around temperatures, is something that I certainly would like to see either reinstated in the bill or some clarification as to why it was removed from a definition, because I think it is something that could lead to unsafe food practices across Newfoundland and Labrador on sites. That is something I would like further clarification on, from the minister who introduced the bill.

This is something I support in principle, absolutely, food safety, and making sure, but I would like to have some further answers before I can move forward. If I do not get them now, I will ask for them in the Committee stage.

I thank the minister for putting forward this bill in the House of Assembly and for the opportunity to speak to this piece of legislation.

Thank you, Mr. Speaker.

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

**MR. KIRBY:** Thank you, Mr. Speaker.

I will be brief. I just have a few words to say about Bill 22, An Act Respecting Food Safety In Food Premises. It is important that the public has confidence in the quality of food, the safety of food in food premises across Newfoundland and Labrador. What we are doing here today is basically modernizing. Well, in fact, rewriting this particular legislation. That is really a no-brainer for any government or legislators who care about the safety of the public.

I guess a precursor to this legislation, in my opinion, was the decision of government some time back to make inspection results available to the public. That was a good precursor. It took a lot of pushing but the transparency and the availability of these reports has certainly placed a lot of pressure on food premises to be more diligent, basically to really protect the bottom line.

I think that is particularly important because we know food-borne illnesses, food poisoning if you will, can make people particularly sick. You cannot see it, you cannot smell it, you cannot taste it off them but these sorts of pathogens and toxins multiply very rapidly in great millions of new bacteria and so on, in just a few hours.

For many people, you can become sick but you can get over it. For some young people, young children, the elderly, women who are pregnant, people with weakened immune systems, food poisoning and those types of pathogens can be particularly problematic in creating, in some instances, long-term health consequences and complications, and in some cases even death. That is why it is important to present it with the safe handling of food. We do not have to look back a long distance in Canadian history to see that we have had challenges in this area. Listeriosis has been something that is particularly problematic in the manufacture of food in large scale.

It is important to have this sort of legislation and it is long overdue. This is a long overdue rewriting and redoing of the Food and Drug Act. It is a good example of the kind of review that government should be doing to modernize

legislation that no longer meets our needs or meets its application. They are looking at the legislation that we have ahead of us. There are obviously some modernization efforts underway this session that goes beyond your standard housekeeping and simple amendments to legislation.

As others have said, and I will not go into detail again, but this ensures a high level of food safety in restaurants, cafeterias, convenience stores, and other sorts of food premises in the Province. I was surprised to learn there are about 4,000 food premises in the Province and quite a large number of inspections annually, thousands of them in fact. It is an incredibly important job and a lot of work.

This particular legislation I believe increases the power that inspectors have. That is particularly important. Hurdles for warrants are going to be lifted to ensure there is prompt and decisive action that can be taken by inspectors to protect the public.

I was pleased to learn through my own research, that unlike the federal government, this provincial government sees food safety as a priority. I noted that, or at least I believe in the last provincial Budget there is an increase in the amount of money set aside for environmental health inspectors. I believe there is one new position created.

Members may recall the Harper Conservatives in Ottawa consolidating the activities of the St. John's food inspection laboratory with those of Charlottetown, Prince Edward Island and Dartmouth, Nova Scotia. They basically closed down the lab here and shipped that work off to Nova Scotia.

I look forward in particular to learning more about the regulations that will accompany this act. As the Member for The Straits – White Bay North has indicated, they will be gazetted in time. It would have been nice, I suppose, to have a thorough examination of the new regulations with the enabling legislation. It is a good bill, but it is always of some concern for me to see the backend when it is not defined up

front, if you will, to read the fine print in the legislation and ensure that you know what all the details are. You would not be signing on to something that you are opposed to.

Certainly, as has already been pointed out, section 4 here includes increasing a series of clauses that are related to protection from liability. Members on the Opposition side, and indeed some members on the government side, have been waiting for government to come through on a promise of legislation that is similar for public servants in the Province.

It is a little bit hypocritical, I say to members opposite, to include it for food safety inspectors and inspections and not have those same sorts of protection from liability for our public sector workers. I am sure there is movement afoot over there to keep those promises and introduce that legislation to ensure that workers here in this building and all across Newfoundland and Labrador who serve the public have similar protections from liability.

I would like to hear more from the minister when there is an opportunity on the consultations that were held with owners of food premises as defined in this act. Have they received any briefs? Has government received any briefs from the restaurant and beverage association, Hospitality Newfoundland and Labrador, or other business organizations in the Province that are impacted by this particular legislation? What sort of consensus do we have on whether or not this is something that small business, large business, businesses across Newfoundland and Labrador see in the implementation of this?

I am still a little bit confused about the inner working of this act and those forthcoming regulations I mentioned, the fine print, if you will, with the Meat Inspection Act and the Fish Inspection Act. It seems to me it might have been a good idea to consolidate all of that legislation under one, but I guess that is something we will further discuss in Committee.

On the face of it, I do believe this new legislation will protect the public from health

hazards in a much more efficient and much more comprehensive way. We are going to be providing our inspectors with that protection from liability that I pointed out, and the necessary tools that they will need to do their jobs more effectively.

I will leave it at that, and I will look forward to further debate.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

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

**MR. KING:** Thank you, Mr. Speaker.

Mr. Speaker, I speak now on behalf of the Minister of Health and Community Services to close debate on this bill.

**MR. SPEAKER:** If the Minister of Justice speaks now, he will close debate on Bill 22.

**MR. KING:** Sorry, Mr. Speaker, I did not recognize you had another speaker left.

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

**MR. JOYCE:** Thank you.

I am just going to stand for a few minutes on this. I will be supporting this piece of legislation. I think it is great. The member mentioned earlier about trying to instill confidence in the people in our establishments across Newfoundland and Labrador.

I will not get into a lot of the comments the other members of the House already made, but I will just ask a few questions. Does it include hospitals, government facilities? That is one of the questions – and if it does, which I am assuming it does, it does not spell it out here. It says here where food is prepared and manufactured, handled, cut, processed, packaged, and displayed. I am sure in some of

these government facilities there is food processed, so I am assuming it is.

If you take that by extension, Mr. Speaker, does the whistle-blower legislation carry on to the government employees who work at these establishments? It is a very controversial issue because the government will not bring in whistle-blower legislation, but they will for this act, and it does not spell out if it is for government facilities.

The other question that I have to ask is: How many inspections – and you can see here that there is over 6,000 done in the run of year, how many are done on government facilities? How many actually are done on government facilities across in our hospitals, in our long-term care facilities? It is an issue that we must be very concerned about. It is an issue that in this debate I have not heard discussed yet today.

These are the types of questions that I would have. I want to ensure, and I am on the record, is that we have not seen the regulations of this bill yet. We have not seen the regulations. We are passing the bill – and I saw it in part of this bill where they are going to make it public and have an education program on it.

Mr. Speaker, I just go back to the legislation that was just approved for the animal act whereby there is \$50,000 for education promotion that was never, ever spent. These are the kind of things that I want to put on the record to ensure that – I will be voting for this bill, but there are some questions that still remain. Like when will we see the regulations and when we will see if these government facilities are included, as I just mentioned.

I noticed, Mr. Speaker, that the minister can prescribe regulations around the packaging of food. Will that include labelling or is it just the actual packaging and labelling of food to ensure – this is very important for people with different medical conditions like diabetes and high blood pressure. Will it include labelling or is it just the packaging and the label is done by the Canadian Food Inspection Agency?

These are the type of questions that need to be asked, Mr. Speaker. They are the kind of questions that we, as parliamentarians, hopefully will get the answer to before this bill is finally passed.

I heard a few other people speaking here in this House about it is great to see that the results are put online. Mr. Speaker, it is good to see. I know first when this was brought up last year, there was hollering and shouting that no, it should not be done, but now we see it online. I think that is great that the government has put it online, that people can actually see it, they can go on and make an informed decision on where they want to eat and an informed decision on which premise they would like to visit for health concerns. I think that is a great idea. Too bad it took so much pressure to do it. Too bad you were embarrassed into doing it, but it is done.

Mr. Speaker, in talking about this whole legislation, it is time for a change. I agree with that, but there will be some questions. This bill here will give the inspectors the authority to have a bit more teeth instead of – I always thought they had it because if there are so many infractions, they can order a premise closed. From my understanding here now is that they have a bit more authority. I am not sure why or how unless it comes with the regulations because a lot of inspectors before did have the authority to ensure that a premise – it may take a court order. I did not think so, and this is why we need to wait to see the regulations on some of the establishments.

Mr. Speaker, I see in the legislation that it addresses pests. Of course, we all know some of the problems when there is the accumulation of pests in any premises and around food, and the problems they will cause, the health concerns. It is good to see that part of this is in this piece of legislation.

Mr. Speaker, I go back again. I am waiting on when we get an opportunity to get in Committee to see if the whistle-blower legislation does convey onto government employees who work at government establishments. If this act is for any place, as I just mentioned, where food is

prepared it has to be government establishments. If it is government establishments, people who are going to be there and people who are going to have concerns are the employees there.

If the employees are there, are they protected, the government employees? Are we finally going to get one section of government employees covered under whistle-blower? That is a question I would like answered before we move on from this bill and we get into Committee. Those are answers, Mr. Speaker, that we need because if you are going to do it for one sector of the public we should extend it to everybody.

If it is not, these are the questions we have. Is the act proper where it says wherever food is prepared? Most of the facilities and health care facilities prepare a lot of their own food. My understanding of this here, and I will seek clarification, is that it is a government facility and we need to ensure that employees of the government facility fall under whistle-blower legislation.

Mr. Speaker, I will be supporting this bill. I think there are some questions we have. When you look at packaging, what will be included with the packaging? Will it include the ingredients? Will the department now have the authority to ensure what regulations should be put in for packaging of food? What should be on the labels? A lot of times, if you go through any supermarket and you see the labelling, the labelling is a lot of times misleading.

This is why we need to see, when the minister can do that, if he is actually going to include that part of it. It is very, very important, Mr. Speaker, that people with any health concerns, with any problems – for example, high blood pressure, diabetes, high cholesterol – are going to read labels. If we have any responsibility under this act about labelling, about the food industry and how we are going to do the packaging of it, we must ensure that the labelling is there. That it is reader-friendly for the people and it is not misleading to ensure that people, if they look at it they can read it,

understand it and it is not going to have an ill effect on their health.

Mr. Speaker, there are a few questions I will be asking in Committee. I will thank you for the time for that. I will be supporting the bill, but hopefully we can add some suggestions that will strengthen the bill. As was mentioned earlier, if we strengthen this bill it will give confidence in people of Newfoundland and Labrador that the food we consume in Newfoundland and Labrador is prepared properly, is safe, and they will have no ill effects once they consume the food. I will be supporting the bill, but hopefully we can make the bill a bit stronger.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the Minister of Justice speaks now he will close debate on second reading of Bill 22.

The hon. the Minister of Justice.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you, Mr. Speaker.

It is a pleasure to rise today and speak on behalf of the Minister of Health and Community Services to bring debate to a close on this particular bill at this particular point in time as we get ready to move it into Committee stage.

I want to first of all thank all members who participated in this discussion. As has been referenced a number of times, we are dealing with a bill that we are trying to, I guess some would say, revise after nearly seventeen years of being in existence. As others have said, we are in effect really replacing it. The old Food and Drug Act is now going to be superseded and replaced by the Food Premises Act.

It is a good piece of legislation, Mr. Speaker. It is going to be very modern and very much in tune with society's expectations and with government's expectations on how we feel about the preparation of food, and what we feel needs to be in place to protect members in society. It

will certainly provide lots of clout through its legislative authority.

I want to thank members for their contributions to this debate. There has been, as I read it at least, overwhelming support for the intent of this bill. I reference the Member for St. John's North's comments around the regulations and the importance of reading the fine print and knowing what you are getting into before you sign on to it. I agree with him, Mr. Speaker, because all of us as parliamentarians ought to take our jobs very seriously, and we ought to read the fine print on everything that we are dealing with to make sure we know what we are signing on to.

With respect to this particular bill, Mr. Speaker, I will just remind the member that the regulations will follow the bill. I think also my colleague for the Bay of Islands spoke to that. It is the normal process in this Legislature that we bring a bill before the House for debate. The bill, Mr. Speaker, is very much all-encompassing. It is more of a broader visionary statement with somewhat clearer directions that government intends to take on a particular issue, in this particular case the Food Premises Act.

Following that, though, Mr. Speaker, regulations normally get developed. They are not necessarily or normally passed through the House of Assembly. The House of Assembly deals with the bigger picture of the bill, and the regulations are normally done after the fact. They are all public. Any member of this House will have an opportunity to see the regulations. They will have an opportunity to speak to them if they wish to at any point in time in this Legislature.

I want to say for those who are paying attention to this particular debate, to make sure people understand the process. That it is the actual legislation and the bill that comes here and gets debated, as we are debating today. For the benefit of my colleague from the Bay of Islands, and St. John's North, the regulations will be developed. It is very clearly understood that the regulations that get developed have to support the intent of this bill. The regulations cannot

outline a direction or an expectation that contradicts or contravenes the spirit and intent of this bill, unlike any other piece of legislation we bring forward. So, I would remind members of that.

There have been a number of questions raised here today, good questions. I look forward to myself and or my colleague, the Minister of Health and Community Services, when we get into Committee, having an opportunity to speak to some of these questions that have been raised and provide more clear direction on the intent with respect to, for example, whether this applies to hospitals or community facilities, and whether packaging is going to be included as part of the regulations here. All of those things, Mr. Speaker, we would be more than happy to discuss as we move this to the next stage in Committee.

In conclusion, I simply want to thank all members for their co-operation and for their contribution to this positive piece of legislation that will benefit the people of Newfoundland and Labrador.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK:** A bill, An Act Respecting Food Safety In Food Premises. (Bill 22)

**MR. SPEAKER:** This bill has now been a read a second time.

When shall the bill be referred to a Committee of the Whole House?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, a bill, “An Act Respecting Food Safety In Food Premises”, read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 22)

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

**MR. KING:** Thank you, Mr. Speaker.

Mr. Speaker, I reference Order 3. I call from the Order Paper, Order 3, Bill 11.

Mr. Speaker, I move, seconded by the Minister of Environment and Conservation, that Bill 11, An Act To Remove Anomalies And Errors In The Statute Law, be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 11 entitled, An Act To Remove Anomalies And Errors In The Statute Law, be now read a second time.

Motion, second reading of a bill, “An Act To Remove Anomalies And Errors In The Statute Law”. (Bill 11)

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

**MR. KING:** Thank you, Mr. Speaker.

Mr. Speaker, I just want to take a few moments to give a few introductory comments on this particular bill. For the benefit, again, of those who are watching the debate, this is from the Justice department’s perspective very much a housecleaning item, if you will.

From time to time we come forward in this Legislature with revisions to bills where we take an opportunity to fix things. Some of it is as small as misplaced capital letters, typographical errors, and those sorts of things. In some other cases, it is to ensure that the bill reflects changes that have been made to other particular bills and other particular pieces of legislation over the course of time. In this particular case, Mr. Speaker, we are required to make the necessary changes from time to time.

Today, that is what we are doing here. This particular bill usually gets brought before the House of Assembly about once every eighteen months or so. We typically wait until there is a sufficient number of amendments and changes that need to be made before we bring it forward. Of course, over the last period of time it has been brought to my attention as the minister of the department responsible for this that we do have to make some changes. It is time that we consolidate some of the language and some of the way the bill is organized, and tidy it up and make it more reflective of what is happening in government today.

In this particular one, Mr. Speaker, there is no substantial policy initiative or anything like that being brought forward. There is nothing specific or directive around financial implications or anything like that whatsoever; no policy direction, nothing related to finances of government, new expenditures, or anything like that. It is purely a housekeeping bill where we are cleaning up a number of things in this particular statute.

As an example, Mr. Speaker, there are errors in some of the cross-referencing where this bill refers to other bills that have been changed. There are some citation errors where it is making references to other particular bills or documents that perhaps have changed or do not even exist any more in some cases. As I said, there is repetition of words and some contextual items that have been revised.

Mr. Speaker, I am not going to belabour my introduction of this particular bill. I think for parliamentarians here who have a copy it is very self-explanatory.

With that, I will certainly conclude my comments and open the floor to my colleagues.

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

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

I am happy to stand here and speak to Bill 11, which when you actually received the bill the

first time it had a name that drew some attention from people who do follow the House and do observe the proceedings here; there are some.

When you actually look at the title, An Act to Remove Anomalies and Errors in the Statute Law, there were some people out there who did notice this; but the minister is correct, this is not a substantive bill by any means. It is a bill that is very much housekeeping, cleaning up pieces of legislation, and it is something that the Legislative Counsel does every twelve to eighteen months. They go through, they have a look, I am sure things are brought to their attention and they do a clean-up job.

We have some here that were obsolete phrases. We have some here that is repeal the repeal act, as we are cleaning up here. That being said, even though it is not substantive it is our job to look this legislation over and to go over it. The thing is that even though it is not huge in size there are a number of different pieces of legislation that are touched, including the Change of Name Act, Elections Act, Financial Administration Act, Forestry Act, Highway Traffic Act, Mental Health Care and Treatment Act, Mortgage Brokers Act, Public Service Collective Bargaining Act, Public Trustee Act, and the Securities Act.

Again, it does touch on a number of pieces of legislation and I would commend the Legislative Counsel for being able to sit down and go through this with a fine-tooth comb. Some people do not have the ability to have attention to details. Obviously, they do. So I am glad that they have put this here and we have had a chance to go through it.

This is correcting legislation. Even though I have looked it over, I have been assured by the people in the department providing the briefing that this is mostly repetitive words, fixed wording; but for the sake of those watching on TV – and there are some, including some legislative reporters and some people who are following on Twitter, people do watch this and I would like to toss this out sometimes to make sure they are watching because that is why we are here.

I find it interesting because some of these things you would never see unless you actually paid attention and had it put to you. I was never aware that under the Financial Administration Act – we are actually repealing a section, it says, “The comptroller general holds office during good behaviour but is removable by the Lieutenant Governor on address of the House of Assembly”.

I would say to the Comptroller General if you are out there and you are listening, make sure you maintain that good behaviour, or else it could be addressed here by the House of Assembly and we could have you removed. I was not aware of that power that we possessed.

I looked through some of this – the Highway Traffic Act is something we looked at yesterday. There is a section in here touching on that. We have some that was brought up about changes to the Collective Bargaining Act, and some pieces that were repealed, taken out altogether, the Law Reform Commission Act, regulatory reform, subordinate legislation revision and consolidation.

There is a lot more here that is being taken out. We need to have a good, clean slate of legislation that is pertinent, has effect and has meaning. Once it is obsolete, we need to get it off the books. I assume that is what we are doing here.

I think I am going to probably sit down at this point, Mr. Speaker. I do not know if there are that many people who want to know the actual fine details of the legislation that we are speaking about. I was happy to get it, happy to look it over as a legislator which I take pride in.

Thank you for the opportunity to speak to this.

**MR. SPEAKER:** The hon. the Member for St. John’s Centre.

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

I am happy to stand and to speak to Bill 11, An Act to Remove Anomalies and Errors in the

Statute Law. I would also like to thank very much the staff in the Department of Justice who provided us with a briefing, although it was only needed to be very brief on this particular bill.

It really is a housekeeping bill that fixes small mistakes and other errors that are discovered in legislation. In the briefing we were told that a running list of some of the small errors or anomalies are kept over a period of perhaps eighteen months, and that then this is brought to the House.

In some ways what this underscores or brings to mind is the human condition in which we can make mistakes. Sometimes they are very small mistakes and sometimes they are larger mistakes with much far-reaching consequence. In this case, these are small mistakes and errors.

We know that encompassed in the bill we see before us today is a culmination of the work of many people handling many bills, and bills that have been gone over with a fine-tooth comb before they come to the House here. When legislation comes to the House one would expect that it would be error-free, but that is not always the case. I think that we can expect some small mistakes. Then we debate that legislation and we debate it in full. Yet, here we are today with a few mistakes, part of the human condition.

As a filmmaker, Mr. Speaker, we would do the same kind of thing. We had a process called errors and omissions, when we would look at and have a number of people keep looking at the work that we had done to look for errors, to look for omissions, and it was not all surprising at times when there was a small error, small omission.

I would like to just take this opportunity, Mr. Speaker, to speak a little bit about the role of standing committees, all-party standing committees that look at legislation before it comes to the House, that debate legislation, that explore, that does research. Perhaps if we had the same kind of –

**MR. SPEAKER:** Order, please!

I would ask the member to please make her comments relative to the bill.

**MS ROGERS:** Thank you, Mr. Speaker; I will.

Again, one of the errors that was brought to mind in our briefing was in section 8 of the Mental Health, Care and Treatment Act and it was amended deleting the words “Lieutenant Governor” and substituting the words with “Lieutenant Governor in Council”. I found that a very interesting error, Mr. Speaker, because in fact without amending that and putting in Lieutenant Governor in Council, it looked like it gave the Lieutenant Governor all kinds of sweeping powers in the Mental Health Act, and I know that is not at all what was intended.

I would again like to say that it is very important that all of our work is very transparent and open and collaborative so we can try to avoid as many errors as possible. For instance, we know that one of the most painful errors that we had in legislation and one of the most painful and costly ones was with hastily drafted legislation that accidentally included the Abitibi paper mill in Grand Falls and that was a very, very costly one.

We know how important it is to be ever so careful, ever so diligent and that all of us, all elected members of the House of Assembly, must be involved in our legislative process.

Mr. Speaker, I would like to say at this point again that I would like to thank the staff for the very thorough work that they have done. This kind of work I know is very painstaking, it is very detailed and minute, yet as we know it is very important work because it can have far-reaching implications.

Again, Justice Green in his report recommended that government beef up the role of the Public Accounts Committee and that again is looking at details of legislation and details of issues that affect this House.

Thank you very much to the staff for the briefing and for the fine work they have done in bringing these errors and anomalies here to the House.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Order, please!

If the hon. the Minister of Justice speaks now he will close the debate.

The hon. the Minister of Justice.

**MR. KING:** Thank you, Mr. Speaker.

I appreciate the opportunity to close debate. I thank members for their contribution. They had far more to say about very little, than I expected, but I appreciate the comments all the same.

This, as I said, is very much a housekeeping bill and I think both members who have spoken have recognized that. There is no policy change, no financial implications here whatsoever. It is just recognizing that we need to clean up some of the references and some of the language in the bill.

With that, Mr. Speaker, I will conclude debate on this bill.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK:** A bill, An Act To Remove Anomalies And Errors In The Statute Law. (Bill 11)

**MR. SPEAKER:** This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole House?

**MR. KING:** Today.

**MR. SPEAKER:** Today.

On motion, a bill "An Act To Remove Anomalies And Errors In The Statute Law", read a second time.

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

**MR. KING:** Thank you.

Mr. Speaker, I call attention to Order 8.

I move, seconded by the Minister of Environment and Conservation, to ask leave to introduce a bill entitled, An Act To Amend The Human Rights Act, 2010, Bill 25, and so move that the bill be now read a first time.

**MR. SPEAKER:** It is moved and seconded that Bill 23, An Act To Amend The Law Society Act, 1999 be now read a second time.

**MR. KING:** Bill 25.

**MR. SPEAKER:** Bill 25. Is it Order 8?

**MR. KING:** (Inaudible).

**MR. SPEAKER:** It could be my mistake.

**MR. KING:** Motion 8, sorry.

**MR. SPEAKER:** It is first reading.

**MR. KING:** First reading, yes.

**MR. SPEAKER:** Okay.

It is moved and seconded that the hon. the Minister of Justice shall have leave to introduce a bill entitled, An Act To Amend The Human Rights Act, 2010.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 25 and that the said bill be now read the first time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Human Rights Act, 2010", carried. (Bill 25)

**CLERK:** A bill, An Act To Amend The Human Rights Act, 2010. (Bill 25)

**MR. SPEAKER:** This bill has now been read a first time.

When shall the said bill be read a second time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 25 read a first time, ordered read a second time on tomorrow.

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

**MR. KING:** Thank you.

Mr. Speaker, at this time I call Order 5, second reading of a bill, An Act To Amend The Commissioners For Oaths Act.

Mr. Speaker, it is moved by me, seconded by the Minister of Environment and Conservation, that Bill 15 be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 15 entitled, An Act To Amend The Commissioners For Oaths Act be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Commissioners For Oaths Act". (Bill 15)

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

**MR. KING:** Thank you.

This bill, Mr. Speaker, is somewhat similar to the previous piece of legislation. There is not a lot of substantial change, but for the benefit of

the debate here today we are looking at Bill 15 which is entitled, An Act To Amend The Commissioners For Oaths Act for the Province of Newfoundland and Labrador.

The Department of Justice, and the reason I am the lead speaker, of course, Mr. Speaker, is that the Department of Justice is responsible for this particular piece of legislation. The minister, of course, is responsible for appointing Commissioners for Oaths and for administering this particular act throughout the Province.

As many people would be aware, Commissioners for Oaths are in place for a variety of reasons. They administer oaths; they take and receive affidavits, declarations and affirmations. The appointments for the commissioners typically would be up to a five-year term; appointments by the minister for a five-year term.

In this particular piece of legislation that we are revising here today, we are proposing to do a number of things. I am going to give you kind of the high level version or summary, if you will, Mr. Speaker. First of all, we want to clarify, through a change here today, only persons who are nineteen years of age or older may be appointed to administer oaths in the Province of Newfoundland and Labrador as a Commissioner for Oaths.

Secondly, Mr. Speaker, we are replacing an outdated statutory reference in section 7 of this particular act. In particular here, there are some references to the Hospitals Act, and the Health and Community Services Act. Mr. Speaker, those pieces of legislation are outdated and have actually been replaced by the Regional Health Authorities Act.

I will just remind people who may be paying attention. Back some time ago when government consolidated health boards in the Province, I believe it was around 2008, there was a new piece of legislation called the Regional Health Authorities Act brought forward and that piece of legislation superseded or eliminated all previous versions of legislation that had to do with powers and authorities and

administration of health care authorities, or what we used to call health care boards in the Province at one point in time.

Those particular pieces of legislation outline some of the responsibilities and powers and expectations for boards for the delivery of health care throughout the Province, as defined by the geographical make up of the boards. Those two pieces of legislation, the Hospitals Act, and the Health and Community Services Act are no longer in existence. The Regional Health Authorities Act will now take its place. That is what is going to be reflected in the changes that are being made here.

As well, this particular piece of legislation, the third point I want to make, is it will allow the Minister of Justice to appoint persons as commissioners in connection with their duties of employment. In particular with the government, or with a Crown corporation in the Province – or as the language would say, because of duties imposed upon them or by statute in other legislation.

That would allow the minister, for example, if we have employees – for example, I know of situations at the court where we have employees who are not normally Commissioners for Oaths but they are – as part of their daily duties, they have to perform activities that would normally be done by Commissioners for Oaths in the Province. This particular change will allow the Minister of Justice, upon recommendation, obviously, of the Chief Executive Officer of the particular organization, will allow the minister to designate the employee as a Commissioner for Oaths for the purposes of carrying out their particular job responsibilities and duties on a daily basis.

Mr. Speaker, I believe my colleague did raise a question at one point in time around political assistants and whether they would be included or not in this particular bill. They are not included. I can probably give you the answer up front. They are not included because political assistants are not considered employees of a government department or agency. They are more of an extension, much the same, I guess, in

some ways as ministers and MHAs are. We are sort of employees of the House of Assembly, if you will. We are just seen as independent of government.

To answer the question in advance, political assistants, political employees are not included in the change and not included under the designation of employees of government for purposes of this particular piece of legislation.

Mr. Speaker, with that introduction of the broad strokes of the intent of this legislation, I will take my seat now and invite comments from my colleagues throughout the House.

Thank you.

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

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

I am happy to stand to Bill 15, An Act To Amend The Commissioners For Oaths Act, and speak to this. Again, I appreciate the minister making his department staff available to have a briefing with us. It did not actually take that long. It is not a huge change. I would not say it is not substantive, I guess it is dependent on what you consider substantial or not, but there is not a whole lot to it. I understand the purpose of what the bill is trying to do.

The purpose as I see it, number one, when you look at our Age of Majority Act, the age of majority in this Province being nineteen, we have to make sure, and I guess in this case the Minister of Justice wants to make sure, you are nineteen in order to be a Commissioner for Oaths. What I will do is I will go through what I think the goals are, and then I will go through some points or observations. I may have questions in Committee.

The second part is that there is an outdated reference, so a housekeeping section. Then the last part is the minister does have the authority to appoint people to be Commissioners for Oaths, "...in connection with the performance of employment duties imposed on them by or under

a statute..." but it is limited to the Minister of Justice.

Just a few observations; obviously number one, Commissioners for Oaths are all over the Province. You see they are fairly widespread. It is a bit different than a notary public; a commissioner is needed to witness in and around the Province, but it does not have any effect outside the Province. You must be a notary public to witness documents, we will say, for outside the Province or outside the country. It is something I had to do a fair bit and even now I am still a notary public. I still have that and I have had that for some time.

You do see commissioners in many places: government offices, banking offices, and hospitals. They are all over the place. A lot of it comes down to they are trustworthy persons and their job is to ensure that the person signing the document is who they portray themselves to be.

I have no problem with the fee being waived for government employees because it is found to be within an employment purpose. If you look at the fee, I think it is \$50 for five years, so it is not an overly high fee. You are looking at \$10 a year, basically, to be able to do this service, but if you are a government employee the \$50 is better off in your pocket than it is somewhere else if you are being forced to do this as part of your job.

Going back, the minister was right. I think he may have some Kreskin-like abilities to anticipate my question before I asked it. To that I say I am going to see if he can guess what I am going to ask tomorrow in Question Period.

One of the things, and I did bring this up in the briefing, is the constituency assistant. For the purposes of those watching on Web cast or on television, I want to go through not my concern but my point. I agree with what the minister said; I understand the difference. I understand that a constituency assistant, or CA for short, is someone who has an MHA and is assigned to handle constituency work that comes with it.

Now, I am going to sort of go off a little bit here, but to explain to people out there because a lot of people look at when the House is in session they are gone back to work, and when the House is not in session we are all on vacation. The fact is that is obviously far from the truth. Anybody who comes to your constituency office knows about the vast amount of work that is being done. It is huge. We are all very thankful to have constituency assistants, CAs, to help us with that. We all appreciate everything they do. They make our jobs easier and they are often so valuable to the people we represent. To my constituency assistant, Joanne, if she does have this on now, thank you for everything that you do.

One of the things you do as a constituency assistant is handle concerns of constituents, people coming in. I understand the difference. They are not a government employee versus a political employee. However, the difference is, and this is where we get into the urban-rural divide, that in an urban setting there are tons of government offices and places where a person can have access to a Commissioner for Oaths to witness a document. There are tons of them.

The fact is if you are in a major centre you have the ability to go directly to a government office to handle your affairs. I am not saying you do not go to your MHA office, but you go to a government office. It is amazing how many requests I get for help with driver's licenses, something they have to travel two and a half hours for, but if you are in the metro area you can do that.

We get those issues on a daily basis. The problem you have in a rural area is that you cannot always get access to a Commissioner for Oaths, but they do know what they can get access to and that is the MHA office. They come in the office and we try to help them. We try to help them with whatever we can. In many cases, witnessing a document for somebody as a commissioner is a small act that has something to do with an application, or it could be anything.

I know my point is small here, but they are doing a job that is connected with their employment. I understand the difference between political and government, but most people do not. Most of the average folks out there think actually that it is a government employee and that they should.

I know there are members on both sides of the House who maybe their CAs face this issue. I just think a constituency assistant is someone who should be allowed to have this. Again, I know it is a small fee but it is a fee that is out of their pocket and it is small. It is not like the government is sitting back relying on commissioner fees to help deal with the budget issues.

I think my point is made here, that in a rural area our CAs do have to handle this. If they are not a commissioner, it is the inability to do a job and someone has to go elsewhere. In some cases I have actually seen these people pay for that service, for the witnessing of a document. I just put that out there and I knew the answer was coming, but I wanted to put on the record why I think the CA is so valuable and why they should have that.

The minister can waive it for people and I have no issue with that. He should be able to; it should be a simple process. Another thing, in case MHAs did not know, we are all Commissioners for Oaths by virtue of holding this office. That is interesting in that we are an MHA, we are political, and we are allowed to do it by virtue of our office, but our delegate, the person who often handles a lot of our affairs –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER (Littlejohn):** Order, please!

**MR. A. PARSONS:** – does not get that as well. I just put that out there. I think it is a small thing but I think it would enable us to do our jobs better and enable our constituency assistants to do their jobs better.

The other thing, and this is just me observing this, is we have changed the age to nineteen, but

it is amazing in this Province how the ages differ for different things. You have to be nineteen to witness a document but you only have to be eighteen to vote. You have to be nineteen to witness a document but you only have to be sixteen to get your beginners.

Do you know what? That is in a lot of places and that is just me musing. That is not a negative commentary. That is just me observing the difference in age for the different things. To cast a vote is one thing, but I would think that is a huge choice and a huge right and ability, but to witness a document you have to be a year older. You talk about the consumption of alcohol versus the age for voting.

Without getting off on that tangent too much, what I would say is that we have changed it now. There was no age set out before; now that is the age of majority. I think I have laid out my points adequately. We will see if there is any change to the part about constituency assistants at some point. I am glad the minister did hear from the staff on it and took the time to answer it as well.

Those are my comments at this juncture and I appreciate the opportunity.

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

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

I am very happy to rise to speak to Bill 15, An Act to Amend the Commissioners for Oaths Act. As we can see, the government has chosen to use the age of majority for the amendment to this act.

I would like to thank the staff of the Department of Justice who briefed us on this bill. Again, it is just a testament to their hard work, to their expertise, and to their incredible attention to detail so that all the work we do can go as smoothly as possible.

Again, this is all in the service of the people of Newfoundland and Labrador. How wonderful it

is to have staff that have such a level of expertise, are committed to their work, and are generous in their approach to the work as well and can guide us in some of these legislative changes. The folks who are working there in Legislative Counsel are very valuable and crucial to all the work that we do here in the House. It is extremely important that there is enough staff in that department to be able to ensure that the work that we have to do is done thoroughly and with that level of expertise and attention to detail.

I would like to pick up a little bit where the Member for Burgeo – La Poile talked about the constituency assistants and the role that they play. Rather than repeating all that he had said, I do, though, also want to reiterate how important their work is in the service of the people of Newfoundland and Labrador. The constituency assistants are not there simply at the beck and call of a Member of the House of Assembly, but that their work is, as is our work, in service to the people of Newfoundland and Labrador.

We know particularly how difficult it is at times for our constituents to navigate some of the very complex areas of the bureaucracy, which again is hopefully in the service of the people of Newfoundland and Labrador as well. So, the work that our constituency assistants do is so very, very important again in helping us serve the people of the Province but also in their direct service to the people of the Province.

One of the things I would like to add to the comments from the Member for Burgeo – La Poile is that we often come across constituents who may not have the ability to come to our offices –

**MR. SPEAKER:** I remind the member to come back to the bill, please.

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

I am very happy to come back to the bill. The constituency assistants again are serving the people of the Province and they will be a

Commissioner for Oaths. Sometimes there are people who cannot come to our offices and need a Commissioner for Oaths and the constituency assistants make home visits, particularly in some rural areas where people –

**MR. KING:** A point of order, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Justice, on a point of order.

**MR. KING:** Thank you, Mr. Speaker.

Mr. Speaker, I hesitate to get up on a point of order, but I think the Standing Orders are very clear on the relevance to the bill. Nowhere in this bill does it speak to constituency assistants and their role in working with government. I spoke to the issue very clearly that the bill addresses employees whose job functions are designated as required to be Commissioners for Oaths. The member opposite has clearly gone off in a different direction talking about the role of constituency assistants.

**MR. SPEAKER:** There is no point of order.

The hon. the Member for St. John's Centre, and I remind her that we are talking to the bill, and be specific to the bill.

Thank you.

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

Again, what I would like to just add to that is the necessity at times for the constituency assistants, in order to fulfill their role, as a Commissioner for Oaths, requires them to go to the homes of some of our constituents and provide that service to the people. I would just like to acknowledge that, Mr. Speaker.

Furthermore, one of the points that I found quite interesting and was not quite aware of until I went to the briefing was that the notion of so styled, that in some situations when we use our designation as a Commissioner for Oaths that in fact we will say so styled and identify our particular job or role that enables us then and

gives us the authority to be a Commissioner for Oaths.

I have no more to say other than that, Mr. Speaker. Again, I thank the staff and the Legislative Counsel for giving us the briefing, and I look forward to speaking to the next bill.

Thank you very much.

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

**MR. KIRBY:** Thank you, Mr. Speaker.

I will just have a few brief comments as I had on the previous piece of legislation. Certainly this amendment is a brief amendment. I do not think it is really housekeeping, but there are certainly a number of issues that I feel should really be addressed with respect to the bill.

As the Member for Burgeo – La Poile has alluded, there is certainly a question around the age restriction of nineteen as a qualification for administering oaths or taking or receiving affidavits, declarations, and affirmations in Newfoundland and Labrador. We do allow adolescents at the age of sixteen or seventeen – young adults – to drive vehicles, and the voting age is eighteen.

Certainly, as a society, we allow those rights. So we wonder what the logic is about denying them ability to be a Commissioner for Oaths until the age of nineteen. Ontario and Saskatchewan, they have set a minimum age of eighteen to qualify as a Commissioner for Oaths, and in Nova Scotia and Quebec, I believe, anyone appointed by the Minister of Justice can serve as a Commissioner for Oaths.

It raises some interesting potential conflicts because if you think about it, in this Province according to the act, section 6 of the act, every mayor and Chair of every municipality in the Province, by virtue of office, is a Commissioner for Oaths for the period for which they hold office. So you can run for office at the age of eighteen and if you hold that office, you can be a Commissioner for Oaths before you are

nineteen. I think there is an important question there about that conflict. Would it not be better perhaps to consider making the age eighteen?

The time frames for renewal in here are really not clear enough for me. The legislation really should set out a definitive time frame and duration of renewals in a more definitive way. Currently, it is between two and five years, and that is a pretty big range, really, if you think about the difference between two years and five years. Why not change the language in this to reflect a set period of time: two, three, four or more years?

Unlike other jurisdictions in the country – and I certainly do not have a complete idea of what all of them are doing, but some other jurisdictions in Canada set out a fee for the application. This legislation does not set out a fee for application. It appears to be at the minister's discretion. In this Province, as has been said, it currently stands at \$50.

I know there is a whole question here about this whole issue of constituency assistants. If you want your constituency assistant to be a Commissioner for Oaths, you can pay \$50 and submit the application. I assume the minister would not have a whole lot of issue with that. In some jurisdictions, the fee is up to \$100.

The other question with respect to fees is fees that a Commissioner for Oaths may charge. In Quebec, commissioners can charge \$5. In Nova Scotia, they can charge \$19. We would like to know a bit more about what the situation is in our Province with respect to Commissioner for Oaths potentially charging a fee for carrying out their duties.

I will just leave it at that.

Thank you, Mr. Speaker.

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

**MR. MITCHELMORE:** Thank you, Mr. Speaker, for the opportunity to speak to the Commissioners for Oaths (Amendment) Act.

I have to say with this act, the first point, where it is clarifying that only persons who are nineteen years of age or older may be appointed to administer oaths and take and receive affidavits, declarations and affirmations within the province, is something that I see as very problematic.

I would like further clarification, I guess, from the Minister of Justice as to why this number could not be eighteen years of age. As the Member for St. John's North had just pointed out, there are circumstances and situations that if you are an elected official, you could be elected as a Member of the House of Assembly or as a mayor or some other office that would require you, or that would, in the act, give you that ability. Are these people now restricted from being able to witness and give oaths? That is something that is important around this particular piece.

I worked for an organization before where a number of individuals in the office were Commissioners for Oaths and they could certainly make application and witness documentation, so it is not necessarily a government office that would be having somebody who would be a Commissioner for Oaths.

The opportunity does exist in rural and urban areas for people to be designated as a Commissioner for Oaths. People may not be as familiar with who actually is the Commissioner for Oaths, and that may be something where we can try to get better information out there, to let people know that there are people in their communities who have that particular designation so that they do not particularly have to travel a significant distance to go to a government office.

I will point out that Saskatchewan and Ontario are two provinces that have the age qualification at eighteen years of age. I think that is a much better age to look at implementing a Commissioner for Oaths given that people vote and can be elected and serve office at eighteen years of age. It seems very restrictive to have the number at nineteen. Maybe there is some

reason for it, but I would like to have that clarification.

British Columbia and New Brunswick do require nineteen years of age; whereas Nova Scotia and Quebec, basically, anybody appointed by the Minister of Justice can become a Commissioner for Oaths. It seems like there is less restriction in those jurisdictions.

There are also some other restrictions when it comes to Manitoba. It highlights that you would be a Canadian citizen, have landed immigrant status, be a permanent resident or have a work visa to be able to have that particular designation. I do not know if that is a requirement or if those regulations are in place in Newfoundland and Labrador.

It is a concern as well looking at – it was mentioned that those who serve in government offices would not be charging a particular fee. I am just wondering around the enforcement. There are situations and circumstances where people do charge fees to have documents witnessed, affidavits, things like that verified.

In Quebec, a Quebec commissioner can charge \$5 per oath; in Nova Scotia, this can be up to \$19.35. The variation is there. Is there any way to regulate and find out for verification? That would fall under Service Newfoundland and Labrador. Maybe the minister there can clarify if there are officials who are monitoring the situation so that it is within the norm, that people are not charging astronomical rates, that it is regulated, that there is a ceiling, that people are not charging \$200 or \$300 to have a document witnessed, and that it is a reasonable fee if one is being charged.

As well as looking at the renewal fees, because some would be while you are in a term of office, others are a more lengthy renewal fee anywhere from two to five years. That is something that needs to be clarified as well. I may ask further questions when we get into the Committee stage.

This is a piece of legislation that is providing some updates, but not necessarily one unless I get further information on the nineteen years of

age as to why it is at that level. It will give me further consideration to see if I can actually support the changes that are proposed in this particular bill.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the hon. Minister of Justice speaks now, he shall close debate.

The hon. the Minister of Justice.

**MR. KING:** Thank you, Mr. Speaker.

I want to thank my colleagues for their participation in this discussion today. I will try to respond to a number of questions. I did not catch them all so if I did not, I will certainly do my best to do so in Committee stage.

The last question raised by the Member for The Straits – White Bay North, I want to respond to that one. The question has been raised a number of times why the age nineteen in this particular piece of legislation versus eighteen or some other number that other provinces have used.

For the information of members of the House, our government or the Province of Newfoundland and Labrador – it was not actually our government, it was a previous government – passed, and I am going to read this to make sure I get this correct, it is called the Age of Majority Act, which is the provincially defined number that we call the age of majority in Newfoundland and Labrador. In that act, as proclaimed in this Legislature, it is nineteen.

We did not simply select nineteen versus eighteen or some other number because we felt it was more or less appropriate; we simply selected nineteen because it is designated in legislation, the Age of Majority Act, which is a piece of legislation in the Province that sets out that for the Province of Newfoundland and Labrador, when we are talking about legislation and other types of things, nineteen as seen as the age of majority. That is why nineteen is selected as the number for this particular piece of legislation.

There were a number of issues raised here, Mr. Speaker, around the constituency assistant, and I want to be clear on a couple of things. First of all, none of us have a monopoly on the value that we place on the work of constituency assistants. I listened to a number of members speak and praise their constituency assistants and the work that they do. Some talked about the difference in rural Newfoundland and Labrador versus other areas, and I accept and respect all of that because I am a rural member. I represent the bottom tip of the Burin Peninsula, as rural as most parts of the Province I would suggest. I understand all that. I understand the value of the work they do, but I think the piece that is missing here is the change in the legislation is intended to reflect the appointment of government employees as Commissioners for Oaths where their work demands that they be a Commissioner for Oaths.

That is the difference here. We are not suggesting at all that there is no value in constituency assistants being Commissioners for Oaths. As a matter of fact, I would suggest to you that there is tremendous value in that. As I believe the Member for St. John's North referenced, and he will correct me if I am wrong, there would be no issue if, in fact, they wanted to apply and become a Commissioner for Oaths. That is not the issue.

The intent of the legislation is that we have employees with us, particularly in the court system, where we expect and require on a daily basis that they carry out duties that require them to be Commissioners for Oaths. All the legislation is doing is allowing the minister now, assuming this legislation passes – affording the minister I should say, the authority where someone is hired in a job that requires them to be a Commissioner for Oaths, that the minister can automatically appoint them as a Commissioner for Oaths.

Mr. Speaker, not to get tongue tangled in this a little bit, but I would simply say to individuals this way, that if you take the use of an automobile vehicle, there are certain jobs in the Province where you have to have an automobile, a car, to go to work. If you are a salesman and

you go from community to community, part of the job requires that you have a car. There are other jobs where you do not have to have a car to go to work, but it might be nice to have a car and it might make your job easier to have a car, but you still do not need the car to go to work. That is what we are talking about here.

There is no one on government side disagreeing with the value of constituency assistants being Commissioners for Oaths – no one at all – but this legislation is not talking about which jobs we value more or less and it is not talking about which jobs we think would be nice to make Commissioners for Oaths and which jobs perhaps do not really need to do it. This legislation is speaking to positions with government that require as part of their employment people to carry out those duties. That is all we are speaking to here. I want to make sure we are very clear on the record for that one, Mr. Speaker.

I spoke to the age of majority there. The renewal time frame, there were two pieces referenced here. I just skimmed through the legislation again. I am not sure if I saw it there, but if it is not in the legislation it is in the regulations for sure. The renewal time frame for Commissioners for Oaths is five years, and it very clearly laid out it is renewed for a five-year term.

The last piece I want to touch on, because it got a little bit discussion, is around the fees that Commissioners for Oaths charge. In actual fact, to be clear, that is not part of the discussion here today. There are no changes and nothing a part of this legislation that we are debating today talks about fees, whether regulation of fees, elimination of fees, or anything. I am going to speak to it only because it was raised by at least one member opposite, but in fact it is not pertinent to this debate today. This legislation does not contemplate anything, any change whatsoever, around the charging of fees.

To answer the question, the legislation and the regulations that are currently in place around Commissioners for Oaths today in Newfoundland and Labrador do not regulate

fees that Commissioners for Oaths can charge. I know of instances, like I suspect many people do – as a matter of fact, I was going to say my dad is one, but he is not. He is actually a Justice of the Peace. People do things for free all the time in their communities.

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

**MR. KING:** A former mayor. I think he kept it.

People do it for free all the time. There are other instances, I am sure we are all aware of, where fees in fact are charged for work. The legislation today simply leaves it to the discretion of the Commissioner for Oaths, Mr. Speaker.

I want to put that out there to be clear. That is not part of what we are talking about here today. There is no contemplation on fees for Commissioners for Oaths in any way, shape, or form in this particular legislation.

With that, Mr. Speaker, I thank members for their contribution in the debate to this particular piece of legislation. I answered a couple of questions, I hope. We will get into Committee stage sometime later today or later in the week if members have other questions, and I am certainly going to do my best to answer those.

With that, I close debate.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK:** A bill, An Act To Amend The Commissioners For Oaths Act. (Bill 15)

**MR. SPEAKER:** This bill has now been read a second time, when shall the bill be referred to a Committee of the Whole?

**MR. KING:** Today.

**MR. SPEAKER:** Today.

On motion, a bill, "An Act To Amend The Commissioners For Oaths Act", read a second time. (Bill15)

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

**MR. KING:** Thank you, Mr. Speaker.

We are now going to move into Order 4, second reading of a bill, An Act To Amend The Judicature Act. (Bill 14)

Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, that Bill 14 be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 14, An Act To Amend The Judicature Act be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Judicature Act". (Bill 14)

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

**MR. KING:** Thank you, Mr. Speaker.

I will take a few moments to introduce this particular piece of legislation and then provide some opportunity for some of my colleagues to speak to this. This is actually a very interesting piece of legislative work we are bringing forward here, or I should say the changes to the legislation that we are bringing forward here.

Mr. Speaker, we have made some changes over the last period of time to the Supreme Court system in Newfoundland and Labrador, both in terms of the organization of the court and the operation of the court. For the benefit of people paying attention, we are not talking about, of course, the judicial side of things. We are not talking about judges and the work they do in their courtrooms and how they apply the law and the sentences they bring down. As I have said

many times on many occasions in this House, the judiciary in the Province, and anywhere else, is independent of politics and independent of government.

What I am talking about is the structure of how the court system operates, Mr. Speaker. We have made a number of changes. I am going to just touch on a couple of the specific items that are going to be changed and referenced here in this particular piece of legislation. Essentially, there has been a movement of duties between a number of different positions at the Supreme Court.

One of the significant changes we are making in this particular act today is we are eliminating the position of Registrar at the Supreme Court. The position of registrar was a very important position and carried out some very important functions but there have been a number of changes, in particular with the passing of the Public Trustee Act back in 2009; a number of changes where duties have been passed back and forth between positions. So we are eliminating the position of registrar and we are actually creating or recreating if you will, a new position that will head the Supreme Court on the administrative and organizational side called the chief executive officer of the court system.

For purposes of people understanding how the Supreme Court system would work, the chief executive officer, Mr. Speaker, would effectively report to the Minister of Justice with respect to budgeting, with respect to the organization of the court facility and the systems in place down there, and the administration of justice on a day-to-day basis, vis-à-vis the running of the facility and the running of the procedures and the running of the systems that keep the court going.

The CEO would report to the Chief Justice of the Supreme Court with respect to duties around the court itself and the judge's role and what they carry out down there. There is what you might call a dual responsibility or a dual reporting relationship there.

The second change we are proposing here as part of redefining the head of the system as the chief executive officer is to reallocate the registry, legal, accounting, and trustee functions that were traditionally carried out by the registrar to the CEO. In addition to creating the CEO or the chief executive officer's position, we want to make sure we make the proper transfer of the duties, authorities and responsibilities in the act away from the old position of registrar under the title of the new position of chief executive officer. That, as well, will be reflected in this particular piece of legislation.

We are also amending Part IV under the duties and powers of the clerks, officers and employees of the Supreme Court, Mr. Speaker. That is Part IV, where there are a number of references. Some of this is cleaning up of language where there are references to registrar, associate registrar, and deputy registrar.

As I said at the beginning of my commentary, the traditional position was the registrar and because we are eliminating the position and creating a chief executive officer, we also have to clean up – as we have done with a couple of pieces of legislation today – the language in the act so that all of the instances where there is some reference to the person who runs the court system, who is the top person, well it has to reflect that it is now the chief executive officer not a registrar or some other named position.

We are going to clean up some of that language there. As well, of course, the last comment I will make on the changes is that we will make some consequential amendments. What that means, Mr. Speaker, or for the benefit of those paying attention, is there are also going to be references across other pieces of legislation and statutes where there is reference made to the Registrar of the Supreme Court. Again, similar to what I just said, because we are actually eliminating the position of registrar and rebranding it or reprofiling it as the chief executive officer, then any cross-references with other statutes have to be cleaned up as well to reflect this particular change.

I am very pleased to bring this particular piece of legislation forward. The work that has been done in working with the chief justice and others at the Supreme Court I think has been very positive. There has been a lot of hard work on behalf of the employees down there and the new structure that has been put in place. They have worked closely with government on that and there have been some very positive changes.

I am very pleased to present this legislation today. I look forward to any comments that my colleagues have. If there are any questions I will do my best to answer them.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

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

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

I am happy to stand again and speak to this latest justice bill. It seems like the Legislative Counsel has really been on their toes and had a lot of work to do. It must be the minister – it really must be the minister.

This Bill 14 deals with the Judicature Act. It is fairly lengthy in terms of actual size. This is somewhat of a cleanup, but there is a real impact from what we are doing here.

When we go back to the beginning of the judicial system and our court system, the registrar was everything. What we have done now is we are basically modernizing, especially when it comes to the terminology. Over years and years we have reworked that and the big thing here now is that we have gone from a registrar to a chief executive officer, CEO.

The big thing is that technically speaking you do not need – or I cannot say technically – you do not need a lawyer to run that system now because we have taken the judicial side out of that. I am fine with that. I think this has been done in other jurisdictions. We have a lot of

qualified people who can handle the day-to-day business and the workings of this system.

We have gone from a registrar, somebody who might have had a law background, to somebody who may have the MBA. They can handle the administrative side. I think actually we have had an acting CEO for the last two years. That has already been in place. We are just changing the terminology here now.

The thing I still agree with obviously is that when it comes to the courts you need somebody with a legal background to deal with that. That is why the legal issues and decisions are not under the CEO and they are under the chief legal officer. There are a number of duties that fall under this. There would have been registrar, legal, accounting, and public trustees; it is all split. The CEO oversees it but there are different people handling different aspects.

Sometimes you see people have a change in their job title. They may be feeling along the lines of the same thing but with the job title change comes a change in duties and a change in pay. One of the questions I did ask is, going from a registrar to a CEO, are we going to have a change in pay here? I was told by the department staff that no, that was not the case and I am glad to hear that. I have no problem with the name change but if it was going to bring a change of pay I might have an issue with that, especially if there was a reduction in the actual amount of duty. That is my understanding, that there is no change in pay expected, so it will be interesting to see where that goes.

Going through this and just looking at the notes I took when we had our briefing the other day, we have a number of actual changes here when you go through sections 1 through 10. I made sure to go through, look them over, and see what they brought about.

One of the things, too, is when we talked about the appointment process there is a consultation process and a job process. One of the reasons our legal system works and one reason it has to work is that you are supposed to have people in

there who are qualified for the job, not necessarily who they know. In this case, it is a consultative process and it is not just someone appointing someone there just because of who they know. We have seen plenty of that but we cannot afford to have that in this system.

Mr. Speaker, just continuing forward here, there are a lot of different sections here. There was a lot of cleanup here, too, when we talked about court staff. There was a fair amount of cleanup here. Again, with the change in job title, the change from the word registrar, we had to go through all of the other pieces of legislation where the word registrar is mentioned and change that. That requires a fair bit of work.

We just saw we have gone through anomalies and errors legislation change. Well, that is why we do that because you are going through this. It can get long, boring, and drawn out and you have to have attention to detail. We had to go through that. We had to change the names. That is fine, obviously. That is the housekeeping aspect of doing this.

I just want to take my time and continue through this to make sure I cover off all my notes. Again, it is exercising my due diligence, Mr. Speaker, to make sure I cover off all parts of this so that I do not become a part of the anomalies of law.

I just want to continue here. Again, a lot of it is very brief and very standard. You have taken the same law, but every reference to that word registrar now has to become chief executive officer. That is why it is so big in size. Then we go through all the different pieces of legislation where we have to change the name: Architects Act, Aquaculture Act, Agrologists Act, Adoption Act, Children's Law Act, and Chiropractors Act. There are so many pieces where the registrar actually mattered, so we have to make sure to cover all that off. That is what the good people at Legislative Counsel have been doing.

I think that covers off most of it. I just have to go through my other notes I have here. The good news is that when it comes to the judicial

administration, it is covered by the legal background. So when it comes to the administration side, yes, they report to government, but in the legal side you are going to the chief judge, the chief justice of our Province.

It also clarifies I think it is the word clerk and we have, "Powers of staff who perform a registry function", so they have cleaned that up. They have cleaned up the clerks. The piece of legislation we just talked about, the Commissioners for Oaths, that is part of this as well. We have clerks who have the ability to do that.

Again, this is a long process. This has probably been in the works for a year. It takes some time. Not so much with this piece, but when you look at the pieces we have done earlier, hopefully it is going to take some time before they come up again because it shows that there was due care and attention paid to it now and that it was not just picked over. We have had situations in the past where we pointed out errors in the law, they were not listened to, and then we end up back here again after.

Mr. Speaker, those are all my comments that I have on this piece, Bill 14, and I am going to take my seat at this time.

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

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

I am happy to rise and to speak to Bill 14, An Act to Amend the Judicature Act. The premise of this bill is to change the legislation to modernize the way the courts function. This is a good thing, an overall view of modernizing our courts, because this is something that has been called for quite a lot. In this instance, it is to modernize the administration of the court system by removing the title of registrar and creating the position of the Chief Executive Officer of the Supreme Court.

First of all, I would like to thank the hard-working Department of Justice officials for their terrific briefing. It was capable, it was competent, and it was courteous. You cannot ask for more. The briefing was thorough. They were willing to give us all the time we needed for questions and also for any questions that we may have had after the briefing. So we can have real confidence in the work they have done and consequently in the work we are all asked to do based on their work.

The meat of the act is in the first few pages where the duties of the CEO are defined, the chief executive officer, which is the new position. There is somebody acting in that position right now. We were told that there was a jurisdictional scan across Canada that showed definitions of the duties of the CEO should be broad to ensure the person holding that office has the latitude to administer competently the work they have to do.

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MS ROGERS:** Now, the bill cleans up language regarding the powers and responsibilities of clerks regarding their duties as Justices of the Peace, the signing of oaths, and et cetera. Those are just cleaning-up aspects. It is also full of amendments to this and other acts that have to be brought in line with the new amendment, the overall, overarching amendment.

The basic idea of the bill is to create this new position and not to lose any functions but actually to separate them. So we know the CEO has two main areas of responsibility. One is in the matters of administration and budget. In that area, the CEO must report to the government. In the matters of judicial concern, the CEO reports to the chief justice. We know how important it is, Mr. Speaker, for our judiciary and government to be separate, that they are not intertwined.

So it is here where I will make a few main comments on the bill. This can be a tricky line

to walk, the line between budgeting and ensuring that judges get what they need. I understand, Mr. Speaker, that this is the Supreme Court; but I also wonder, if it were the Provincial Court, what would the CEO of the Provincial Court do in terms of looking at, for instance, the issue of the Family Violence Intervention Court?

**MR. SPEAKER:** Relevance, please. I remind the hon. member that we have to speak to the bill. It is Bill 14 and we need to speak to the bill. It is concerning the Supreme Court and the Judicature Act.

Thank you.

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

So the duties and the responsibilities of the chief executive officer of the court is the administration of the court where that person would report to the government; and then in matters of judicial concern the CEO reports to the chief justice. Again, there are two different areas.

Now, Chief Justice Derek Green, who gives an annual speech to the Rotary Club, spoke on this very matter in 2012, noting in his remarks that they were not criticisms but he had a desire to improve the system, as does this legislation today. This legislation improves the system. It is about modernizing our system. There have been a number of calls for this and so this is a good thing because what we are looking at by the allocation of this particular position of chief executive officer is modernizing our court.

He noted that in order for our justice system to have any real value it must be accessible to all. Barriers to access breeds alienation from the system. It is important –

**MR. SPEAKER:** I remind the hon. member that is straying from the bill.

Please speak to the bill.

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

I am speaking specifically about how this bill is modernizing the justice system. Thank you very much. It is about modernizing the courts because the chief executive officer will have these specific duties. When we look at what Chief Justice Derek Green was calling for, it was a modernization of the administration of the court, looking at the modernization of our ways of reporting and of handling information that goes through the court.

We know that this position of chief executive officer no longer has to be a lawyer because the value of this particular position, because the duties of the registrar are split from this position, the hope and value of this particular position is someone who has excellent administrative skills, expertise in the area of management of the administration of the court, and some judicial duties as well. Those judicial duties are about assigning court rooms, assigning cases, and looking at how the actual courts will be administered and will be run.

Then it is also about, Mr. Speaker, the whole issue of the bricks and mortars that house our judicial system. The bricks and mortars are a testament to how we value our judicial system and that is also part of the modernization of our judicial system. It is not just about the management of information and the management of files, although that is so very, very important because we do know that we have been very, very far behind and lagging in this area. It is also about looking at how we present our justice system in the bricks and mortar, and to make sure that as it is modernizing our court it is also about making our court system and our courts accessible to all.

The chief justice spoke also of how thinly resourced his court is from a managerial and technological perspective. This is something that –

**MR. SPEAKER:** Order, please!

I have provided the hon. member a significant amount of leeway. Where you are going, the hon. member, I cannot let you go. If you want to speak to the bill, the bill is very specific. It is about the CEO, the Judicature Act, and the changes that have been made. It has nothing to do with layoffs or anything like that, so I ask the member to speak to the bill, please.

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

I look forward, Mr. Speaker, to seeing how, in fact, this new position of CEO will bring along the modernization of our Supreme Court system in the handling of information, in the planning of courts, and in the planning of how our justice system will become more accessible to all citizens in our Province. That is also the role of the administrator of the court, to be able to serve the justices in their work in making the courts as accessible as possible, but also modernizing the court so our justice system will be carried out as smoothly as possible and take advantage of every modern technology that is now available to judiciaries across the country.

Thank you very much, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** If the hon. the Minister of Justice speaks now he will close the debate.

The hon. the Minister of Justice.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you, Mr. Speaker.

I appreciate the opportunity to bring closure to this debate. As has been referenced a number of times throughout the debate, it is about making changes to the legislation around the Judicature Act. In particular we are talking about the position of CEO, which is being newly created and growing out of what would have been a registrar's position at some point in time.

With the greatest respect to some members who really want to get into other issues in the House,

I encourage them to use Question Period and other opportunities to do that.

This is a very narrowly focused piece of legislation here that does not speak to commentary from the Chief Justice; it does not speak to bricks and mortar. It speaks very clearly to the creation of the Chief Executive Officer's position in the court, the alignment of the duties of that particular position, and ensuring that this particular piece of legislation and other connected pieces of legislation are revised to reflect the changes of the new Chief Executive Officer's position.

I am very pleased to close debate on that. I want to thank members for their contribution. As I said with previous bills, I look forward to moving into Committee and answering any questions that may arise from this.

Thank you.

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read the second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK:** A bill, An Act To Amend The Judicature Act. (Bill 14)

**MR. SPEAKER:** The bill has now been read a second time.

When shall the bill be referred to the Committee of the Whole?

**MR. KING:** Today.

**MR. SPEAKER:** Today.

On motion, a bill, "An Act To Amend The Judicature Act", read a second time. (Bill 14)

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

**MR. KING:** Thank you, Mr. Speaker.

We will go now to Order 8.

I move, seconded by the Minister of Environment and Conservation, that An Act To Amend The Law Society Act, 1999, Bill 23, be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 23, An Act To Amend The Law Society Act, 1999, be now read a second time.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, second reading of a bill, "An Act To Amend The Law Society Act, 1999". (Bill 23)

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

**MR. KING:** Thank you once again, Mr. Speaker.

It is an honour to stand before you and have a few comments on this particular piece of legislation. We are going to talk for a few moments now about the Law Society Act, 1999. It is a piece of legislation that as the date indicates would have been brought in by our colleagues across the way from the Liberal Party back when they were in government.

What we are doing here is making a number of changes that are perhaps somewhat technical in nature but, in some respects, housekeeping items from our perspective, Mr. Speaker. Just by way of a little bit of background, we are talking about the Law Society here. For the benefit of people who are paying attention to this particular debate, the Law Society is actually – the legal profession is a self-regulated profession.

While this legislation provides parameters around the society itself, they actually are governed by a group of what we call benchers which would be seventeen lawyers elected by their colleagues. Seventeen lawyers from across the Province elected by their colleagues as well as four lay benchers who are appointed by the Chief Justice of the Trial Division.

Amongst other duties, Mr. Speaker, they have the general authority to regulate the practice of law and the legal profession in the best interests of the public in Newfoundland and Labrador.

I want to just point that out, because there have been a number of questions at different times relative to the Law Society where – not in this House in particular – but where sometimes people think that they are actually governed by the Minister of Justice or the government, and they are actually not. We have the Law Society Act that provides parameters, but they actually govern themselves within the context of the Law Society Act.

So, the changes that we are bringing forward here today, as I said, they are somewhat housekeeping and somewhat technical, but the changes that I am bringing forward here today are actually changes that have been recommended to me by the Law Society. I will just touch on a couple of them very briefly before I open the floor for my colleagues to speak.

In particular, one of the changes here today will allow parents, siblings, grandparents, or grandchildren of lawyers to hold non-voting shares in their professional law corporations. That is a particular change from the current legislation. So, it is parents, siblings, grandparents, grandchildren of lawyers to become non-voting shareholders as part of professional law corporations. The act will also be amended to clarify that sole member individual professional law corporations do not fall within the definition of law firm in this particular piece of legislation.

Currently, Mr. Speaker – again, as a way of background – besides members of the Law

Society themselves, or other professional law corporations, only spouses or children of a practicing member of the society may become non-voting shareholders.

So that is a significant difference I will draw your attention to. Current legislation allows that only spouses or children of practicing members of the Law Society may become non-voting shareholders. What this legislation will do now is that it will extend that beyond spouses or children to include parents, other siblings, grandparents, and grandchildren. So we are extending the ability of others to become non-voting shareholders as part of the corporation.

Most of the rest of the commentary that I had, Mr. Speaker, was simply to expand on some of that. I am not going to go into a lot of detail on that, but one of the things that this legislation will do that I want point out is that it will give lawyers more flexibility in their firms with respect to tax and income management planning.

The other point that I think is very important is that changes that we are making here will not in any way negatively affect the present restrictions that are in place. So, there is no negativity associated with the changes that I am presenting here today for consideration. They are coming from the Law Society itself, and I am very pleased on their behalf to bring that before the House for consideration.

Thank you.

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

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

I am happy to stand again and speak to Bill 23, An Act to Amend the Law Society Act, 1999. I will point out for the minister that even though this piece of legislation was in place sometime before the current government, the amendments that we are dealing with were actually brought in 2005. So they were brought in by the current government; there is a difference.

The Law Society Act itself has been around for a lot longer than that, but these amendments were actually done in 2005. Actually, I can remember them very clearly because at that time I was just very new practicing. I can remember some changes that were coming in. I can remember a lot of what came out of this.

Now, I have some notes made. I will say off the top that I have no issue with the amendments that are being suggested here today and I will certainly be supporting them. I think a lot of it was oversight when this was first drafted. Again, this was done in 2005 to have a professional legal corporation, and I think it is actually something that is done with a number of professions. I know physicians have the same professional medical corporations, and this is not unusual. It is done in a lot of places.

I can also say that, yes, I am a member of the Law Society. I am a non-practicing status member. The Law Society is a self-governing group, the same as most professional groups in this Province, whether it is physicians or pharmacists. There are many. You are given that privilege of self-governance with the hope that you are going to do so properly. If not, that is when entities like government will come in and place controls on you. Again, it is a privilege to be able to self-govern, but to do so you must maintain high standards. If not, you will face the consequences down the road.

There are a number of things I want to cover here. The first change was the definition of law firm. It is very simple. The fact is a law firm can consist of one lawyer, a sole practitioner. Many do. We have many sole practitioners all over this Province. So it says here now "...means a partnership, a professional law corporation that has 2 or more...". We had the sole practitioner.

Now, we have a voting shareholder. This is the part I think would have been brought forward, and I think there has been consultation with the Department of Finance on that. I think that would have come into CRA playing a role in here.

The fact is that when this was first done we had spouses and children, but the Law Society and its benchers who dealt with this wanted to make sure that we added other family members. Again, you want non-lawyers to hold non-voting shares. You do not have non-lawyers who are actually making legal decisions in the corporation, but we want it to not just have immediate children and adopted children. We are extending the definition of a child to capture stepchildren as well as other family members. That was an oversight at the time and it has been remedied and rectified, hopefully, with this amendment.

It was always intended that any man or woman who stood in the place as a parent would be included under the definition but this was not included in that initial amendment. We are doing the right thing now and making sure that it is here. There are a lot of cases where you have stepchildren who have not gone through the formal adoption process. We are being more inclusive, and I certainly have no issue with that.

We talked about being able to extend non-voting shares. It will be gone to immediate relatives to include spouse, child, and grandchild. It does not affect how the corporation is controlled, but it does allow for the dividends.

There might be some concern saying this might allow for some shadiness when it comes to tax sheltering. At the end of the day, we have the Canada Revenue Agency that is going to govern this. They are going to cover that and make sure that is not the case. I am not the one to talk about how the CRA does their job, but I can assure you that if you do not play by the rules they will act firm and fast to take care of you. In this case, CRA governs that. That is CRA's job when it comes to tax shelters.

This act was amended in 2005 to allow the incorporation. We are opening up the definition when it comes to family. I have no problem with the amendments. It is something that – the bencher's job is the representatives of lawyers across the Province brought forward. It is the right thing. We have done that a lot. Even in my two years, there have been amendments to

legislation to cover oversights, to cover sections that may not have been thought of before.

While we are talking about the Law Society, there is a topic that has hit the news recently and that is with the transaction levy. Without getting into that a whole lot, it is a topic that is very important. I do not think it is one that is going to affect this House. As the Minister of Justice states the Minister of Justice does not tell the Law Society what to do.

It is something we have seen, it is an issue as far as I am concerned. I think something needs to be done. I am concerned about it. The fact is there was a reason it was brought in, but things have changed in the last eight, nine years since it was done. When it is hitting the media and when it is hitting normal people it may have to be examined again, and I am sure that it will. Like anything, if there is more coverage on it now then we will see it.

I do not think I need to continue to belabour this point. The definitions are changed somewhat. I do appreciate the time given to us by the Department of Justice staff to go over this, to talk about it, to discuss it. I appreciate the opportunity to speak to this today.

Thank you.

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

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

I am happy to stand and to speak to Bill 23, An Act To Amend The Law Society Act.

The Law Society governs itself, as do many professions, by electing members of its own profession who have that expertise in those areas and also who have an interest in benefits for their colleagues.

Benchers are the people who guide the Law Society. They make up the executive or committee or board, and it was they who asked for this change to the act that governs them and

allows them to govern themselves. What this bill is doing is clarifying the meaning of a law firm and it also expands the list of people who may hold non-voting shares in a professional law firm.

We are hearing that this is good news for lawyers. This introduces potential tax implications that are enjoyed elsewhere in Canada. We would not want lawyers in Newfoundland and Labrador to have any less or fewer benefits than lawyers elsewhere in the country. I am told this might also have the ability to shelter profits, to possibly avoid paying higher taxes by spreading the wealth through dividends to members of ones immediate family, and however family is defined there.

One point I would like to make, Mr. Speaker, is I am very happy to stand and speak to the housekeeping type of legislation that we are doing here. That it speaks to all the work that has been done throughout Legislative Counsel but, again, this is an act that has been asked for by the Law Society. I am very happy to be doing that.

We learned a lot in the briefing. The staff in the Department of Justice, in Legislative Counsel has been very, very helpful, very generous with their time and have made themselves available. Going through these briefings and seeing some of the very minutiae changes that have been done, particularly in the errors and anomalies, we are looking at very specific work, sort of housekeeping work. I am happy to do that because that is work that we have to do.

I also look for legislation that is more substantive in nature that affects, for instance, people's lives, like anti-scab legislation to protect people from –

**MR. SPEAKER:** I remind the hon. member to speak to the act, please.

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

I am very happy to speak to the act. I would like to say this is a piece of legislation that looks at how wealth is shared. I am looking forward to other pieces of legislation that take care of the people of Newfoundland and Labrador in ways that they may not be taken care of and legislation we were hoping would be introduced during the House.

Thank you very much, Mr. Speaker.

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

**SOME HON. MEMBERS:** Hear, hear!

**MR. MITCHELMORE:** Thank you, Mr. Speaker, for the opportunity to speak to Bill 23, An Act to Amend the Law Society Act.

I had the opportunity today to take in a briefing with the Department of Justice. It was very informative. The staff there certainly did a good job explaining the information and content of the bill. Since that time, I have been able to review and I have a couple of additional questions when we look at the intent of the legislation that was done in consultation with the Law Society.

If we look at section 63.1, which talks about adding, “‘immediate relative’ means a spouse, child, grandchild, father, mother, brother, sister or grandparent of a member...” to be a non-voting shareholder, is what the intent is, to an incorporated law firm.

I wonder, is there an inclusion for a common-law? Would the spouse terminology encompass somebody who would be common-law on that situation as well? In some other acts in legislation, a common-law partner would also be included to be a potential non-voting member if you are looking at other law firms or health professionals who would have that opportunity to do so.

A number of members brought up and I would like to point out that a non-voting member would not have any controlling interest or would not be a decision maker in the operation of the law firm. The only potential operation, as the

minister stated, this would allow for a little bit more flexibility in estate planning and also to look at revenue distribution or sharing, some form of tax flexibility, in my view.

It comes to a couple of concerns for me when we look at the list of members in a family who could be included. What happens in terms of business of non-voting shares? Are they potentially able to be transferred from a member to another member who is a non-family member or somebody else who would be a more distant relative? That is a concern that I have in terms of the legislation itself.

Then also looking at, well, some lawyers and some firms themselves may not have many family members or immediate relatives, so it can be more beneficial to those who have large families and those who would have more of a population base of an immediate family to draw upon.

Some law firms will have the potential to look at sharing dividends among a high number of people and others will not. There can be tax consequences, I think, depending on if somebody has a large immediate family or a small one, potentially, to the return on how tax is reported, whether it is based on one individual lawyer or whether it is shared amongst a large family.

That is dealt with on a case-by-case basis, but I wonder did the Department of Justice have any consultation with the Canada Revenue Agency or the Department of Finance on such matters to see if the payout of dividends could have an impact on overall tax, personal income tax or corporation tax that would be given to the Province, basically, without having such an ability to have the tax exempted under the updated legislation.

That is a concern that I have when it comes to just being what is fair overall. Having a comprehensive list of spouse, child, grandchild, father, mother, brother, sister and grandparent, it does not necessarily state that somebody who would not be married but would be in a common-law relationship, it does not include

that, and it does not take into case maybe in situations where people do not have family members.

If you are looking at implementing this and looking at wealth sharing of dividends potentially, then maybe there needs to be, in the onus of fairness, a cap on the number of relatives and the number of non-voting shareholders that it can be. That might be something to consider in the legislation, to actually cap the number at maybe three, four, five, six members. Was that something that basically had been considered by the Department of Justice or the Department of Finance on such matters?

I think we have to be fair to those practitioners, the legal practitioners, that have these firms, but we also have to make sure as well that the Province is not negatively impacted. That is why I put those questions out and that concern as part of the debate.

When we look at amending the Law Society Act, it is about taking a balanced approach. I think maybe a cap on the number of relatives or a number of users would be the most fair way of moving forward when we look at these types of firms and how they are incorporated and the process of looking at the non-controlling shares.

That is my contribution to the debate, Mr. Speaker.

Thank you.

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

**MR. KIRBY:** Thank you, Mr. Speaker.

I do not have a whole lot to add; I just wanted to get into one section of this, the second purpose of this, in the two listed reasons for making this amendment, to expand the list of persons who may basically hold a share in a particular firm. So that expands it to include immediate relatives, in other words, spouse – and the Member for The Straits – White Bay North asked a question about that already – child,

grandchild, father, mother, brother, sister, or grandparent of a member.

I certainly do not have any issue with sharing amongst family members the sweat of your brow, everything you have laboured for in your life. My parents are lifelong small business people and I certainly think that they would want to do the same thing with an incorporated business, but my understanding from the briefing that we had – and it was a decent briefing; we were pleased to be able to have that opportunity earlier today. My understanding is that this recommendation came from the benchers at the Law Society.

I am wondering about the extent to which this expansion, if you will, of non-voting share rights mirrors what is going on in the rest of Canada. Is this a made in Newfoundland and Labrador solution? Did they look at what is going on in other parts of the country, other jurisdictions in Canada? Is this something that we are adopting because it is a best practice that is in place elsewhere, or is this something that is indigenous to the Law Society of Newfoundland and Labrador, something that people have come up with here because they believe that it fits our situation here?

I am not clear on that. There has not been a whole lot of passage of time today since we had the briefing. That is really not a criticism, but I have only had a cursory view of legislation in other provinces in Canada, and I cannot quite seem to satisfy that question on my own. So, I am wondering if the hon. Minister of Justice or maybe one of his officials might be able to give some clarity on that, Mr. Speaker.

Thank you.

**MR. SPEAKER:** If the hon. the Minister of Justice speaks now, he will close debate.

The hon. the Minister of Justice.

**SOME HON. MEMBERS:** Hear, hear!

**MR. KING:** Thank you, Mr. Speaker.

I am pleased to have a few words and close debate on this particular item. I thank members, first of all, for their contribution to this and, as a number of people have referenced, we are talking about really two particular changes here. One is the actual definition of the law firm as it pertains to this particular piece of the act. The other is an expansion of the list of those who can become non-voting shareholders in the law firms.

I guess you might say, Mr. Speaker, we are moving in the direction for the law firms today, with this legislation, no different than the kinds of benefits that we provide to small businesses anywhere throughout the Province or indeed throughout the country.

What we are doing, under the current system, we are simply – we are restricted in our current legislation, I should say, to having non-voting shareholders being spouses or children. We are now going to expand it in this particular legislation to include other family members, stepchildren, grandparents and grandchildren.

I also want to point out, for the record, that we are talking about the non-voting shareholders. We are not talking about those who will have control over the day-to-day operations of law firms. None of what we are talking about here today will affect the liability of lawyers in the carrying out of their duties, for example, and the current restrictions that are in place. None of that will impact any of that.

I want to touch on a couple of points that members across raised. First of all, what I want to remind everyone here is any time we bring in a piece of legislation where we are making changes – this is the fourth piece for me today – any time we are making changes or updating or upgrading legislation, or whatever word you choose to use, I want to remind people you always need to be drawn back to the original piece of legislation that is on the books because all we are bringing in here today are the changes that we are proposing. So nowhere in what you have before you is the entire legislation. It only represents the changes that we are proposing.

So in this particular piece the Law Society Act, for example – and I stand to be corrected if members have gone out and copied the act, then fair enough, but more of us would not have the Law Society Act in front of us. I offer that up for one simple reason –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order, please!

**MR. KING:** I offer that commentary for the purpose that one member at least has asked why there is no definition of spouse, but in fact there is a definition of spouse contained in the Law Society Act and it speaks directly to the question the member asked. It is not here because we are not proposing to change the definition of spouse. It does outline very clearly – I think there are probably five or six sentences of a definition that outlines very clearly what we mean by spouse as it pertains to this particular act.

There were another couple of points made around the transfer of shares to non-distant relatives. Mr. Speaker, I think if you read the legislation, very clearly that cannot happen. The legislation is defining who can own the shares. I have already shared that with you. We are talking about other family members, stepchildren, grandparents, grandchildren, and so on.

Once the legislation defines who can hold the non-voting shares, it will become illegal to transfer them to other relatives. You can transfer them to relatives as defined in the legislation, but you cannot transfer them to other relatives. Just to remind people, once it becomes legislation it becomes law. It is the law of the land. You cannot choose to step outside it or supersede what is in the legislation. It is impossible to transfer non-voting shares to someone who is not defined in this particular legislation. I want to make sure people understand that.

Also, I want to reference a remark put forward by the NDP. I find that a little bit disappointing, that they are criticizing the Law Society's work here. As I set the context for this legislation, I

have very clearly said that this legislation is being brought forward by me on behalf of the Law Society.

I found it disappointing when the member stood in her place and made reference to the fact they were disappointed that there was nothing more substantial in the changes being brought forward today. I do commit to the member, I would ensure I will bring forward her concerns to the members of the Law Society.

**MS ROGERS:** A point of order.

**MR. SPEAKER (Wiseman):** The hon. the Member for St. John's Centre, on a point of order.

**MS ROGERS:** Yes, Mr. Speaker.

I was not referring to this piece of legislation. I did not say this legislation was not substantive. I would say that I was disappointed there was not more substantive legislation being presented to the House.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you.

There is no point of order.

The hon. the Government House Leader.

**MR. KING:** Thank you, Mr. Speaker.

I apologize. I assumed when she was speaking that she would have been relevant to the legislation. When she made the comment that it was very unsubstantial I just assumed she was talking about what we were supposed to be talking about, which was this particular piece of legislation.

Hansard will reflect the comments. If I misunderstood, fair game, if I did not, I will pass along your concern to the Law Society that you do not feel their legislation was substantial enough to bring to the House of Assembly. I appreciate that.

Mr. Speaker, I thank all speakers for their contribution today. With that, I will bring closure to the debate. I look forward to moving into Committee. If there are any further questions or clarification that I can provide, I will certainly do it at that point in time.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

**CLERK:** A bill, An Act To Amend The Law Society Act, 1999. (Bill 23)

**MR. SPEAKER:** This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole?

**MR. KING:** On tomorrow.

**MR. SPEAKER:** On tomorrow.

On motion, a bill, "An Act To Amend The Law Society Act, 1999", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 23)

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

**MR. KING:** Thank you.

Mr. Speaker, being conscious of the time of day and our restriction on introducing new legislation, I move, seconded by the Minister of Education, that the House do 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.

Tomorrow being Private Members' Day, this House now stands adjourned until 2:00 p.m. tomorrow.

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