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Speaker: Honourable Wade Verge, MHA

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MR. SPEAKER (Verge): Order, please!

Admit strangers.

Today it gives me pleasure to welcome to the public gallery Mr. Lester Powell, who happens to be the father to the Member for Cartwright – L'Anse au Clair; and Mr. Tony Powell, along with Ida Powell. Ida is a former long-time Mayor of Charlottetown.

Welcome to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we have members' statements from the Member for the District of St. George's – Stephenville East; the Member for the District of Placentia – St. Mary's; the Member for the District of Trinity – Bay de Verde; the Member for the District of Bonavista North; the Member for the District of Cartwright – L'Anse au Clair; and the Member for the District of Kilbride.

The hon. the Member for the District of St. George's – Stephenville East.

MR. REID: Thank you, Mr. Speaker.

I rise today to pay tribute to the firefighters of St. George's Volunteer Fire Department. In particular, I want to make special note of Brian Bennett, who recently received his pin for thirty years of services, and also his brother Jerome and Theo Bennett who are also long-serving members of the St. George's Volunteer Fire Department.

Jerome has forty-one years of service, and Theo, who is currently the fire chief, has twenty-four years of service. Between them, they have close to 100 years of service with the fire department.

The St. George's fire department has been in place for forty-three years and has seen many changes in equipment, training and practices, but one thing remains the same is the willingness of these volunteers to come forward and serve their community.

I ask all members of the House to join with me in paying tribute to the Bennett brothers and all the firefighters in Bay St. George.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Placentia – St. Mary's.

SOME HON. MEMBERS: Hear, hear!

MR. F. COLLINS: Mr. Speaker, I rise today in this hon. House to pay tribute to five centenarians from my district.

Mr. Speaker, on March 4 Anastasia Yetman of St. Mary's turned 100 years old. On January 10, Annie English of Branch celebrated her 100th birthday. For Bridget Smith of Placentia, the magic milestone was reached on July 31. Beatrice Murphy of Placentia turned 101 on September 13, and Mary Drake of Placentia was 102 years young on February 1.

Mr. Speaker, I could not match the Member for St. John's East, but he has a bigger pool to draw from than I do; in fact, it would have been six, but Mrs. Annie Hayward of St. Vincent's passed away in November at the tender age of 103. She was reading the newspaper, Mr. Speaker, and keeping up with world affairs two days before her death.

Mr. Speaker, it is almost impossible to grasp the tremendous changes that have occurred on this planet during the amazing lives of these ladies. When I inquired as to their recipes for their longevity, one responded that it was hard work and a smile in your heart. Another said a good shot of scotch every day.

Mr. Speaker, I ask all hon. members to join me in congratulating Anastasia, Annie, Bridget, Beatrice and Mary, and extend our very best wishes for good health in the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Trinity – Bay de Verde.

MR. CROCKER: Mr. Speaker, I rise in this hon. House today to recognize Jennifer Rimmer, this year's recipient of the Cecilia Carroll Award for Independent Living for a person with a disability.

This award is bestowed upon a person who has demonstrated a long-term and extraordinary personal commitment to full inclusion of persons with disabilities in the Province. As a deaf person, Jennifer has exemplified that role.

Jennifer, who is originally from the Town of Heart's Delight-Islington, graduated from Memorial University with an undergraduate degree in 2010 and was heralded as the first deaf person to exclusively use American Sign Language throughout her university studies.

Jennifer continues to work tirelessly on community outreach to ensure maximum accessibility and an inclusive environment for the deaf community. She has made presentations titled Understanding the Deaf Community that have helped the hearing understand a little better.

The wife and mother of a three-year-old boy is employed at the St. John's Airport, also provides respite work for a young deaf adult, and is often called upon to provide translation services.

I ask all hon. members to join me in congratulating Jennifer on winning this prestigious and well-earned award and wish her well in all of her future endeavours.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. CROSS: I am very pleased to rise today to speak about school spirit and teamwork.

On November 29, I had the pleasure of visiting School Sport NL Female Volleyball A Division Championships hosted at Gill Memorial, in Musgrave Harbour. Gill is a small community school and it hosted similar sized schools from

across the Province. Gill played Main River Academy, while Eric G. Lambert met Bishop White All Grade in the crossovers with the final combat between host Gill Memorial Academy and Bishop White All Grade School.

In front of a supportive audience the little host team from Gill battled through some games, but made it through the crossovers and in the finals they bumped, jumped, blocked and smashed their way to a Gold Medal and a Provincial School Sport banner.

The young ladies on the team are: Natasha Bemister, Allyson Morgan, Sarah Hicks, Taylor Moulard, Kalei Cromwell, Kendra Dyke, Tyra Burry, Kaylie Chaulk, Laura Whiteway, Sarah Simms, Courtney Pinsent and Brandi Hicks, their coach John Abbott and manager Courtney Moulard.

I know that this success did not materialize without the dedication of the players, the coaches, and the parents. As colleagues let us unite to congratulate all of the competitors at the provincials and salute Viking Gold.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you.

Mr. Speaker, I rise in this hon. House today to recognize Captain Lester Powell for his forty-five years of flying. Over the past four-and-a-half decades, he has flown from the Atlantic, to the Pacific, to the Arctic, but most of his stellar career has been flying the friendly skies of the place he is so proud to call home – Labrador.

Captain Powell attended flight school in Moncton, New Brunswick and made his first flight on September 28, 1969. Since that time, he has logged over 45,000 hours delivering freight, mail, and passengers to coastal Labrador communities. Initially it was floats in summer and skis in winter on single-engine aircraft prior to the days of coastal gravel runways. Today, he is one of the most experienced Twin Otter pilots in Canada.

During his career, Captain Powell has completed more than 1,000 medical evacuation flights, transporting sick and injured people for medical care. Captain Powell is the first of six brothers who would become fixed-wing pilots. Powell would become a well-recognized and well-respected name in the aviation industry.

Mr. Speaker, I ask all hon. members to join me in recognizing my wonderful dad and aviation icon, Captain Lester Powell, for his lengthy career in the airline industry.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Kilbride.

SOME HON. MEMBERS: Hear, hear!

MR. DINN: Mr. Speaker, 2014 is the International Year of the Family Farm. At the annual agriculture show at Jack Byrne Arena on October 3, John Lester and his family were recognized for their contributions to Newfoundland and Labrador agriculture.

Lester families have been farming on Brookfield Road for more than 160 years. John and Mary Lester started their business a number of years ago on twenty-five acres of land, growing only a few types of vegetables. Today, Lester's Farm Market grows more than 100 varieties of fruits and vegetables on 110 acres.

This very successful local business continues to change and evolve. Lester's have a nursery, a bakery, and an animal petting farm. They have set up a youth club which gives children an opportunity to try their hand at farming. Lester's annual Pumpkin Fest has raised thousands of dollars for local charities.

John and Mary Lester, two sons, Chris and Brad, and daughter, Susan, along with over thirty employees, strive to maintain a great atmosphere for customers.

I ask all hon. members to join me in recognizing a great family of farmers.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, I rise in this hon. House today to highlight the good news resulting from the calls for bids announced Friday by the Canada-Newfoundland and Labrador Offshore Petroleum Board. The call for bids consisted of six parcels of land in the Flemish Pass, the Carson, and Jeanne d'Arc basins.

The interest by the petroleum industry in the calls for bids was significant and clearly demonstrates the long-term potential for exploration and development within Newfoundland and Labrador's offshore. In fact, the result for calls for bids in the Flemish Pass Basin of a \$559 million commitment to exploration by ExxonMobil Canada Limited, Suncor Energy and ConocoPhillips Canada Resources Corporation is the largest bid in the Province's history for a single parcel.

Exploration and production companies internationally are increasingly interested in our offshore. Statoil, for example, has indicated that Newfoundland and Labrador remains one of its six core focus areas.

Mr. Speaker, our government is committed to exploration, including the Province's frontier regions. As envisioned in our Energy Plan, we have enabled Nalcor, on behalf of the people of Newfoundland and Labrador, to invest in multi-client seismic programs which has delineated three new basins offshore Labrador. Nalcor, through the Offshore Geoscience Development Program, continues to pursue seismic, electromagnetic, and seabed coring initiatives from the Labrador Sea to the southern Grand Banks.

The Province continues to transition towards a new scheduled land tenure system. The next Call for Bids, which will be issued by the

Canada-Newfoundland and Labrador Offshore Petroleum Board in the spring, will be under the new system and will provide operators with increased time frames for the bidding process in more frontier areas.

The petroleum industry is the largest contributor to provincial GDP at 33 per cent with oil production value of over \$8 billion and royalty revenues of \$2 billion in 2012. Continued exploration activity will help to sustain growth and development, while supporting long-term economic and employment opportunities for many Newfoundlanders and Labradorians.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I want to thank the minister for the advance copy of his statement. Of course, we on this side of the House are very pleased and interested with the results we saw on Friday of last week, and pleased with the outcome.

I would also like to congratulate ExxonMobil Canada, Suncor Energy, and ConocoPhillips Canada Resources Corporation on the successful bid we saw just last week. It is particularly nice to see the new player, or welcome the older player back, ConocoPhillips, to our jurisdiction.

We, too, have high hopes in the Flemish Pass and this high level of interest we saw on Friday, as I said, is encouraging, as well as the continued interest in the Carson Basin and the Jeanne d'Arc Basins, as well.

Additionally, we have been very supportive of the new land tenure system used by the C-NLOPB and we look forward to the Call for Bids again next spring – this so-called creating the environment for success.

As we know this money will be spent over a six-year period which could be extended into nine years in some cases, but as well know exploration is key to sustaining our oil and gas.

All of us in this room, I am sure, as Newfoundlanders and Labradorians, know the tremendous value that oil and gas has to our economy. We look forward to this. We are very pleased with the results on Friday.

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.

I, too, thank the minister for the advance copy of his statement. It is indeed good news that the largest bid in the Province's history has been made for a land parcel in the Flemish Pass Basin. I do not underestimate that.

However, a Nalcor official is quoted in the recent *Globe and Mail* story saying he would like to see competitive bids for at least three of the six parcels and at least one new entrant. I point out to the minister there was one bid, large though it may have been.

The minister notes correctly there were \$2 billion of revenue in 2012. I look forward to hearing what the mid-year financial report will be with oil close to \$60 a barrel.

Thank you very much, Mr. Speaker.

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

MR. GRANTER: Mr. Speaker, I rise in this hon. House to note our government's commitment to engaging youth in marine studies.

For decades our fishery has been a cornerstone of our Province's economy and culture. The fishery is rooted in our history, and as we move forward it is important that we engage youth who will be the harvesters, processors, scientists, inspectors, and policy-makers of our future fisheries and aquaculture sector.

Mr. Speaker, for this reason the Department of Fisheries and Aquaculture Scholarship was

created in 2008 to promote awareness and appreciation of the Province's fishing and aquaculture industries among graduating high school students. This past year Nicole Kennedy of Spaniard's Bay was the winner of the seventh annual Department of Fisheries and Aquaculture Scholarship.

Mr. Speaker, funding has also been provided for a number of youth-focused initiatives that encourage youth to pursue active participation in coastal and ocean stewardship and learning. An example of this would be *The Trading Books for Boats* program that was created and launched by Atlantic Coastal Action Program Humber Arm in 2002. The program provides opportunities for students to collect data and learn about topics such as marine ecosystems and species, aquatic invasive species, marine debris, and ocean technology. The provincial government has supported this initiative because it engages and motivates youth to pursue success in the marine careers.

The department is also proud to support Students on Ice Arctic Expeditions, an award-winning organization offering unique educational expeditions to the Antarctic and the Arctic. This program provides students, educators, and scientists from around the world with inspiring educational opportunities to help youth foster a new understanding and respect for our planet. Approximately \$60,000 in funding under the department's Coastal and Oceans Strategy program has been provided to the Students on Ice Arctic Expedition since 2010.

In addition to the Department of Fisheries and Aquaculture Scholarship, the provincial government supports student engagement in marine issues by providing funding for student placements at the Centre for Fisheries Ecosystem Research, and the Dr. Wilfred Templeman Memorial Scholarship for graduate students studying fisheries science at Memorial University.

We look forward to continuing support for the youth of our Province who show an interest in marine studies. By strengthening their understanding and knowledge, we ensure the future of our fisheries and aquaculture industry remains as vibrant as it is today.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. BENNETT: I thank the minister for the advance copy of his statement.

I would like to take up where he left off. He said he would like to ensure that the fisheries and aquaculture industry remains as vibrant as it is today. Well, heaven forbid that it should be no better than today.

I am taken back to the 1999 Seafood Industry in Review. The hon. John Efford pointed out fifteen years ago that we had reached \$1 billion. Our seafood industry reached \$1 billion and we have been flatlined, Mr. Speaker, ever since the flatline of \$1 billion. We have had no growth whatsoever. Even more tragically, at that time we had 30,000 people involved in our fishery; today we have 18,000 people. The minister seeks to congratulate the government on a loss of 40 per cent of the people working in the industry and no growth in fifteen years.

Mr. Speaker, this government may pretend to be born-again fisheries advocates but clearly they are not. They have ignored the fishery for eleven years and now they are looking to get some credit by a few low-scale announcements.

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 his statement.

I applaud all these efforts to encourage young people to consider a career in the fishery, our one, true sustainable industry and our oldest one, Mr. Speaker.

Congratulations to all the young people participating and I wish them every success in these exciting opportunities. Imagine an expedition to Antarctica. It is important for the future of the fishery and the future of these young people that we fight to protect our fishery in light of the Harper Government's refusal to contribute financially to our fisheries future because of the impacts of CETA.

Thank you very much, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. CORNETT: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to rise today to recognize St. Kevin's High School in Goulds for developing the first in a series of iBook textbooks focused on workplace health and safety that will be shared with students around the Province and around the globe.

The Workplace Health, Safety and Compensation Commission was proud to provide \$22,000 in funding to support this innovative project which establishes St. Kevin's High School as a Centre of Excellence for student-created safety iBook textbooks. By providing high school students with the technology and resources to develop initiatives such as safety iBooks, we are ensuring that students are better able to learn how their knowledge and attitudes can improve their workplace health and safety.

Young people are the workforce of the future and have unique health and safety challenges. There are a range of factors that impact their well-being, including unsafe working conditions and job-related factors such as heavy workloads, long working hours and inadequate training. Young people are also impacted by a lack of awareness of their rights and responsibilities in the workplace.

Mr. Speaker, the Workplace Health, Safety and Compensation Commission has developed important partnerships with schools throughout educational initiatives such as Safe Work NL's – Who Wants to Save a Life? game show, the

annual Young Worker Safety Radio/Video Ad Contest, Skills Canada competitions, and the high school course Workplace Safety 3220. These initiatives have resulted in students becoming more aware of their rights and responsibilities as they enter the workforce.

As well, these partnerships show that the Workplace Health, Safety and Compensation Commission remains committed to making Newfoundland and Labrador workplaces safer for young workers by increasing awareness of workplace health and safety and how to prevent injuries.

Mr. Speaker, we are proud of the work carried out by the students at St. Kevin's in helping to keep their peers safe at work and I congratulate them on the launch of their iBook textbook. I encourage all students in our Province to visit iTunes and download the iBook Introduction to Young Worker Safety for free. It can be viewed using the iBooks App on any iPad or MacBook computer.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Mount Pearl South.

MR. LANE: Thank you, Mr. Speaker.

I want to thank the minister for an advance copy of his statement.

Mr. Speaker, we certainly would like to also applaud St. Kevin's High School on this initiative. We know when we talk about workplace safety, one of the most vulnerable groups in the workplace where you have a lot of the accidents occurring is actually with new workers. So I think anything we can do to bring awareness to our future workforce, to do it at a young age, is a very positive thing and I think it will pay off down the road.

That said, Mr. Speaker, when we talk about occupational health and safety in this Province, while this is a good initiative, there are certainly other things that need to be done. We look no further than the Fish Processing Sector Safety

Council that was announced three years ago, absolutely nothing done.

We have all of these cases of silicosis in Lab West at IOC. There is a problem there. We do not have inspectors. We have not had an inspector there, I think, for five years. They are flying them in and out. There used to be three. Now they are down to fly in and fly out.

We look at the plight of the former workers of the Marystown Shipyard. Once people become injured or they come down with industrial disease, then we have issues in this Province as it relates to the Workers Comp system and getting their cases reviewed.

So while this is a positive initiative, there is definitely a lot of work to be done.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Thank you, Mr. Speaker.

I, too, thank the minister for an advance copy of his statement. Bravo to the staff at St. Kevin's High School who have dedicated time and effort to educating young workers about workplace hazards and their right to a safe environment.

Because of projects like this, we are seeing a drop in young worker injuries – although the statistics also say every day in this Province two young workers are injured on the job. So we must also teach young people how to be advocates for safety in their workplaces, and to hold employers accountable for that.

We know, Mr. Speaker, that the unions have done a great job on this. Now that the young worker safety iBook will be available for free with an iPad or a MacBook, I am hoping that students will have access to that at school.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

Well, just recently the Premier stated that the removal of the MPRs – minimum processing requirements – as part of the CETA agreement is not going to have a negative impact on fish processors in Newfoundland and Labrador.

So I ask the Premier: If this is the case, why is one of the five pillars called worker adjustment and designed to provide assistance for workers displaced by fish plant closure related to CETA?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

I would like to take a moment to applaud the work of government officials and those working for government on behalf of the people of Newfoundland and Labrador who have worked very hard on this file in the last number of years, Mr. Speaker. We have employees in government who have worked on this file now in excess of five years, dedicated full-time, worked days, nights, and weekends for extended periods of time. I would like to extend my congratulations and appreciation to them.

As part of the agreement that we reached with the federal government, a 70-30 split of \$280 million submitted by the federal government, and \$120 million by our government, was built on five pillars. It was about marketing, it was about fish science, it was about research and development, it was about investment in infrastructure in the fishing industry, and it was also, as the member opposite referenced, about workforce adjustment, if that was to happen, Mr. Speaker.

The fund today and the utilization of that fund today, we cannot anticipate and we do not anticipate a significant impact on the workforce; but if that was to happen in the future, Mr.

Speaker, this fund was going to position Newfoundland and Labrador to ensure the safety of the fishery.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, I am sure the Premier, as well as the officials and then the employees, who I agree, worked a lot of hours over a number of years in getting us to where we are today with all of this – but there was no question about this. Some of the Premier's comments that he has made publicly just last week is not surely helping this argument. One of the problems is that government has not been clear, really, on the values of MPRs to our fishery.

The 2006 report completed by Burke Consulting did not place an exact value on MPRs; however, the report did recommend that further evaluation of the MPR system be undertaken by 2009.

I ask the Premier: Eight years after the recommendation and being such an important piece of the CETA negotiation, why hasn't this additional evaluation been completed?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

On a discussion about MPRs – which are minimum processing requirements that we have in place in Newfoundland and Labrador. Just to be clear for members of the House and for the general public as well is that in Newfoundland and Labrador we have two jurisdictional authorities in this Province over our fishery. We have authority over licensing and we also have authority over minimum processing requirements.

The federal government holds the ability to make decisions over harvesting and what happens on the water. We do not take over regulatory authority until products reach the wharf, in which then we have those authorities.

Mr. Speaker, it is important for minimum processing requirements – they are important to the people of the Province. They are important to fishing communities. They are important to people who work in fish plants and the fish processors. For us to give up on that policy, we wanted to have an assurance that we could build a fishery of the future. That is what that funding is for.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Throughout this whole negotiation one of the things that was very clear, especially from the federal government, was about workers replacement – job replacement. The Burke consultants outlined this. In order to put a value on MPRs they suggested that more work needed to be done.

I ask the Premier: Since this was a foundation for the CETA agreement, the fisheries loan, this fund, why did you not do this work that was suggested by Burke?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

The agreement that we reached with the Government of Canada was based on a negotiation. As we went through the process of negotiation, we included input in consultation with industry stakeholders. The FFAW was highly involved in the process of discussion about the importance of MPRs and how we would –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER DAVIS: – enter them into the trade agreements and trade discussions with the Government of Canada.

While the member opposite is questioning MPRs and questioning where we are as to how we reach value and so on – they are all important, good discussions – but I would like to know, for the member opposite, where does he stand with us as a government in our battle against the Government of Canada?

We need to hold Stephen Harper's feet to the fire in ensuring that we get this agreement finalized. We know some members opposite do not support CETA, but I can tell you we certainly do, if Stephen Harper lives up to his obligations, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: I will make it quite clear to the Premier, and those who are following this at home, I am certainly not one to be siding with Stephen Harper. It did not take a trip to Ottawa for me to figure out that you could –

SOME HON. MEMBERS: Hear, hear!

MR. BALL: I was not the one saying in this House that I am dotting the i's and crossing the t's on this agreement either, Mr. Speaker.

Mr. Speaker, in other negotiations, like the federal loan guarantee for Muskrat Falls, the Province signed an MOU a year before the final agreement was reached. In this case, with a \$400 million CETA fisheries fund, the government did not have a signed formal agreement.

I ask the Premier: During negotiations on the fisheries fund, and before your public announcement, why didn't you have a signed agreement with both parties?

MR. SPEAKER: The hon. the Premier.

PREMIER DAVIS: Thank you, Mr. Speaker.

The member opposite must be the last person in Newfoundland and Labrador, and the last one in Canada, who does not believe we had an agreement. The Prime Minister has said we had an agreement. Senator Wells says we have an

agreement. We have said we have an agreement. We have independent professors from the university saying that we have an agreement, Mr. Speaker.

We had an e-mail from Bill Hawkins dated October 23, right to officials in government, who also acknowledged we had an agreement. Bill Hawkins was the Chief of Staff for the hon. Ed Fast at the time, Mr. Speaker. He now works in the Prime Minister's Office. Even his e-mails acknowledged we had an agreement, Mr. Speaker.

There is no question; we had an agreement with the federal government. It was contingent on the federal government providing \$280 million towards a fund to allow for this Province and our government to ensure industry renewal and industry development so we could have a positive impact on the fishing industry throughout Newfoundland and Labrador, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Again, I say an e-mail exchange or a letter-writing campaign with the federal government, in this particular case, we all should have learned a lesson about that from our own experience over many, many years. Without a signed document, the Province is left without a dispute resolution process.

I ask the Premier: Why would you negotiate with Stephen Harper and make a public announcement without a clear process, a clear resolution process already established?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

It is clear now, Mr. Speaker, that the member opposite is not with us on this. Where we are –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Premier.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Members have asked questions and ministers and the Premier are going to answer.

The hon. the Premier.

PREMIER DAVIS: Thank you, Mr. Speaker.

When we announced this last year, the Member for St. Barbe was quite clear publicly when he said the CETA deal is going to kill the fishery, Mr. Speaker. Now, we are having questions from his leader opposite about the viability of the CETA agreement and the tariffs and the fund and all of the agreements that were reached. Mr. Speaker, there is no doubt that we reached agreement with the federal government. There was no doubt in anyone's mind.

The people throughout Canada, people throughout Newfoundland and Labrador who took the time to read the documents – they are very careful in the documents that allowed a negotiation that took place, Mr. Speaker, e-mails we have as well, it clearly paints a picture that we had an agreement.

Mr. Speaker, even in this e-mail here from Bill Hawkins, who at the time was the chief of staff for Minister Ed Fast, says he looks forward to – he congratulated us on our announcement. He looks forward to us moving forward together and receiving further discussions on finalizing the deal.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Official Opposition.

MR. BALL: Thank you, Mr. Speaker.

Well, I have read all the documents too, and there is no doubt when you read through those documents there was certainly an expression there and one could read that there was an

agreement in principle being formulated. What was missing, however –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BALL: What was missing, however, was getting those signatures on the paper. The Premier should have known who he was dealing with and should have had a document signed by both parties. Instead, we have a loose assortment: some correspondence, some e-mail, assortment of letters.

I ask the Premier: Have you obtained a legal opinion on your letters, whether they are legally enforceable or not?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, what the member opposite is trying to point out is that we had a deal. All those documents paint a picture of a deal; they clearly paint a picture. Those who have taken the time to read those documents agree that we clearly had a deal, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER DAVIS: Not only did we have a deal, but what happened after we announced the deal last October I think is important as well. Because the file from the federal government was taken from Minister Ed Fast who was the chief negotiator, it was passed over to ACOA, Mr. Speaker, Atlantic Canada Opportunities Agency, who invests in Atlantic Canada, invests in opportunities, and invests in the future.

They do not – like Service Canada – provide funding for compensation. They are about investments, Mr. Speaker. That is where the file went. It went to Minister Moore, and for seventeen months Minister Moore not once said that we had to demonstrate economic loss, not until this fall. They are moving the goalpost,

Mr. Speaker, and we are not going to stand for it.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well it took almost a year after the announcement was made here in St. John's did we even figure out who was actually going to administer the program. As a matter of fact, it was a minister of your government who felt that the administration would be done within government. It was the federal government who told you that it would be done by ACOA. Mr. Speaker, we have reached a stalemate with no signed agreement and no dispute resolution process in place.

I ask the Premier: Will you bring this issue to the Supreme Court to get an interpretation on what exactly was agreed on during the series of letters over a year ago?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

This will provide more detail, Mr. Speaker, because I know the people of the Province are keenly interested in this whole process.

October, 2013, we made an announcement to the people of the Province that we had reached an agreement with the federal government. Mr. Bill Hawkins, who now works in the Prime Minister's office, at the time was chief of staff for the hon. Ed Fast, acknowledges and knew we were going to make an announcement; regretted he was not able to send someone to the announcement. It says so in his e-mail that he looks forward to working with us into the future. That is what his e-mail says, Mr. Speaker.

Then, when the file goes over to Minister Rob Moore, who is the federal minister supposedly representing Newfoundland and Labrador, he took the file, Mr. Speaker, and in January – soon after we announced our deal he came to

Newfoundland and Labrador, went to the board of trade, and not once did he mention that we had a demonstrated loss, Mr. Speaker – not once.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, an internal audit of laboratory medicine at the Health Sciences Centre was completed four weeks ago. There were fifty-one instances where concerns were raised around seven main areas of concern.

I ask the minister: Are you aware of this audit, and does this cause you concern?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, assuring quality and safety in our laboratories and throughout our health care system is a top priority. So any time there is a review or audit, we take those concerns, those findings, and those recommendations very seriously. We have good, well-run accredited labs in this Province that achieve the highest standards, and we are continually improving on those standards as well, Mr. Speaker.

Every time there is an audit or review, of course we take it very seriously, and we work to improve our performance accordingly.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, it does not sound like the minister is quite aware of the audit that I am referencing right now. This laboratory medicine audit showed there were eighteen instances where laboratory standards were either (a) not developed at all, (b) not being implemented, or (c) policy was not being followed. Five years ago the Cameron Inquiry required all labs to be accredited.

I ask the minister: What immediate action are you taking to address these very significant concerns?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, the specific report that the member is referring to was just received by my office this morning. So I have every intention of fully reviewing it.

I can assure him and members opposite, and the public, that every laboratory in this Province is accredited. We are constantly improving our standards. Quality and patient safety are our top priorities, and that will certainly continue, Mr. Speaker. I do look forward to reviewing the report in question.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, recommendation 15 of the Cameron Inquiry stated that leadership training was necessary for management within the pathology division. This audit showed there are problems with communication and leadership throughout the department.

I ask the minister, or perhaps the Premier, or the former minister: Why does pathology still have communication and leadership issues five years after the Cameron Inquiry?

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, we take concerns raised about the pathology lab or any other laboratory in our system extremely seriously, and we will be reviewing the audit report that has now been received by my office. I know that Eastern Health is taking steps to address many of the concerns that are outlined, but in

terms of the progress that has been made since Cameron, it has been substantial. Most recommendations have been implemented. In fact, we have invested over \$43 million to respond directly to the recommendations in the Cameron report, and fifty-five out of sixty recommendations have been fully implemented, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, I am glad the minister is going to review it, but I can tell him about some of it right now. The Cameron Inquiry recommended efficiencies and improved protocols within immunohistochemistry or IHC testing. For the past four months, half of the samples that go in the lab do not leave on time. These tests are widely used in the diagnosis of cancer. These delayed test results are causing undue stress for the pathology assistants, and it is putting cancer patients at risk.

I ask the minister: What immediate action will you take to ensure that cancer patients are receiving their lab information on time?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, it is important that lab results are processed efficiently and effectively, and in a timely fashion as well. That is part of the reason why some tests, certain tests have been performed outside the Province for a period of time, as we have previously discussed in this House, Mr. Speaker.

Again, we have invested over \$43 million to address recommendations coming out of the Cameron Inquiry, and that includes improvements to our laboratory services as well, Mr. Speaker. Continuous improvement is necessary everywhere in the health care system, and certainly in the laboratory environment, that is no different.

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

MR. A. PARSONS: Mr. Speaker, it is interesting that the minister mentions \$43 million, because senior staff and pathologists at the Health Sciences have said that actions taken in relation to Cameron have not been sustained. This is shocking, and it is unacceptable. This report has been out for over a month, and it is five years post-Cameron.

What will you do to immediately address this?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, again, the report that the member is referring to was received by my office this morning. So I have not had an opportunity to review that report. I understand that officials at Eastern Health are taking immediate action. We want to address whatever concerns exist related to the pathology lab. I have received assurance that quality standards are being met and that patients are safe. Patient safety is always our top priority, Mr. Speaker.

I do look forward to reviewing the report. I can assure you if further action needs to be taken then it will be.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, the report that I am referencing is dated November 12.

Why is the Minister of Health only getting it on December 15?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, the moment that I became aware that there was an audit review report that was being compiled, I immediately requested that report. Eastern Health provided that report this morning. I look forward to reviewing it in its entirety.

I am sure I will be having active discussions with Eastern Health. My understanding from brief discussions even this morning, Mr. Speaker, is that action already has been taken. I look forward to receiving a full briefing from Eastern Health on necessary next steps.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, I ask the Minister of Health: Just to clarify for the record here, when did you first become aware of it?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I became aware in November that there was a review being done. I only became aware this morning that the report had been received by my office because it was received this morning. I was aware that an audit was being conducted. That audit is now complete. A report was provided to me today.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Mr. Speaker, we have a report that is dated November 12. Now the minister has said here right now that he has been aware of this since November, but he only gets the report on his desk on the morning of December 15.

I ask the minister: Is this acceptable?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

I will try again. I became aware in November that there was an audit being conducted – in November. I received the report on that audit from Eastern Health this morning. I fully intend

to review the recommendations that are provided in that audit because I want to ensure that safety and quality is paramount in all of our laboratory facilities.

I am pleased with the significant progress we have made since the Cameron Inquiry. We have improved quality. We have improved patient safety within our diagnostic services, and within our overall health care system. That progress and that improvement will continue, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. FLYNN: Thank you, Mr. Speaker.

Mr. Speaker, last April, the government committed to a \$500,000 study to determine how best to deliver radiation services to the Province. This study was due in August. In November when we asked, the minister said it would be available in the next number of weeks.

I ask the minister: What is the status of the \$500,000 study?

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I welcome the member to the House of Assembly.

Earlier in this sitting, we did discuss this very issue because the provincial radiation review is ongoing. There have been some delays. I expect to receive the report on that review within the next number of weeks. I look forward to reviewing its findings.

In the meantime, that ongoing review of provincial radiation will not pose any threat to the West Coast hospital project. It will also not result in any delays whatsoever to the new West Coast hospital.

SOME HON. MEMBERS: Hear, hear!

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

MR. FLYNN: Mr. Speaker, the Minister of Health said that the functional program for the new Western Memorial Regional Hospital is being finalized, but he is willing to answer whatever questions we have. Last week he confirmed that there was a 45 per cent reduction in the number of labour and delivery rooms in the new hospital.

I ask the minister: Can he also confirm that the number of ultrasound machines will be reduced from the current six, and if so, to what level?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I do not have the specific information from the draft functional plan that the member is asking for, but I will certainly get it and I will certainly provide it in this House.

What I can assure you is that as a result of the work that is going, and as a result of the new functional plan, the number of beds in the new hospital facility to the West Coast hospital will increase. The number of services available in the West Coast hospital will increase. The service level and the quality of care will be better overall as a result of this new development.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Mr. Speaker, in the Department of Advanced Education and Skills alone the Population Growth Strategy is late, the Immigration Strategy is late, the action plan for the inclusion strategy is late, the Poverty Reduction Strategy is two years late, and the Adult Literacy Plan is almost eight years late.

I ask the Premier: Why does your government continue to miss deadlines, break promises, and operate in the absence of strategies?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Advanced Education and Skills.

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, I go back in Newfoundland and Labrador a long time – not telling my age here – and I have watched politics from way back in the early 1970s. There were a lot of strategies by the Liberal government that were shelved and collected a lot of dust, I can guarantee you, that never seen the light of day until we took government.

We have been working on those strategies, Mr. Speaker. As a matter of fact, they are very important to the Province. Population growth is absolutely important. That is the reason why we have been focusing on immigration. That is the reason why we have been focusing on workforce development.

These strategies take a lot of time, Mr. Speaker, and they are well underway.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: I guess they are coming soon, Mr. Speaker.

We know the importance of their population growth; that is why they are reducing the beds in Corner Brook. Five strategies late in one department; meanwhile, we have the highest food bank usage in Canada, some of the lowest literacy levels in Canada and an Office of Immigration cut in half, despite a desperate need to grow the population.

Again, I ask the Premier: Don't you see that a failure to plan is a plan to fail?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Advanced Education and Skills.

MR. JACKMAN: Mr. Speaker –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Minister of Seniors, Wellness and Social Development.

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Thank you, Mr. Speaker.

It is interesting, the member gets up and cites things that suit a purpose and may not always have the information, Mr. Speaker.

I can speak to her that the Poverty Reduction Strategy is well underway. The final session of that one, I believe, is on January 19. I would go back to December 18 when she got up and asked a question about the inclusion strategy, Mr. Speaker. I can list to her almost all of the money of the \$6 million that she mentioned that was spent.

She is absolutely wrong about what she is trying to portray to the people of the Province, Mr. Speaker. It is not acceptable and I can show her where the money was spent right after Question Period, if she is interested.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

The Premier is reported as saying that Stephen Harper has changed things so much regarding the –

SOME HON. MEMBERS: Oh, oh!

MS MICHAEL: Did I hear incorrectly, Mr. Speaker?

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

MS MICHAEL: Thank you very much.

The Premier is reported as saying that Stephen Harper has changed things so much regarding

the fishery investment fund that it is going to be unreachable.

I ask the Premier: If he is so convinced that there is nowhere else to go regarding this fund, will he rescind his agreement for CETA?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, I made it quite clear; we had a negotiation with the federal government. We reached an agreement with the federal government. We reached an agreement with Stephen Harper's government that includes a fisheries innovation and renewal fund that will be cost-shared 70-30 with the federal government; they would pay 70 per cent and we would pay 30 per cent. We expect them to live up to their obligation.

I can tell you, if they do not live up to their obligation – our deal was that you provide us with this fund and we support CETA. Mr. Speaker, it is very simple. It is not difficult to do. If you provide the fund, as we agreed to, then we support CETA. It is a very simple concept, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

I ask the Premier: Why would he continue to agree to CETA if the fund that he thought existed to assist with the development of our fishery as the Province moves into a more open and aggressive market with open European countries does not exist, as he thought it did?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

Mr. Speaker, we are going to follow all avenues available to us as a government and a Province on behalf of the people of Newfoundland and

Labrador to ensure that Stephen Harper lives up to his obligations.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Mr. Speaker, we have already started the work of going down those roads. When we visited Ottawa last week, we also took the chance and opportunity to visit with some MPs and Senators. We have written all the MPs and Senators for Newfoundland and Labrador.

We will be talking to and bringing our story to the leaders of the federal parties, Mr. Speaker. We will bring our story to the people of Canada, through leaders and provinces and municipalities and industry leaders. We will bring our story to the EU as well, if we have to, because that is what we need to do for the people of the Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Third Party.

MS MICHAEL: I ask the Premier: If the fishery cannot be assisted, why would he support a deal that can lead to more expensive prescription drugs –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: – uncontrolled rights for corporations, and can force municipalities to put tenders out on an international stage?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: Thank you, Mr. Speaker.

It certainly sounds to me like the Leader of the Third Party is going to support us in our efforts to ensure that Stephen Harper lives up to his commitment to the people of the Province. Mr. Speaker, I am not so sure that members opposite in the Opposition, the Liberal Opposition, are in support in the same way; but I can tell you what

we are going to do over here, as the Premier of this Province and as a government –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER DAVIS: – we are going to fight for the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

PREMIER DAVIS: We are going to fight for the people who work in fish processing, in fish harvesting. We are going to fight for the fishery of Newfoundland and Labrador. We are going to fight for communities, Mr. Speaker. We are going to fight for all regions of Newfoundland and Labrador, and we are going to fight to ensure that Stephen Harper lives up to his obligations.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Mr. Speaker, the Provincial Hearing Aid Program is backed up by a full year. That is a year for people who cannot hear, causing isolation, confusion, and frustration. A constituent of mine contacted me because he was in danger of losing his job while waiting.

I ask the minister: How many people are on the wait-list for hearing aids?

MR. SPEAKER: The hon. the Minister of Advanced Education and Skills.

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, these kinds of issues for all individuals in Newfoundland and Labrador have always been a concern of this government. That is the reason why we have invested heavily in regard to our social programs: \$219 million into Income Support, supporting the most vulnerable people of our Province.

If the hon. member across the way can forward the name in regard to the issue, I will certainly look into it and have my officials react to it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. John's Centre, for a quick question.

MS ROGERS: Mr. Speaker, I ask the minister, because he is not hearing: What is he going to do about the year backlog for people waiting for hearing aids?

MR. SPEAKER: The hon. the Minister of Advanced Education and Skills.

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, like I just said, we invest heavily in regard to the most vulnerable people in our Province. We try to address their individual issues.

We work with the industry as well in regard to the various providers across the Province. There is a process they have to go through in regard to being evaluated and assessed, Mr. Speaker. We will keep working that system and we will keep helping the people of the Province.

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.

Tabling of Documents

MR. SPEAKER: Order, please!

I hereby table the report of the Auditor General entitled, Report to the House of Assembly on Review of Departments and Crown Agencies, dated December 2014.

Further tabling of documents?

Notices of Motion.

Notices of Motion

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

MS ROGERS: Thank you, Mr. Speaker.

I give notice that I will –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Member for St. John's Centre.

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

I give notice that I will on Wednesday, December 17, be moving the following private member's motion:

THEREFORE BE IT RESOLVED that the House of Assembly urge government to immediately strike an all-party committee on mental health to conduct Province-wide public consultations, review the current state of provincial mental health services, receive expert testimony on best practices in mental health care delivery, and report its findings with the goal of improving mental health programs and services to better serve the needs of the people of Newfoundland and Labrador.

The motion is seconded by the Member for Signal Hill – Quidi Vidi.

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

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

I give notice that the motion just read by my colleague will be the motion for Wednesday, December 17.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

MR. SPEAKER: The hon. the Member for Mount Pearl South.

MR. LANE: 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 humbly sheweth:

WHEREAS the Edinburgh Group has been granted permission to proceed with the development of 110 recreational cottage lots at Ocean Pond near Whitbourne; and

WHEREAS the roadway accessing the new development was built by and maintained by cottage owners for the past thirty-five year; and

WHEREAS the existing Ocean Pond road cannot possibly withstand the heavy construction equipment and traffic of a 110 lot development; and

WHEREAS there has been questionable transactions making the piece of property a Crown grant to which no answers have been provided; and

WHEREAS there was access given to this property through Crown land as well as a change in the boundary of the original land licence shortly before the purchase by Edinburgh Group but after the grant was finalized;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to stop the current development by Edinburgh Group and hold a meeting with the Ocean Pond group to outline government's plan for the area and allow existing residents to have input into decisions made in their cottage area.

Mr. Speaker, I have several signatures here from cabin owners, from residents of Ocean Pond. As has been indicated, there was certainly a transaction which occurred up in that area that was not made public. It involved Crown land that belonged to the people; it was part of that deal. Again, it was not made public.

There was a road that was put through Ocean Pond to that development before there was even an environmental assessment done on that particular development, Mr. Speaker. Residents have many, many concerns about it. Particularly, the main one being the fact they were never consulted; they were never given an opportunity for proper input.

They are calling upon government, as is indicated in this petition, to halt the development, have a public meeting, and allow for the residents and the cottage owners of Ocean Pond to have that opportunity to ask questions; and, most importantly, to get straight answers on how this occurred and what are all the ramifications around it, Mr. Speaker.

Thank you for your time.

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 Route 434, Conche Road, is 17.6 kilometres of unpaved road; and

WHEREAS the current road conditions are deplorable; and

WHEREAS the Canadian Automobile Association ranked Route 434 the seventh worst road in Atlantic Canada; and

WHEREAS it is government's obligation to provide basic infrastructure to all Newfoundlanders and Labradorians; and

WHEREAS an improved paved road would enhance local business, fish processing operations and tourism, which is vital to the health of the communities affected;

We the undersigned, petition the House of Assembly to urge the government to allocate

funds in the Provincial Roads Program to pave Route 434.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, this is the biggest issue in the Town of Conche. They have been advocating for some time for pavement, whether it is a one-time deal or a multi-year plan, to pave this particular piece of road infrastructure because it means a lot for the economy of this community. Whereas you have an active fish processing facility with hundreds of transport trucks travelling over this highway. You have a tourist attraction there which sees thousands of tourists in season. You have a writers' retreat. You have a bed and breakfast and a restaurant. You have other local business and commerce that is happening in this community.

There are a lot of commuters who are travelling back and forth to the hub, to Roddickton-Bide Arm, and also commuters who are coming into town to work. Government has already invested about \$6 million to rebuild and realign this road. There needs to be an investment made to look at paving this route, because there is a dedicated grading system currently there. It is costing money, to see this infrastructure that is being lost off the sides of the road into the banks, creating potholes, and putting down to the bedrock.

The longer government delays making Conche an even more vibrant economy, the worse it is for the town, for the local regional economy, and for the provincial economy when it comes to the tax base overall.

So, I enter this petition on behalf of my petitioners in Bide Arm, Englee, St. John's, and Roddickton.

Thank you, Mr. Speaker.

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

MR. EDMUNDS: Thank you, Mr. Speaker.

To the hon. House of Assembly the petition of the undersigned humbly sheweth:

WHEREAS Labrador's coastal communities already pay extremely high hydro rates; and

WHEREAS small businesses are struggling to stay in operation against rising costs; and

WHEREAS Nalcor, a Crown corporation, is proposing a 11.4 per cent increase to residential hydro rates and a 20 per cent increase to business rates;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to work with Nalcor to establish rates that are fair and consistent to the whole Province.

As in duty bound, your petitioners will ever pray.

Now, in the great Province of Newfoundland and Labrador, Mr. Speaker, there are four Aboriginal groups. There are Inuit, Innu, Mi'kmaq, and NunatuKavut on the South Coast of Labrador.

The proposed hydro rate that is proposed by Nalcor, Mr. Speaker, impacts three of those four Aboriginal groups. It impacts the Inuit in Northern Labrador. The Innu in Northern Labrador are in the process of trying to negotiate a final agreement for New Dawn. It also impacts NunatuKavut on the South Coast of Labrador. I have heard government across the way stand up many, many times talking about how they support the Aboriginal community in our Province, and when I see proposals like this, I question government's statements as to their actual commitment to the people in this Province who were here first.

The other issue, Mr. Speaker, if you look at the power line, the transmission line from the proposed Muskrat Falls Project. On the south coast there is a community called Forteau. That power line goes right through the community, and they cannot get any power. You could plug in an extension cord and get power, but it will not be done. Yet, these people are the ones who are going to be hit with an 11.4 per cent hydro rate and a 20 per cent hydro increase. These communities are part of the Province.

We would not have had a problem with Nalcor saying we are going to the PUB with a 3 per cent increase rate. There would not have been a problem at all, Mr. Speaker, but when you start differentiating between who you think you can go to and what you think you can get away with in terms of making increases – the reason I say that, Mr. Speaker, is because the last time, as I said, it went to Central Labrador and Labrador West, 25 per cent increase. It was pulled off because there was too much opposition to it. What do you do? You run around and you pick on people who you think are not going to oppose it. Well, in this case it is being opposed and it will continue to be opposed.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you, Mr. Speaker.

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

WHEREAS Labrador's coastal communities already pay extremely high hydro rates; and

WHEREAS small businesses are struggling to stay in operation against rising costs of operation; and

WHEREAS Nalcor, a crown corporation, is proposing an 11.4 per cent increase to residential hydro rates and a 20 per cent increase to business rates;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to work with Nalcor to establish rates that are fair and consistent to the whole Province.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I think we are about ten days away from Christmas, but there are a lot of people in

the District of Cartwright – L'Anse au Clair and in the North Coastal communities who are not feeling in the Christmas spirit. What is happening right here is wrong. Myself and my colleague from Torngat have been on our feet every opportunity that we have had, giving voice to this injustice that is happening in small Aboriginal, coastal communities.

We had an application that was put forth in 2013 that was very, very different than this, Mr. Speaker. What happened? Some communities, some of the larger areas were going to get a 25 per cent increase, that got pulled back. What is happening now is once again the most vulnerable, the people on the fixed income, the businesses that already have rising high costs are the ones who are going to be hit.

We have an obligation, Mr. Speaker. I believe we have a moral and an ethical obligation to stand for those people and to be a voice for the people who cannot be a voice for themselves. What is happening here is wrong. We are not happy about it. My colleague is absolutely right when he talks about the megaproject that is going down through that we are not seeing anything from.

Mr. Speaker, this government, if they want to do something, stand up and say we will look at subsidies for this because this is wrong. Write letters to the PUB and say what is happening here, because you are targeting these tiny communities, is wrong.

Do not stand up and say we support the process. In standing up and saying we support the process, you are saying we will lose no sleep over the fact that small coastal communities are going to be hit with an increase of 11.4 per cent, and that small businesses are going to have to live with the reality of a 20 per cent increase. What will happen there, Mr. Speaker, is that businesses are going to close their doors.

We are hitting the most vulnerable, our small fishing communities that are already struggling, Mr. Speaker. I will continue. This is wrong. The last application was pulled off the table. This application can and should be pulled off the table, and I hope it is.

Thank you.

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

MR. DALLEY: A point of order, Mr. Speaker.

The member opposite said they should be subsidized. She should acknowledge that the rates in Coastal Labrador are subsidized, everywhere from 70 per cent to 85 per cent, Mr. Speaker, despite the challenges which we certainly acknowledge here as well.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: There is no point of order.

Further petitions?

The hon. the Member for St. George's – Stephenville East.

MR. REID: Thank you, Mr. Speaker.

I have another petition to present on the health care in the Heatherton to Highlands area of the West Coast.

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 has not been a permanent doctor in the clinic in Jeffrey's for almost a year; and

WHEREAS the absence of a permanent doctor is seriously compromising the health care of people who live in the Heatherton to Highlands area and causing them undue hardship; and

WHEREAS the absence of a doctor or nurse practitioner in the area leaves seniors without a consistency and quality of care which is necessary for their continued good health;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to take action which will result in a permanent doctor or other

arrangements to improve health care service in the Heatherton to Highlands area.

Mr. Speaker, there has been a doctor at the clinic in Jeffrey's for a number of years, and for the last year they have been unable to find a doctor to go to that clinic. This is not a new position that the people are asking for. This is a position that has been budgeted for in last year's budget and exists for a number of years. It is not a new position. It is something that has been there in the past.

People in the area are not getting the medical care they need in the area. People have to travel long distances to get just the basic care they need. Even to get a prescription refilled, they have to travel to Stephenville and usually wait all day in outpatients to get a prescription filled.

Also, the Town of St. George's is losing their doctor today. So that will put the people in St. George's into a similar situation where they will be without a doctor. People there will have to travel to Stephenville as well to get medical care.

All of these people from outlying areas travelling to the Stephenville hospital leaves that hospital in a situation where they have longer wait times. It is not unusual for people who go to the outpatients or the emergency room there to have to wait all day to get in to see a doctor.

I have talked with officials at Western Health and I have talked to the Minister of Health to inform them of the seriousness of this situation. I am hopeful that in the not too distant future some action will be taken to address the crisis situation that is developing in health care in the Bay St. George South area.

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.

At this time I call from the Order Paper, Order 2, third reading of a bill, An Act To Amend The Pensions Funding Act And The Public Service Pensions Act, 1991, Bill 39, and I move that the said bill be now read a third time.

MR. SPEAKER: It is moved and seconded that Bill 39 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 39 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Pensions Funding Act And The Public Service Pensions Act, 1991. (Bill 39)

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

On motion, a bill, "An Act To Amend The Pensions Funding Act And The Public Service Pensions Act, 1991", read a third time, ordered passed and its title be as on the Order Paper. (Bill 39)

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

MR. KING: Thank you, Mr. Speaker.

For the record, the seconder to that motion was the Minister of Health and Community Services.

Mr. Speaker, I now call from the Order Paper, number 3, third reading of a bill, An Act To Modify Eligibility For Other Post-Employment Benefits, Bill 40.

So moved by me, seconded by the Minister of Municipal and Intergovernmental Affairs, that the said bill be now read a third time.

MR. SPEAKER: It is moved and seconded that Bill 40 be now read a third time.

Is it the pleasure of the House to adopt the motion that Bill 40 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Modify Eligibility For Other Post-Employment Benefits. (Bill 40)

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

On motion, a bill, "An Act To Modify Eligibility For Other Post-Employment Benefits", read a third time, ordered passed and its title be as on the Order Paper. (Bill 40)

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

MR. KING: Thank you, Mr. Speaker.

This time I call Order 6, second reading of a bill, An Act To Amend The Social Workers Act, Bill 38.

So moved by me, seconded by the Minister of Health and Community Services, that the said bill be now read a second time.

MR. SPEAKER: It is moved and seconded that the said bill be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Social Workers Act". (Bill 38)

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

MR. KENT: Thank you, Mr. Speaker.

It is a pleasure to rise in the House this afternoon to introduce Bill 38, which, as was just noted, is An Act To Amend The Social Workers Act.

Mr. Speaker, members will recall that this bill is very similar to Bill 32, An Act To Amend The Registered Nurses Act, 2008. That was debated

during this sitting of the House just on December 2, so in the last couple of weeks.

The primary focus of Bill 38, which we are now debating in second reading today, is that quality assurance provisions to the Social Workers Act is very similar to what we did with the Registered Nurses Act just a couple of weeks ago – less than a couple of weeks ago.

The Newfoundland and Labrador Association of Social Workers is established under the Social Workers Act and is the regulatory body responsible for registering social workers and regulating the practice of social work in the Province. The association currently has over 1,400 members.

One of the most significant ways in which the association currently regulates the practice of social work is by administering a disciplinary process. The Social Workers Act already contains provisions which establish a disciplinary process to deal with allegations regarding the conduct of a social worker. Currently, the disciplinary process is the only means in the act that is available to the association to address those allegations.

In order to engage the disciplinary process, the conduct of a social worker must be very serious and it must be conduct deserving of sanction. Conduct deserving of sanction, Mr. Speaker, is defined in a similar manner in the Social Workers Act as it is defined in the Registered Nurses Act 2008. Conduct deserving of sanction includes professional misconduct, professional incompetence, incapacity or unfitness to practice as a social worker, and acting in breach of the act, regulations, or the bylaws which adopts the code of ethics applicable to social workers.

This bill will provide the association with a different mechanism to address allegations that are not appropriate for the disciplinary process. Adding quality assurance provisions to the act is a way for the association to address concerns where the social workers practice before those concerns become serious enough to be considered conduct deserving of sanction which requires disciplinary action.

A quality assurance review is yet another way for the association to assist in improving the quality of care and services provided to clients of social workers, and in dealing with concerns at an earlier stage before becoming part of the disciplinary process. The quality assurance program created by this bill would include mandatory continuing education and professional development that would promote continuing competence and continuing quality improvement in social workers.

Mr. Speaker, the proposed quality assurance provisions will require the appointment of a quality assurance committee. This committee will be responsible for investigating a concern on a referral from the registrar, the complaints authorization committee, or on its own accord. The mandate of the quality assurance committee will be to deal with concerns regarding a social worker's practice that do not meet the higher threshold of conduct deserving of sanction. In these circumstances, while the concerns need to be addressed, the intervention of the disciplinary process may not be necessary to adequately address the concerns.

The quality assurance committee may appoint a social worker to act as an assessor and to assist in conducting the investigation. Once a quality assurance review is underway, the quality assurance committee and the assessor have a number of powers to allow for the gathering of information and documents necessary to conduct the review. These powers include: the power to subpoena records; the power to order a social worker to undergo an evaluation; assessment, or examination; the power to review a social worker's practice; the power to order periodical random audits of aspects of a social worker's practice to enter and inspect the premises where the social worker practices; and the power to access and inspect records.

The social worker is required to co-operate with the quality assurance review. The social worker or another person may also be required to be present at an interview to provide information relevant to the quality assurance review. Once a review is completed, a report is to be prepared based upon the information gathered. The report is then to be presented to the quality assurance committee. The report may contain recommendations aimed at remediating any

deficiencies or addressing any areas of concern in the social worker's practice.

Mr. Speaker, unlike Bill 32, which amends the Registered Nurses Act, 2008, this bill does not specify the type of recommendations which may be made. The bill is worded in such a way that it could include the types of orders that may be made under the Registered Nurses Act, such as requiring a social worker to undergo an examination, evaluation, assessment, or review of his or her professional practice, or capacity, or fitness to practice; to obtain counselling; to complete a course of studies or an educational or training program; to restrict his or her social work practice; to obtain supervised clinical experience.

However, the quality assurance committee may determine that other action is appropriate to address concerns identified during the review. For example, the committee may recommend that the social workers write a letter of apology to the person who made the complaint, or another person impacted by the social worker's actions. The committee has the authority to make any recommendation that it considers appropriate to remedy any deficiency in a social worker's practice.

While the expectation will be that the social worker will comply with the recommendations contained in the assessor's report, the quality assurance committee may also order that the social worker comply with those recommendations. If a social worker fails to comply with an order of the committee, this non-compliance must be referred to the disciplinary process as an allegation of conduct deserving of sanction.

The significant difference between a recommendation and an order is that only the failure to comply with an order is grounds for a referral to the complaints authorization committee, thereby engaging the disciplinary process. Furthermore, if it becomes apparent during a quality assurance review that the social worker may have engaged in conduct deserving a sanction, the quality assurance process is terminated and the matter is then referred to the disciplinary process. In this case, all records and information related to the quality assurance

review must also be provided to the complaints authorization committee.

Mr. Speaker, the quality assurance review and the disciplinary process will actually be complementary. Depending on the nature of the complaint received, a social worker's conduct could be examined either through the quality assurance process or through the disciplinary process.

This bill gives the Newfoundland and Labrador Association of Social Workers another means of addressing areas of concern regarding a social worker's practice. This, in turn, will assist in strengthening and improving the practices of social workers and will provide enhanced protection for the people of Newfoundland and Labrador who rely upon their services.

Protection of patient records and personal health information during any review process will, of course, remain paramount. The association already has access to personal and sensitive information during the registration process and during a disciplinary proceeding. The association will ensure that the information collected under a quality assurance review will be protected and will be secured in the same manner as such information is currently protected.

Mr. Speaker, I wish to take some time to highlight another change that is contained in this bill. The Social Workers Act will also be amended to include a requirement that social workers report to the registrar conduct deserving of sanction of another social worker. This is required when a social worker has knowledge of such conduct deserving of sanction from direct observation or objective evidence. Further, if a social worker is terminated from employment due to conduct that is deserving of sanction, then there is also a requirement imposed on the employer to notify the association of such conduct.

Officials in my department have worked very closely with the association regarding these proposed quality assurance provisions and the amendments to the Social Workers Act. At the request of the association, this bill will come into force at a later date. Delaying the proclamation of the bill will provide the

association with the necessary time to fully develop its policies and procedures regarding quality assurance. It will also provide the association with sufficient time to appoint the quality assurance committee.

Mr. Speaker, quality assurance provisions are currently in effect in five statutes in this Province: the Health Professions Act; the Medical Act, 2011; the Optometry Act, 2012; the Psychologists Act, 2005; and the Pharmacy Act, 2012. With Bill 32, An Act to Amend the Registered Nurses Act, 2008, and this bill, there will be over 11,000 health professionals in this Province representing twelve health professions who could be part of a quality assurance review.

Mr. Speaker, social workers provide very valuable care and services to the people of our Province each and every day. They work with our children. They work with adolescents. They work with seniors. They work in the fields of education, of justice, and, of course, within the health care system. The work they do is obviously very important. As is the case with all health professionals, they take great pride in the quality of the care and services they provide to their clients.

As a self-regulated profession, Mr. Speaker, social workers hold each other up to a high standard of practice. To ensure that social workers continue to practice in accordance with applicable standard, the Newfoundland and Labrador Association of Social Workers needs the tools to address deficiencies and concerns in a social worker's practice, or his or her conduct, when they are identified. In the absence of the social workers voluntary compliance with remedial recommendations, the association should not be left to wait until the concerns become more serious before they can be appropriately addressed.

Mr. Speaker, this bill will strengthen the authority of the association to assist in fulfilling its mandate to protect the public by maintaining a high standard for social workers who practice in Newfoundland and Labrador. It will also help maintain and improve, where necessary, the quality of services provided by social workers to the people of the Province.

I hope that all members of this hon. House will join me in supporting this important piece of legislation. Mr. Speaker, I will conclude my comments at this point in time, as I will have an opportunity to speak again later in second reading.

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 and speak to Bill 38 dealing with the Social Workers Act. Again, it is very similar to a piece of legislation we dealt with earlier in this session where we talked about quality assurance as it relates to nurses. In and of itself, quality assurance is obviously a great thing; it actually played a large role in Question Period today. Quality assurance of any regard in any profession, in any system, needs to be there and needs to be strong.

In this case, when we talk about social workers and the important part that they play in our system, then obviously we would like to have a QA aspect to their legislation. Now, that being said, again, I support the bill in theory. It is obviously necessary. Social workers being a self-regulating organization, I think they pose a very serious, strict standard to themselves again. Because what happens to one or what might hurt one will hurt all, therefore, you want to make sure that the highest standard is maintained.

That being said, I do have some very specific questions as it relates to this piece of legislation that I will ask now so the minister and/or his officials will have an opportunity perhaps during the Committee stage to respond to them. These are just questions that were put to me by social workers to ask – and again, the minister will have an opportunity, probably not during the second reading stage, but during the Committee stage to address these. It was actually brought to me by social workers who, since this was put on the table, I have had an opportunity to discuss it with.

Looking at section 39.1 where we talk about the quality assurance program, in and of itself, I believe it is peer regulated. So the specific question that was put to me was: Who makes up the board? Who goes on the board? Who chooses who is on the board? I apologize that in this case this may have been explained during the briefing session, but this is one of the few pieces of legislation where I was unable to attend the briefing. I figure it is easy enough – the minister's staff are quite willing to answer these questions and, again, they will put this out there now.

When we talk about QA and section 39.1, when we establish and maintain the program, who makes up the program? Who will formulate it? Who will make it up? Again, is it made up just of peers? Is it the minister's discretion? Is it board's discretion? During the Committee stage it would be fine. That is –

MR. KENT: You are talking about (inaudible)?

MR. A. PARSONS: Yes.

The second part, and this is a case of, look, we get a lot of legislation and sometimes it is hard for us being lay people of the different professions that – we are setting the legislation for them. So what I have done, I go directly to the individuals and the members of that group.

One of the questions was, when we talk about 39.1(2), “The quality assurance program shall include mandatory continuing education and professional development...”. The question that was specifically put to me is: Well, we already do that, so what aspect of this legislation, what makes this different than what we already do? This might be a case where there may be something we do not know, because a lot of times the legislation is not vague but it does not answer all these specific questions.

That is one of the questions I would put out there. Is this different than what these individuals, these men and women already do? They already do PD days. They already do training. Like many professions, you have to keep up to the times in terms of regulations, the best methods of operation, et cetera. So that is one of the questions I will put out there for the Committee stage.

Also, one of the ones that came to me under 39.3(1) “The quality assurance committee may appoint persons registered as social workers...as assessors...”. Again, the question that was put to me very specifically by social workers is who chooses who the assessors are? How do you become an assessor? Again, a bit more specific on this. I put this out there, and I do not think this falls under the minister. Maybe it falls under the group.

I do not know how these things unfold when you make up legislation that involves certain individuals. For instance, I just use what I know. If there was a piece of legislation affecting lawyers, then it would be up to the Law Society to let the registration, the membership, know. Look, this is coming down the tubes. This is what we are dealing with; let’s talk about it.

In this case, were the general rank and file notified or let know? Were there education sessions, or just putting that out there so they know; or will this happen during the date between us doing it now and the date where it becomes enacted or published? Will it happen then?

The issue I have there in that sense is it is hard to change the legislation if we have already passed it – if there is an issue. Now, I do not think there will be an issue. I am not saying there will be an issue. I am saying was that opportunity put out there for the rank and file individuals all over the Province?

There is a large group, as the minister stated. There is about 1,400 members. How do they go about letting people know, specifically when it comes to some of these? We are looking at assessors here. I have somebody appear who is assessing me; how did they get that role? How do we go about that?

The last part is quite a serious part here, when we talk about the section where you have the duty to report. This would be specifically when it comes to, we have workers and we have management. We have a duty to report wrongdoing, basically, is what we see here. If the wrongdoing leads to an investigation and if that investigation leads to a finding, will the employers, will management be notified of this

right away so they know how does this exactly work?

Again, I do not need to belabour the content of the bill because it is very similar to one we have seen before. I think it is certainly good in theory and it is certainly necessary. Many of us in this room deal with social workers on a daily basis as part of our constituency work. The job they do is important. The job they do is necessary when you are dealing with, especially, children across this Province. In this case, I just want to make sure the individuals themselves, the social workers, have all the knowledge they need when this moves forward. You must understand the gravity of the rules that are put in place so you can do your job properly.

There is nothing else to add to this, except that when we get to the Committee stage, I am sure the minister will have had an opportunity to get the answers to these questions. I certainly appreciate that.

Thank you. I look forward to the Committee stage of this process, Mr. Speaker.

Thank you.

MR. SPEAKER: The hon. the Member for Baie Verte – Springdale.

MR. POLLARD: Thank you, Mr. Speaker.

First of all, I want to thank the people of the District of Baie Verte – Springdale, which is comprised of thirty-four communities, for their trust they have placed in me to represent them in and out of this Assembly, of course. Everywhere I go I am cognizant of the fact that I am representing the people of the Province and the people of the district. Of course, we all do that. We all take our jobs very seriously. We love our jobs as well, Mr. Speaker. We are all passionate about it.

Secondly, I would like to thank the minister and the Department of Health and Community Services for their briefing and for their very thorough, comprehensive, well-organized, and well-planned briefing, Mr. Speaker. Since I became parliamentary secretary, I do understand and appreciate the tremendous job the Department of Health does over there. They are

a very dedicated and professional group of individuals.

Mr. Speaker, I would like to read the explanatory notes on this bill. This bill would amend the Social Workers Act to, number one, add quality assurance provisions to enhance public protection and accountability. Number two, it would allow the complaints authorization committee to refer an allegation to the quality assurance committee. Number three, it would require a social worker who has knowledge of conduct deserving of sanction of another social worker to report that knowledge to the registrar. Number four, require a person who terminates the employment of or dissolves a partnership with a social worker based on knowledge of conduct deserving of sanction of that social worker to report that knowledge to the registrar.

In essence, Mr. Speaker, Bill 38 amends the Social Workers Act to add provisions which will give authority to the Newfoundland and Labrador Association of Social Workers to participate in a process of quality assurance with a social worker. Of course, the ultimate goal is to make sure the people of the Province are receiving good care and good services right across the Province from professionals such as social workers.

Mr. Speaker, as the minister pointed out earlier, there are over 1,400 social workers right across the Province who are registered. They practice in the fields of health, child protection, and justice. They work in regional health authorities. They work in community organizations. They work at government departments. They are employed in various settings, and their skillset equips them to provide a variety of services to the people of the Province.

As a government, we are acutely aware, Mr. Speaker, of the quality care and services that social workers give to the children and youth and to the families of our Province day in and day out. They work with families on a daily basis to find appropriate supports to address areas of concern, and to resolve all kinds of conflict.

I want to commend them for their stellar work, for the outstanding job they do. They have a

tough job to do, Mr. Speaker. They face all kinds of challenges. They are up to the task, but they perform stellar work indeed. I just want them to know this afternoon that as a government we do appreciate the social workers right across the Province, Mr. Speaker.

Health profession governing bodies are responsible for the regulation of health professions in this Province and, as such, they are responsible for establishing standards of practice and standards of conduct for their members. They set the boundary, so to speak, Mr. Speaker, or parameters if you like, outlining how the social workers carry out their duties. They are also responsible for registering individuals who meet the health profession's educational, training, and certificate requirements. Only those individuals who meet the registration requirements are permitted to practice in this Province.

These regulatory bodies do an outstanding job. They do very good work every day in fulfilling their role for the people of this Province who avail of the services of health care professionals. One of the most important duties of a health profession regulatory body in its protection of the public is to administer the disciplinary process set out in its governing statute.

Each health profession governing statute contains a detailed disciplinary process that is generally consistent across all health professions. Each step of the disciplinary process is set out in legislation. The process begins with an allegation that a health professional has engaged in conduct deserving of sanction, something that is of more serious nature such as misconduct or incompetence, Mr. Speaker. The registrar, with the consent of the complainant and the health professional, may resolve the issue and may not go any further.

However, if it is not resolved, the complaint is then referred to an authorization committee to conduct an investigation. Where there are reasonable grounds following the investigation to believe that the health professional has engaged in conduct deserving of sanction, something that is serious, the complaint may be referred to an adjudication tribunal for a hearing.

Where a health professional has been found guilty of conduct deserving of sanction, the adjudication tribunal has the ability to make the following types of orders – in other words, there are three options available to them: number one, it may order that the health professional be suspended for a fixed period of time, that he or she may meet certain conditions imposed by the adjudication tribunal; or it may order that the health professional surrender his or her certificate and may not practice any more; or number three, may order that the health professional will pay a fine.

An adjudication tribunal may also require a health professional to obtain medical treatment, obtain counselling including substance abuse counselling or treatment, engaging in continuing education, and permit periodic inspection of records related to his or her practice.

Mr. Speaker, these orders play a very important role in the protection of the public with the end-game to make sure that the public is receiving good care on a continual basis. We know that on a daily basis there are always checks and balances and everyone is to be accountable.

In conclusion, Mr. Speaker, these amendments will support the role of the association to protect the public interest by ensuring that competent social workers are providing quality care and services to the people of the Province. That being said, I take my seat and I look forward to everyone supporting this bill this afternoon.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I am pleased to stand and also to speak to Bill 38, An Act to Amend the Social Workers Act. Everybody in the House who was elected in 2011 will remember that it was in 2011 that the new Social Workers Act was proclaimed. It was an extremely important piece of work because it moved focus away from social workers

themselves as individuals to looking at the profession.

The association, while it is there to protect individual members, is also there to make sure that the profession stands as a profession, that the association itself is a professional organization, that they have in place everything that is needed to show that they are up to date with all of the requirements for any professional organization.

We have had a number of bills over the last eight years that I have been in this House dealing with the various professional organizations, especially within health care. Of course, this group today, while they are social workers in a general sense, they are social workers who are under the Health and Community Services division and work within health and the community.

So it is extremely important that they have a professional document, a document that deals with everything that one expects a profession to be concerned about in this day and age. I am pleased to know that the ministry did consult with the Newfoundland and Labrador Association of Social Workers, and that they were very pleased to take part in the consultation that took place. My understanding is that they are pleased with the piece of legislation that is before us today.

Now, I do not have to outline the details of the piece of legislation because the minister has done that, but there are some points I would like to point out. One is that the social workers already had mandatory continuing education for twenty years, which is excellent, because mandatory continuing education ensures that the profession is kept up to a high level, and it is an important piece of quality assurance. So it makes sense that in the amendment we are dealing with today, the whole thing of continuing education is seen as part of quality assurance and now is placed in the legislation under the quality assurance process. So that is extremely new.

Quality assurance is fairly new within these professions – not that they did not care about the quality of their members before; of course, they did. As a program, as a process, it is fairly new.

For the ministry and for the association, I understand that there is a lot of discussion going on to try to determine the best way to implement quality assurance in terms of programming and administration because you cannot put this kind of a thing in the piece of legislation and talk about quality assurance without the realization that something has to make it happen. Quality assurance is not just words; there have to be programs put in place. That means that there has to be extra staffing, and there is going to have to be financing of the program, and there is going to have to be education of the professionals on how it works and training of those who are assessors under the quality assurance program.

This is pretty complex and so there will be another whole stream in the organization that will have to be set up. I think it is extremely important that the government ensure that the resources are there to make sure that quality assurance is not just words on paper and in this bill, but it is going to be something that is really going to happen, that we are going to be able to ensure that all social workers have everything they need in order to work at the top of their game – to use that kind of language – that they are in very, very stressful situations.

It is a very, very difficult job being a social worker. They find themselves in very stressful situations. Whether they are inside an institution or whether they are out in the community, it is not an easy piece of work. Being able to be who you are professionally, being able to be who you want to be as a person in that profession, can become very difficult. So we need to make sure there are programs in place to ensure that the individual social workers can feel they are who they should be as social workers.

This is not just an easy use of language. This is not just, oh, we have put quality assurance into all of the professional pieces of legislation. It is how are we going to make sure they are going to be able to be proud of who they are and perform in their profession so the people of the Province receive the services they need to receive. That is the most important thing. It is not just so that a social worker can say I am a good social worker, I am proud of who I am, and everybody can see I do good work; it is so that the people of the

Province get top service from the people in the front lines in these industries.

One of the good things about the assurance process – and we saw this when we discussed quality assurance last week, I think it was, with another professional group is that the committee that is set up under the legislation can make recommendations when there is a concern about a practice. This is extremely important, that they can make recommendations. They will not be dealing with misconduct. Misconduct is another piece of the pie, if you want. If quality assurance were to indicate that misconduct is taking place, then there is another process that would take care of that, not quality assurance.

The social workers association now will have greater freedom to do alternate dispute resolution. They already do it, but now they will have greater freedom in doing that. One of the things about alternate dispute resolution is that the experience is that in working together in trying to deal with a resolution, a dispute, in a way that is co-operative rather than being people on opposite sides of the fence banging their heads together, that you actually come to resolutions more quickly.

This is very important, that the members of this association can perform that way, can do what they find to be a process that benefits them as an association, benefits their members, and therefore indirectly or maybe directly benefits the people they serve.

Having said that, Mr. Speaker, I am happy to approve this piece of legislation. It is putting our social workers on a more professional footing with social workers in other parts of the country because not just anybody is a social worker. Lots of us care about people in the community and we do maybe service jobs in the community, but to say that you are social workers means that you have to be recognized in your training and in your education by this association to be able to call yourself a social worker. We just cannot think because we talk to people and sit in the community talking to people that we are social workers. You have to be accredited. You have to be recognized. The association does that.

Now government is putting in legislation and with the real support of the association, the fact now there is a new level – not that the association was not doing some of this before, but now with it in legislation it does bring it to a new level and does relate the ministry to the association in terms of mutual responsibility for making sure that what is now going into the legislation will actually take place.

With that, I assure the minister we will be voting for the legislation, and I thank the ministry for co-operating with the Newfoundland and Labrador Association of Social Workers in putting this together.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the Minister of Health and Community Services speaks now, he will close debate.

The hon. the Minister of Health and Community Services.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

I want to begin by thanking members for their participation in the debate: the Member for Burgeo – La Poile, the Member for Signal Hill – Quidi Vidi, and of course the Member for Baie Verte – Springdale as well. He did not thank his constituents today, so I will do it for him. On behalf of the member, I just want to thank the good people of Baie Verte – Springdale for being good people – covered. He is a good constituency man, Mr. Speaker.

I am pleased to now close debate in second reading on An Act to Amend the Social Workers Act. As I said earlier, the Social Workers Act currently contains provisions which establish a disciplinary process to be followed when dealing with allegations that a social worker has engaged in conduct deserving of sanction.

We are amending the Social Workers Act, through Bill 38, to add provisions that authorize the association to engage in a process of quality assurance with a social worker, which I think is

good for the profession, as the Member for Signal Hill – Quidi Vidi pointed out, and good for the people of the Province.

These amendments will provide the Association of Social Workers with another means of addressing concerns with a social worker's practice. The addition of these quality assurance provisions enable the association to engage with a social worker to address the concerns before they get to the point of being conduct deserving of sanction that then requires disciplinary action.

As I said, there are currently five health profession statutes that contain quality assurance provisions. With the passing of Bill 32 that was debated earlier in this session and now Bill 38, where we are going to amend the Social Workers Act, we will now have seven health profession statutes that contain quality assurance provisions. I think this is a very positive step forward, Mr. Speaker.

The ability to proactively assess and address potential issues earlier further strengthens our health care system. As previously noted, at the request of the association, these amendments are subject to proclamation and will come into force at a later date. This will provide the association with the necessary time to fully develop its policies regarding quality assurance and with sufficient time to appoint a quality assurance committee. My officials will be working to assist the association during this process. This was actually an issue raised by the –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. KENT: Thank you, Mr. Speaker; I appreciate that.

This was an issue that was raised by the Member for Burgeo – La Poile, the Opposition House Leader. He was asking about the timing of the enactment of this legislation. We will work with the association to ensure that they have the necessary time to fully develop their policies related to quality assurance. They also need time to appoint the quality assurance committee. It is at the request of the association that we are delaying enactment to a later date. I hope that

addresses one of the questions raised by the Opposition House Leader.

The Member for Burgeo – La Poile also asked about the composition of the committee. I am certainly happy to speak to that as well. The committee will be appointed by the board of the association. I will speak to that in just a moment. I am looking for some precise detail to provide him with as well. Sorry, Mr. Speaker.

As I was saying, the board will appoint the committee. The board will educate members prior to the proclamation. They will be directly involved in that process. As I said a few minutes ago, we have worked very closely with the association in development of the bill.

To the member's point, the committee composition will be determined by the board. We anticipate that there will also be public representation on the quality assurance committee. In terms of continuing education, while it is always something that social workers have been engaged in, it will now be a legislative requirement. I can also confirm for the Opposition House Leader that the quality assurance committee will appoint the assessors as well.

The delayed proclamation is just like the nurses' bill, to allow the development of policies and procedures, to appoint the committee, and to educate members. I would anticipate that all of this will happen in 2015 and that the legislation will be enacted in 2015.

We will continue to work with the association to ensure the quality assurance program is implemented. The board has certainly indicated a willingness and a desire to take this on. I think that covers the member's questions, as I check my notes here.

The quality of care that is provided by health professionals and the improvement of that care is obviously a high priority for the Department of Health and Community Services. I really believe that these amendments will further enhance both safety and care for residents of Newfoundland and Labrador.

I want to thank my colleagues again for participation in the debate. I do appreciate their

participation. I hope that all members will join me in supporting these amendments to the Social Workers Act. I thank the Member for Burgeo – La Poile for his questions as well and to the other two colleagues for participating in the debate.

At this point, I will close debate in second reading, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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 Social Workers Act. (Bill 38)

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

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

MR. KING: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Social Workers Act", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 38)

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

MR. KING: Thank you, Mr. Speaker.

At this time I move, seconded by the Minister of Health and Community Services, that the House do resolve itself into a Committee of the Whole to consider An Act To Amend The Social Workers Act, Bill 38.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the said bill.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Cross): Order, please!

We are now considering Bill 38, An Act To Amend The Social Workers Act.

A bill, "An Act To Amend The Social Workers Act". (Bill 38)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 and 3.

CHAIR: Shall clauses 2 and 3 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clauses 2 and 3 carried.

CLERK: Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Social Workers Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I move that the Committee rise and report Bill 38, An Act To Amend The Social Workers Act.

CHAIR: The motion is the Committee rise and report Bill 38.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER (Littlejohn): The hon. the Member for Bonavista North.

MR. CROSS: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 38 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred, and have directed him to report Bill 38 without amendment.

When shall the report be received?

MR. KING: Now.

MR. SPEAKER: Now.

When shall the said bill be read the third time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, report received and adopted. Bill read a third time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

I would like to move now to Order 7, second reading of a bill, An Act To Amend The Municipalities Act, 1999, Bill 41.

So moved by me, seconded by the Minister of Municipal and Intergovernmental Affairs, that the said bill be now read the second time.

Motion, second reading of a bill, "An Act To Amend The Municipalities Act, 1999". (Bill 41)

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

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, I am certainly pleased today to rise in the hon. House to speak to the amendments of the Municipalities Act, 1999.

Mr. Speaker, since this government has come to power our focus has been on families and communities, ensuring that our local government leaders have the supports necessary to make their commitments sustainable, their communities sustainable and attractive places to work, live, and do business. It has and will continue to be a top priority for us. It is important as a government we work collaboratively with our municipal partners to assist them in driving their economies and improving services for their residents.

Mr. Speaker, currently the municipalities in Newfoundland and Labrador may only exercise those powers authorized by the Province through statute or regulation. Outside of the three cities, our municipalities are governed primarily by the Municipalities Act, 1999 and the related regulations.

In 2011, section 201.1 was adopted to the Municipalities Act, 1999 to address a legislative gap regarding how municipalities could dispose of their property. Currently, section 201.1 requires a council to sell both real and personal property by public tender or auction if the probable market value is over \$500. Only if the item was valued at less than \$500 or if there were no responses to the public auction or tender could a council enter into a private sale for the property.

Real property as described in the act includes lands, an interest in land and buildings or structures owned or erected by the municipality. While personal property is not defined in the act, it is generally regarded as tangible property that is not real property and includes such things as vehicles, machinery, furniture, and other equipment.

At the time when section 201.1 was added to the act, it was meant to provide clear direction to councils regarding the disposition of property to ensure that municipalities achieve the maximum value for their property and that it was done in a fair and transparent manner. However, in its present form, section 201.1 does not give municipalities' flexibility to enter into transactions to further social and economic development in which achieving fair market value may not be the most important factor.

For example, there was a particular town that wished to do a land swap with the Department of Transportation and Works for the construction of a new grade school within its boundary. The Department of Justice and Public Safety advised that such a land swap would be considered a sale under section 201.1 of the act; therefore, the transaction could not proceed as planned. In order to facilitate the construction of the school, the land was eventually expropriated by the Province.

Another example of disposition of real property for social development purposes could include the sale or transfer of land to organizations such as Habitat for Humanity for the development of affordable housing. As we all are aware, affordable housing is becoming a concern for many individuals in our Province. Our municipalities should be encouraged to find solutions and our legislation should not be an impediment to achieving this objective.

Mr. Speaker, there have been other towns that have expressed interest in disposing of land within its boundaries for economic development purposes. In these cases, there were opportunities made available to the town that are considered to be of economic benefit as a result of increased employment opportunities in the expansion of municipal tax base.

While section 203 of the act which relates to agreements for economic development purposes may be interpreted as permitting such private sales, section 201.1 may be seen as being contradictory. We need to provide clarification to ensure our legislation fosters economic development within our municipalities rather than create barriers to its advancement.

Mr. Speaker, the current legislation also placed an administration burden on our municipalities when it comes to the disposition of property. As previously mentioned, when a town wishes to sell any piece of property that is valued at over \$500 it must currently hold a public tender or auction. For items that are of relatively low value, such as used office furniture or vehicles, this requirement may be considered burdensome.

In order to alleviate the workload of municipal councillors and staff while ensuring municipalities obtain the maximum value for municipal property in a transparent manner, I am recommending that section 201.1 also be amended to remove the requirement of public tender auction for the disposition of property. Municipalities will, however, still be required to provide notice of intent to sell or lease the property to the public.

As well, they will be required to obtain at least a fair market value for the property disposed of and must accept the highest bid if more than one is received. Municipalities may now use the discretion in determining the manner in which the property is sold as long as these objectives are met.

Mr. Speaker, as you are aware, my department has recently completed extensive consultations on the new provincial municipal fiscal framework. The objective of this review is to identify options to change the way services are delivered, paid for, and shared to better position local governments to meet the needs of citizens now and into the future.

The proposed amendments to the act presented here today will assist municipalities in maximizing revenues generated from its surplus property for financial and economic purposes while reducing the administrative burden on council and staff in a manner in which the

properties are disposed. While we are still working on our analysis and recommendations to inform Budget 2015, this amendment is in keeping with the objectives of the review.

Mr. Speaker, the proposed legislative amendments to the Municipalities Act was identified following the considerations of the issues encountered by some municipalities, such as those I previously mentioned. The issue was identified as well by Municipalities Newfoundland and Labrador in consultation with its membership and a resolution was passed in their 2013 annual general meeting for amendments to be made to the legislation to resolve these concerns.

I believe we have addressed the concerns raised in MNL's request, and I am pleased to say that MNL has indicated its support of the proposed amendment, who we met with to discuss the nature of the changes before bringing them to the hon. House.

In summary, Mr. Speaker, the Department of Municipal and Intergovernmental Affairs is proposing legislative changes that will no longer require municipalities to hold a public auction or tender when disposing of property, but will still require municipalities to provide a public notice of their intention to dispose of property to achieve fair market value and accept the highest offer, if more than one is received, when selling or leasing surplus municipal property. Additional amendments will also provide flexibility for special circumstances where fair market value may not be the most important factor when disposing of real property.

The department proposes that a municipality may, with vote of two-thirds of councillors in office and approval of the Minister of Municipal and Intergovernmental Affairs, dispose of real property at or less than a fair market value for social or economic development purposes.

This will help towns who wish to dispose of property for the construction of schools for other social purposes such as low-income housing, or recreation facilities, or parks. It will also allow council to enter into agreement with an individual party where the agreement has economic benefits for the municipality.

Because municipal property is a valuable asset, it is also important to ensure such exemptions are approved in a transparent and equitable manner. For this reason, municipalities will be required to achieve a two-third approval of sitting council members as well as the approval of the Minister of Municipal and Intergovernmental Affairs in these circumstances.

It is essential that we work collaboratively with towns to give them ability to increase social and economic development in their communities, while minimizing their administrative burden. The proposed amendments to the legislation will maximize the value obtained for municipal property, while providing flexibility to municipalities that is still transparent and accountable.

The ultimate beneficiaries of these amendments will be the residents of communities throughout the Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay South.

MR. HILLIER: Yes, Mr. Speaker, this is my first opportunity to stand and speak on a piece of legislation. I have sat here for some weeks and watched my colleagues and the way they debate. Some are rather animated; some just stand and speak and say what is on their mind. Some go on and on and on, whereas others just say exactly what is needed – and on.

First of all, Mr. Speaker, I would like to welcome my two colleagues here. It is the first chance I have had to speak since they came in and sat beside me. I know they had a draw to see who sat next to me. They still will not tell me who won or who lost.

Mr. Speaker, I have had an opportunity to speak a couple of times in the House. There have been some problems, I know, with finding the right level of voice. I know the Premier misquoted me once in the media, and I have had at least one minister answer the wrong question; so if anyone on the other side is having trouble

hearing me or understanding me, I just give them leave to let me know.

This is a piece of legislation that the provinces and towns have been waiting for, for some time. Anything that we can do to make the lives easier for councillors and the staff of our municipalities – they are the people who are working at the ground level and working with small staffs in many cases. So anything we can do to make their lives easier, I think we should try and do so, and certainly this is a piece of legislation that does just that. In fact, there was a resolution passed asking for most of what is contained in this bill at MNL's annual convention in 2013.

Basically, this bill is to replace section 201.1 of the Municipalities Act and, realistically, the intent is to remove the burdensome process of having to go to public tender or auction for a relatively small amount of money. It has two broad areas. It speaks of sale of real property, and it speaks of disposal of property as well.

Sale of real property, it talks in terms of that which is less than \$500, a simple sale process; that which is above \$500 having to be advertised in the community, having to be advertised in a local newspaper, if such a newspaper exists. I had a look online to see what some communities are selling. I just happened to go the beautiful Town of Conception Bay South where I know that the staff there are doing things properly. In a recent sale, they are selling a 1999 GMC pumper fire truck, a 2005 GMC Savana van, and a 2007 PowerLiner line painter. These are the kinds of items that many of our towns are selling on a regular basis and, as a result of this legislation, will not have to go to tender, will not have to go to public auction.

Another sale which is common and I know certainly common in the Town of Conception Bay South where there is such a large amount of roadwork, such a large amount of development, are the sales of 'jibs' of land, small pieces of land, where the piece of land is only good to the person who happens to live nearby and he just wants to control that piece of land. This legislation deals with that piece as well.

Throughout this, Mr. Speaker, there is an attempt to make the system a little bit easier. It also gives you a notwithstanding piece where

fair market value is not reached, it allows councillors to vote on a two-thirds majority to deal with these sales.

Mr. Speaker, I just want to refer specifically to section 201.2(7). This is a very interesting clause. It calls for towns to be able to dispose of real properties, especially land at less than its fair market value. We know that happens at times.

Towns will even be allowed to sell or lease land to someone or some agency at less than the market value of the land, provided that it is done for one of the following purposes: social purposes or economic development. The minister spoke to that in some detail as he presented his bill. In other words, a town may dispose of land to build a park or to provide a non-profit group an opportunity to build some affordable housing, things like that, a new Lions Club, what have you; schools was the example that the minister used.

What is interesting is that the towns will also be allowed to dispose of town-owned property for the purposes of economic development. In other words, where a business might be developed, employment increased, or where new jobs might be created with a two-third vote and ministerial approval the town can go ahead. We applaud this initiative.

Whatever we can do in our towns to allow them to develop economically, to allow staff to do their own work independent of the Department of Municipal Affairs, particularly in our larger towns where we have large planning staffs, where we have experienced planning staffs, where they can actually do a lot of the work rather than having to run things through the Department of Municipal Affairs. Wherever we can make sure things are running a little bit more smoothly, we need to be doing this.

We applaud this initiative. For too long towns have had a responsibility for economic development but little in the way of tools or support from the Province to do any. What is missing in this clause – and I am not sure, it would not be in this clause because it is in other legislation – is a reference to and the dealing with Crown lands.

Government, under this amendment, will allow towns to do something they themselves will not do. Towns can, under this new change, sell town land for economic development purposes at below market value but will not give towns Crown land at below market value for any kind of economic development. We need to see this changed.

In the fiscal framework – which the minister referred to in his presentation – document now on its way to Cabinet, there is a significant discussion on the issue surrounding Crown land. Here is a recommendation coming from that report. That the provincial government work with MNL to review how Crown lands are sold and to consider land transfer options not currently available such as long-term leasing and lease to buy arrangements. This is similar to the same arrangements which are being dealt with in this piece of legislation from a town's point of view, but we cannot seem to go there at the provincial level.

Section 201.3 deals with towns gifting or swapping lands for the benefit of the community. In other words, providing a benefit to someone or some organization or agency without meeting the requirements of fair market value. This can be done with a two-third vote of councillors, as I referenced and as the minister referenced. All of this is good, but towns should be able to have access to Crown lands inside their planning areas in the same manner as other lands are available to them for economic development purposes in this amendment.

I give you an example in the Town of Conception Bay South. The town is developing a box store development at the top of Legion Road where they have 100 acres they have amassed over time. There is another fifty acres of Crown land there that eventually if the town wants to develop and increase the size of that development, the town is going to have to buy at fair market value. My wish today I guess is to make the point that if towns can accept less than fair market value for economic development, there is no reason why the Province could not do the same.

Mr. Speaker, I will finish there, but while this bill satisfies its intent, I ask the minister to deal

with the Crown land transfers in towns with the same consideration.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bonavista South.

MR. LITTLE: Thank you, Mr. Speaker.

I was speechless for a moment. Actually, there was a problem there with the mike.

I am honoured to rise in the House of Assembly today to speak to Bill 41. I would like to commend the staff at the Department of Municipal and Intergovernmental Affairs for providing a very thorough briefing on this very important act, Bill 41, an amendment to the Municipalities Act.

In my past years, I served on community council with the Town of Bonavista for fourteen years. I can see the benefit of the change. This piece of legislation would be very important to communities like the Town of Bonavista, Trinity Bay North, King's Cove, the municipality of Elliston. That is some communities in the District of Bonavista South.

I will definitely support this piece of legislation, Mr. Speaker. This piece of legislation is twofold, from an economic perspective and from a social perspective. It is very beneficial socially. That would certainly help out communities all over the Province of Newfoundland and Labrador.

There was a collaborative process here, Mr. Speaker, where town councils put forward a request at the Municipalities Newfoundland and Labrador convention. There was a very open and transparent dialogue between, I guess, town councils, people in the department, and people who actually see a need for change to this particular piece of legislation.

This was an open, transparent process that took place. This amendment will allow municipalities to have the flexibility to gain economic benefit to many communities out in Newfoundland and Labrador, all around

Newfoundland and Labrador. This piece of legislation will assist towns that want to dispose of property for such social advancements, such as construction of schools, recreational facilities, or even parks.

It will also allow council to initiate or consider a proposal for economic development that may be in the best interest of the municipality by creating jobs for residents or expanding the tax base for the municipality. This particular piece of legislation will certainly help communities in the future.

The approval from the Minister of Municipal and Intergovernmental Affairs ensures this process is going to be done fair and to be a very transparent process. It is important that towns have the ability to increase social and economic development in their communities. By amending this legislation, it will give communities the ability to enhance their communities by advancing social initiatives and to maximize revenue and economic benefit.

Due to that factor, Mr. Speaker, I will certainly support this good piece of legislation. The Department of Municipal and Intergovernmental Affairs proposes that a municipality may, with a two-third vote by councillors in office and the approval of the Minister of Municipal Affairs, dispose of property at or less than fair market value for social and economic development purposes.

I listened to the previous speakers here today and we can all agree that this particular piece of legislation would be of great importance and benefit to communities in Newfoundland and Labrador, Mr. Speaker. Like I said, it is twofold. It is very important to all communities in Newfoundland and Labrador. I will definitively support Bill 41. I hope that my colleagues will support Bill 41 as well.

Thank you very much, Mr. Speaker.

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

MR. MURPHY: Thank you, Mr. Speaker.

I take pleasure in rising in my place and speaking to Bill 41 this afternoon. From time to

time we get a piece of legislation that comes across as fairly simple in nature. This is, I will not say it is simple in nature, but overall I think it is a measure for – I guess speaking on the municipalities behalf, it is good for red tape reduction. I will say that. It does take some of the issues from municipalities when it comes to the handling of some matters. In particular, when it comes to disposal of the various properties they are talking about.

In some ways it probably saves some effort too on the part of government; albeit, through the approval process the Minister of Municipal Affairs still has to sign off on. One of these days maybe he shall be set free and probably alleviated of some of this.

Mr. Speaker, just very quickly. I do not have too much to say about it, next to the simple aspect of the red tape reduction that I feel is great for municipalities.

Under section 201.1, a council may by resolution sell real and personal property where the item or lot has a probable market value of more than \$500 by public tender or public auction advertised. I will not go on any further with this section, sections (a) and (b).

This amendment preserves the ability to sell items and lots below \$500. It is self-explanatory, I think. The change that this amendment brings in regarding the sale of these real or personal property over the value of \$500 if they give public notice of the intent to sell, that notice must include an ad in at least two conspicuous places – that is what the legislation says – and in the local newspaper, if there is one.

I have to ask the minister possibly, I guess – well, I cannot ask now. Perhaps he can sum it up when he gets on his feet, his definition of two conspicuous places. It seems to be a little bit wide open there. I think we need an explanation as regards to that.

I would also ask the minister if his definition of a conspicuous place in some cases, Mr. Speaker, some places obviously do not have a newspaper. Some newspapers only advertise or may only print pretty much in some cases once a week, in some cases once a month, so the timing of the

actual publishing of that may be a little bit questionable.

I will ask him at the same time is if his definition would, for example, be on the Internet. If the publishing of some of these matters might be on the Internet or perhaps even on the municipal Web site, but then again there are some municipalities out there that do not even have a Web site. I think this has to be considerations brought up to government and at the same time there are ways around it. I think with the 276 municipalities out there, we can work around that.

They have to accept the highest bid so long as the bid is over the estimated fair market value, but there are also exceptions to that as well. Council can sell real or leased property for less than fair market value if the purpose of the sale is for social or economic development.

In just reading through this and in conversation with my research staff, the definition of economic development could be wide open I think. It can mean almost anything. The backstops to protect from these problems two-thirds of the vote of council are necessary, and you need prior approval of the minister, or public notice must be given. I guess there are going to be a lot of notifications as regards the citizens of various municipalities exactly what is going to be happening here.

It is thought that these backstops or safety values will protect against any problems with councils giving land away to developers without widespread approval to those involved. That was a concern that was brought up by one person who we consulted with. Another provision allows for the sale of real property or adjacent real property and the real property is of minimal value to another person, the same backstops would apply here.

This actually formalizes a practice that many municipalities already do. There was a discussion about the \$500 cap, of course. MNL has initially talked it being raised to \$5,000; however, the department felt that removing the requirement to hold a public auction or public tender would be sufficient. I think that MNL eventually agreed to that, and I think that they are quite happy with it.

Municipalities were actually losing money on the sale of things because of the requirements to the public auction through tender. Some things were not up to that \$500 value, they were well below; they did not get a tender up to that amount. So that is one of the reasons why this being done today, too. It could be anything from furniture to computers or anything that may become redundant. Computers, of course, as we know, get better and better with age and they lose a lot of value pretty quickly. Allowing them to sell with a two-thirds vote of council with the prior approval of the minister – less onerous requirements, and again I think we are coming back to red tape reduction here at the same time.

There is nothing in section 201.1, 201.2, or 201.3 that relieves the council from complying with section 95 of the Urban and Rural Planning Act.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Member for St. John's East.

MR. MURPHY: Thank you, Mr. Speaker.

There is nothing in here that would relieve council from paying attention to section 95 of the Urban and Rural Planning Act here at the same time. For example, when it comes to the disposal of land, the minister or council or regional authority, with the approval of the minister, may sell, lease, or otherwise dispose of land or an interest it has expropriated and not abandoned upon those terms. This provision ensures the Urban and Rural Planning Act has priority despite this amendment. So we still have to pay attention to various other acts that are out there. Councils still have to pay attention, in particular, to the Urban and Rural Planning Act at the same time.

So, Mr. Speaker, that is about all the comments I had on that. Perhaps the minister can answer a few questions when his time comes about when we close debate or in the Committee process as regards to those particular points that I brought up.

Mr. Speaker, that is all we have to say on this. We will be supporting this amendment. We know there are a lot of municipalities and towns out there that look forward to this bit of red tape reduction. At the same time we wish all those municipalities and council workers that are keeping these municipalities all the best in their future endeavours.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Baie Verte – Springdale.

SOME HON. MEMBERS: Hear, hear!

MR. POLLARD: I am thankful this afternoon again to get up to speak to Bill 41. First of all, I would just like to thank again the people of the District of Baie Verte – Springdale for their support and for their confidence and trust that they have placed in me. I also would like to thank the minister and department officials for their briefing. Again, it was very thorough and complete as well. We really appreciate that.

Bill 41 says An Act to Amend the Municipalities Act, 1999 – just a very brief explanatory note, Mr. Speaker. This is what it says, “This Bill would amend the Municipalities Act, 1999 to provide greater flexibility to municipalities to sell, lease or dispose of real and personal property that has an estimated fair market value of \$500 or more.”

Just for the benefit of the listeners, it might be interesting to point out the definitions of what real property is. Real property would be referring to land or buildings that the town actually own. It is not referring to Crown lands or vacant, empty buildings that are already in the town such as school buildings, for example, that is owned by probably school boards or some religious denomination. Personal property would refer to equipment such as dump trucks, loaders, tractors, plows, or furniture, what have you, Mr. Speaker. That is a clarification.

I also wanted to point out like my colleague, the Member for Bonavista South, who spent fourteen years on council, I spent half of that, seven years, which was the tribulation period, I suppose. I certainly enjoyed my time on council in the Town of Springdale, four years as Mayor

of the Town of Springdale, and what a tremendous opportunity to learn the issues and concerns of the people. I consider it a real honour and privilege to serve the community for seven years on council. I would advise anybody out there, any resident who wanted to serve their community, it would be a good place to start as councillor – a very, very valuable experience indeed.

Mr. Speaker, I would also like to point out and give a great big shout out to all the mayors and the councillors out there in this great Province of ours, because they do stellar work day in and day out.

Currently, section 201.1 does not give municipalities flexibility to enter into transactions to further the social or economic development in which achieving fair market value may not be the most important factor. The current requirement of a public tender or auction when disposing of all property valued at over \$500 or more, including low dollar-value personal property items such as used equipment and vehicles, it is very cumbersome and is very burdensome to the town council, Mr. Speaker.

By allowing councils to dispose of such items in a manner that is still transparent and achieves maximum value, we do reduce the workload of councils and staff while still maintaining the basic principles that the original amendment intended. The proposed changes, Mr. Speaker, are also consistent with the intention of the resolution passed by the MNL, Municipalities Newfoundland and Labrador, at their AGM in 2013 which was pointed out earlier, and we support them, Mr. Speaker.

That is a good indication of how responsive we are. That is another prime example of how this government is listening to the people of the Province and all stakeholders, and listening to everybody involved so that we can act expeditiously on behalf of the Province, Mr. Speaker, and all stakeholders.

This will assist towns or communities that want to dispose of property such as social advancements, such as if you want to build a school or build a soccer pitch, or softball field, whatever, or other recreational facility, or any park. It would also allow council to initiate or

consider a proposal for economic development that may be in the best interest of the community by creating jobs for the residents, or even expand the tax base of the municipality.

You must have two-thirds of council support in these cases as well as the pre-approval of the Minister of Municipal and Intergovernmental Affairs. Because you have these two criteria, Mr. Speaker, this is done in a fair and a transparent manner.

It is important that towns have the ability to increase social and economic development in their towns. By amending this legislation, Mr. Speaker, it will give all communities or towns the ability to enhance their communities by advancing social initiatives and to maximize revenue and economic benefits. In other words, it removes the barriers, the impediments so that communities can improve their economic lot.

The Department of Municipal and Intergovernmental Affairs, what they do is they will propose that a municipality may, with a two-thirds of the councillors in office vote and approval of the minister, will dispose of property at or less than fair market value for social and economic development.

Finally, this legislative change addresses the concerns heard from a number of municipal leaders right across the Province, Mr. Speaker. The amendment will allow councils the ability to foster social and economic development in all municipalities while achieving maximum value from its property in a fair, equitable, and transparent manner.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you, Mr. Speaker.

I am happy to stand for a few minutes and speak to Bill 41, Mr. Speaker, An Act to Amend the Municipalities Act, 1999. I spent many years in municipal politics in my small community of Charlottetown on Labrador's Southeast Coast. I also spent some time – maybe not long enough, I

wish it had been longer – serving as the Labrador rep on the provincial municipalities board, where I was a voice for all of the communities in Labrador.

As you can appreciate, there are some very vast differences there in just Labrador. You have Lab West, the mining town. Things are not good right now, but that was more of a wealthy town. Then you had Lake Melville and then you had the smaller coastal communities.

It was the smaller coastal communities that really had the challenging issues, Mr. Speaker, when you have a shrinking population, an aging population, and aging infrastructure in the ground. A lot of challenges, and these people are volunteers, Mr. Speaker.

What we see here with this act, and I will just read it for the purpose of the people who may be viewing this today, "This Bill would amend the Municipalities Act, 1999 to provide greater flexibility to municipalities to sell, lease or dispose of real and personal property that has an estimated fair market value of \$500 or more."

Mr. Speaker, this is a piece of legislation that the provinces and the towns have been looking for, for a long time. Somebody already mentioned today in the House that there was a resolution passed asking for most of what is contained in this bill during the MNL annual convention in 2013. In addition to sitting on the MNL board, Mr. Speaker, as a deputy mayor in my community, I attended many of their events – a reputable group.

I believe the forty-eight of us who serve here in the House, who represent the Province of Newfoundland and Labrador, it is important that we sit and talk with groups like MNL, because different groups are experts in different fields. We certainly have a knowledgeable and a reputable group here.

I want to quote Craig Pollett, from MNL. I attended a forum last spring at Memorial University – Barbara Neis was there – and it was a forum on the fishery of the Province. During that forum Craig, from MNL, made a statement and it stuck with me. It resonated when he said: the closer that decisions are made on the ground to the people most impacted by them, the more

likely they will stand the test of time. Now, I remembered that, Mr. Speaker. The closer that decisions are made to the people impacted. That is what we have here today, Mr. Speaker, with this piece of legislation. I am happy to support this, because we are giving more ownership to the people. We are making it less cumbersome.

My colleague for CBS spoke, and there are a lot of variances in the coastal communities where I come from, from the beautiful area of CBS. They have planners, they have engineers. Why do these people have to come to St. John's to get approval on something for CBS if they have the expertise there, if they have the people? So I think it is a very positive thing. I think it is something the towns have been asking for, for some time. It is something that will be applauded, Mr. Speaker, removing requirements for towns to have to auction off or go to tender to dispose of surplus items. It is certainly a good thing, Mr. Speaker.

One of the things I do want to mention is the \$500. There is a consensus that figure still remains a little low. If we look back when that was brought in back in 1999, \$500, and we factor in the inflation, that \$500 would be about \$670 now. If we want to give these towns a measure of faith or good will, the government could have put that at a figure of \$1,000. Because what happens, in our offices resources are limited, people, time, like many other places, and when they have to be going through this process for anything that is over \$500, that is extra work placed on them.

Mr. Speaker, these people know, they are running communities. I think we easily could have gone to \$1,000 instead of the \$500; but, be that as it may, maybe we will see an amendment down the road and we will see some improvements to that because municipalities did describe this as getting 99 per cent of what they were looking for.

I think another point here that is positive is towns will be allowed to dispose of town-owned property for the purposes of economic development. Once again, the communities, the people who are on the ground, know what is needed in their communities to grow their communities. For a long time I sat at tables where there was so much frustration around

decisions that were made up here, that were impacting people down there and they did not have the knowledge, that grassroots on the ground.

When these volunteers sit around the table, Mr. Speaker, they are there because they want to make their town better. They want to make the place they call home better. So they are looking for ways to grow. They are looking for ways they can put in a small amount of money and they can get the investment back, Mr. Speaker.

I think it is very important that we give them more control in that area. In other words, Mr. Speaker, where a business might be developed, employment increased, or where new jobs might be created with a two-third vote and ministerial approval, the town can go on ahead, Mr. Speaker. Again, I see this as a positive thing.

A lot of times just because we have towns that have to come in here to get approval, that was slowing down the process, Mr. Speaker. We all know when we are waiting on things like this, how long you can be waiting. If there is anything we need to do to support municipalities, we need to try and reduce the red tape for them. That is a positive step. I think we are going to see the benefits of this.

I want to applaud the initiative. For too long, Mr. Speaker, towns have had a responsibility for economic development but very little in the way of tools to support from the Province to do so.

Mr. Speaker, anything we can do, even the staff who work there. If we can invest in training, I believe we are certainly going to get a return on that investment. More than half this Province is rural communities. Most of the offices probably have one staff, maybe part-time staff. So if we can invest to make them more competent, to increase their understanding of things in the municipal office, I believe that will pay dividends with us, Mr. Speaker.

It has been raised that what is missing in this clause and in the amendment itself is the issue of Crown lands. Crown lands continue to be a very challenging issue. Government, under this amendment, will allow towns to do something they themselves will not do. Towns can, under this new change, sell town land for economic

development purposes at below market value, but they will not give towns Crown lands at below market value for any kind of economic development.

I would just simply have to ask there, Mr. Speaker, why that is. I do not want to digress too much from the bill, but I could spend a lot of time talking about the issues around Crown lands as well. Most things that government sends out to the people, you have maybe thirty days or something to be back, but with Crown Lands you might be waiting three years. That is an issue and I hope we are going to debate and take that up some time soon in the House.

Back to Bill 41, we need this changed. We have heard numerous times in the House discussion on the fiscal framework and it is very important as we go forward that we get this fiscal framework right, Mr. Speaker. It is daunting when you think about what is actually in the ground around the Province in the municipalities, the dollar figure, and what the need is going to be on a go-forward basis to ensure that we have safe drinking water and things like that.

We need this change and we know that in the fiscal framework document that is now on its way to Cabinet there is significant discussion on the issue surrounding Crown lands. The recommendation – if I might share here – coming from that report is that the provincial government work with MNL to review how Crown lands are sold and consider land transfer options not currently available, such as long-term leasing and lease-to-buy arrangements.

Mr. Speaker, while this is a positive amendment – you know what they say about improvement: the room for improvement is the biggest room in the house. Hopefully we are going to come back and we are going to see this continue to move in the right direction because, while all of this is good, I feel towns should be able to have access to Crown lands inside their planning areas. Again, in terms of giving the people who sit around the municipal table, giving them some more responsibility and some more say into decisions that will help make their towns more viable and more sustainable over the long term, in the same manner as other lands are available

to them for economic development purposes in this amendment.

I will not use my full time, Mr. Speaker, but I am pleased to see this act to Bill 41. Any time that we are able to do something to support municipalities in the Province, it is very, very important that we do so. These people play important roles in the communities that they serve and we certainly appreciate what they do. Those of us who have been at those tables, we understand the challenges that come in those positions, Mr. Speaker. I look forward to hearing further comments from the rest of my colleagues.

Thank you.

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

SOME HON. MEMBERS: Hear, hear!

MS PERRY: Thank you, Mr. Speaker.

It is certainly a privilege for me to rise in the House of Assembly today in speak to this very progressive piece of legislation that we are bringing forward to the House today.

I guess the simplest way to describe this bill is that it greatly increases the flexibility for councils to improve their economic and social development efforts. I will not elaborate a whole lot on what has already been said here in the House today, but in a nutshell land that has a value greater than \$500 will no longer have to go through a public tendering process if the town council can clearly demonstrate that the disposal of this equipment or property will have some type of social or economic benefit to the municipality.

Section 201.2 speaks specifically to selling or leasing property and section 201.3 gives guidelines with respect to gifting or swapping a property, so I will elaborate a little on those two features.

In terms of property with an estimated fair market value of \$500 or more, a council may, by resolution, sell or lease this personal property under this new act. However, Mr. Speaker, it is very important to note that there is still going to

be a very strong element of transparency with this bill. The council will be required to provide public notice of the council's intention to lease the property and that public notice can take place in not fewer than two conspicuous places in a municipality. So that would be places that are frequented very often by large numbers of residents in the municipality, as well as publication in a newspaper that has some type of general circulation within that municipality, Mr. Speaker. Of course transparency and accountability is very important for this government at the municipal and provincial levels.

Subsection (5) of section 201.2 does state that, "A council shall only accept an offer to sell or lease real or personal property if that offer is the highest offer for the property." It does allow, Mr. Speaker, for three exceptions to that: Notwithstanding subsection (5), a council shall not accept an offer to sell or lease the property, except where a resolution by two-thirds vote of the councillors in office approve of the sale, and including approval of the minister.

Where the exception will apply again is if two-thirds of councillors agree as well as approval of the minister, that can happen. It must clearly demonstrate that there has to be some type of a social or economic benefit to the town. That social benefit could be something like affordable housing, construction of a new park, or a community centre.

In terms of the economic benefit, it would pertain to where a council can clearly demonstrate that long-term benefits are worthy of foregoing fair market value. Those long-term benefits could be an increase in the number of jobs or a significant increase to the tax base in the municipality, Mr. Speaker. This act is indeed providing greater flexibility to municipalities to be able to move forward with initiatives that will enhance the well-being of the community as a whole.

There is also an exception, Mr. Speaker, where the property is valued at \$500 or more the council may, by resolution of two-thirds of the vote, and again with prior approval of the minister, accept an offer to dispose at less than estimated fair market value where the purpose of that disposition is clearly of social or economic

benefit. It is only pertaining to the municipally owned personal or real property. Section 201.4 speaks to the Urban and Rural Planning Act, 2000. It does state that disposal of all expropriated land will still require ministerial approval.

To look at some examples of where, say, swapping a piece of land may be of benefit, we had a situation in this Province not too long ago where a community wanted to erect a school on a piece of property. That piece of property was owned by the Department of Transportation and Works. Because of the previous legislation, the only way that land could be acquired was through expropriation.

This bill, of course, gives the flexibility to allow a clean swap without the undue burden of massive paperwork and time delays. It is certainly going to be of great benefit we believe, Mr. Speaker, to municipalities and to those who want to do something meaningful in the community, either by means of enhancing its social infrastructure or creating some meaningful employment.

It is important to note, as has been stated here today, that this is a piece of legislation that has been requested by Municipalities Newfoundland and Labrador. It is very important that towns have the ability to increase social and economic development in their communities.

In my former life, prior to politics, I worked for twelve years in community economic development and was very happy to be part of establishing the very first ever Joint Councils for the region. It was quite a delight to work for all those municipalities in partnership, with their key goal being the social and economic improvement of the region as a whole. Issues like this would arise from time to time, and I certainly can relate to how it is going to be very beneficial throughout our Province as a whole. It is really going to give the communities an ability to enhance social initiatives and to maximize their revenues and economic benefits.

Again, the resolution was brought forward by MNL in 2013. Here it is 2014, Mr. Speaker, we are nearing the end of 2014 and our expedient movement, I would say, with this legislation clearly demonstrates that we are listening to the

people of the Province; and not only are we listening to the people, we are putting action to our words.

I am very pleased to be part of this government that is so responsive to the requests of the people we serve, and very pleased that we are providing greater flexibility and clarity with respect to how municipalities can dispose of municipally owned assets and equipment.

I will not belabour speaking to this bill much longer. Everyone has clearly outlined what this bill will mean for municipalities and I, for one, will be very happy to support the legislation, Mr. Speaker.

Thank you so much.

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

MR. JOYCE: Thank you, Mr. Speaker.

I will just stand and have a few words on this bill. As we said before, Bill 41, the Official Opposition will be supporting this bill. I just want to stand and have a few words about some of the concerns and some of the positive things about the bill that is brought forth.

I just heard the member earlier talking about how government quickly does the work of municipalities. We are still waiting for the fiscal arrangement since 2008, Mr. Speaker, so let's not jump for too much joy here because there are some amendments brought in under Bill 41 to the Municipalities Act.

Mr. Speaker, the odd thing about it – there are some good things in the bill, and I will go through it – is the Crown lands aspect. We all know in a lot of towns – I hear it a lot out my way in the Bay of Islands and in other parts that when there is Crown land in the area that it is almost next to impossible to let the town get this kind of land transferred to the towns.

What we have here, Mr. Speaker, we have a bill here where the provincial government, under the Department of Municipal and Intergovernmental Affairs, are saying to the towns you can sell land at a reduced rate for several reasons: social development or for economic development. It is

a great initiative. It is definitely a great initiative, but if there is a piece of Crown land in your area, the government will not allow the town or will not give it a reduced rate for economic development.

I know the minister will get up and explain that when he gets an opportunity, but I know a lot of Crown land in municipalities that it is almost impossible to get. A lot of the land they can use for social development, they can use it for economic development, yet they cannot get it. So government is saying you can give some land you have, at a cheaper rate, to help foster economic development, yet we are not going to do it if there is Crown lands in your town.

Mr. Speaker, that is a big concern I hear all throughout the region. Out on the West Coast, it is a big issue about Crown lands. To get a piece of Crown land for any municipality in this Province – I know this is not the minister's portfolio of Crown land, but seeing it was brought up, put through it, and it is now through it, but before it was not. Mr. Speaker, to get a piece of Crown land for any economic development in any town takes years. I mean years, Mr. Speaker.

AN HON. MEMBER: (Inaudible)

MR. JOYCE: I hear the Member for Baie Verte – Springdale say what is this to do with municipalities.

MR. POLLARD: Relevance.

MR. JOYCE: Relevance, Mr. Speaker, Crown lands is right in the act. So, what the member should do, if the Member for Baie Verte – Springdale is telling me about relevancy in an act, Crown lands is mentioned right in the act. So the next time he reads his briefing notes that someone gave him, he should read the act, if he wants to know what is in it, because it is definitely in there. It is definitely a part of it, Mr. Speaker.

What he should do, Mr. Speaker – Little Bay Islands people are still waiting for him to go down for a meeting to discuss their regionalization and their movement. So he can stand over there and yap at me as much as he likes, but the people in Little Bay Islands and the

town council would love to see him to speak about the relocation, Mr. Speaker.

There is another part of this that is good that is in there. Mr. Speaker, when there is a piece of land given away for less than market value for economic development or social, it needs a two-third majority vote. It also needs approval from the minister. I think that is a nice check and balance; but if there are any concerns after the two-third vote taken by a municipality – which I am definitely not suggesting – the minister still has the final approval of it. So if there are any concerns brought up after, there are a few checks and balances in this piece of legislation and I think that is a great initiative by the minister for the following years for any new minister that is there.

Mr. Speaker, MNL, as was mentioned several times in this House already, wanted this bill in 2013. I think they passed a motion at their convention for this. There are some things and I will ask the minister – I will not even have to stand up in Committee, but the minister to explain why the threshold is not past \$500 and the minister explained that.

I can see the Member for Baie Verte – Springdale down again, and if he wants a chance to speak in Committee he can go right ahead and speak in Committee and stop just trying to – we are supporting the bill, yet the Member for Baie Verte – Springdale still wants to try to cause some kind of grief with us over here. We think it is a good bill. Mr. Speaker, I say to the Member for Baie Verte – Springdale, the residents, the town council of Little Bay Islands would love to see you.

Mr. Speaker, I will sit in my seat. Once again, we are going to support this bill. We think there are a lot of good things in the bill. I will not have to stand in Committee because the minister is aware of some of the things that have been brought to my attention. Like I said before, Crown lands is an important part of this which is under Municipal Affairs now. The Member for Baie Verte – Springdale can stand up any time and he can speak about anything in this bill. Mr. Speaker, without the notes brought up from the eighth floor, he will not be able to because all he can do is read the explanatory notes.

Thank you very much for the opportunity, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

If the Minister of Municipal and Intergovernmental Affairs speaks, he will close debate.

The hon. the Minister of Municipal and Intergovernmental Affairs.

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, I want to thank all hon. members today for the debate on this particular bill. I certainly want to recognize the Member for Conception Bay South, the Member for Bonavista South, the Member for St. John's East, the Member for Baie Verte – Springdale, the Member for Cartwright – L'Anse au Clair, the Member for Fortune Bay – Cape La Hune, and the Member for Bay of Islands.

Mr. Speaker, I will take a few minutes to go through and try to address some of the questions that were raised as we went through. The Member for Conception Bay South and some of the other members as well referenced Crown land. It is important, too, this legislation, this amendment is not tied to Crown land. What has been mentioned is in regard to municipalities and how they are able to obtain Crown land in terms of economic development and other initiatives in towns and communities.

As well, it was mentioned from Municipalities Newfoundland and Labrador – and we have talked about in this House before in regard to the fiscal framework and a whole range of initiatives that we are looking at, a recommendation made by MNL. One of those related to Crown lands in regard to access to Crown lands, the cost of Crown lands, and all those types of things. We are looking at that as one of the recommendations from MNL.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HUTCHINGS: In regard to the intent in what we are trying to do to communities in terms of economic development, access to revenues, those sorts of things, those are the kinds of things we want to work with Municipalities Newfoundland and Labrador. As I said, we look at those recommendations and as we are moving towards Budget 2015, those are the kinds of things we will respond to and see what we can do in regard to some of the members on both sides in our communities and municipalities, and how we can work with them to drive economic development, but as well to drive revenues. That is all tied to sustainability of those communities. I thank the hon. members for their comments in that regard.

As well, I think the Member for St. John's East spoke in regard to the reference to conspicuous places in advertising. That has not really changed. Really what we would look at, we look at newspaper, Internet, things like local pharmacies, city hall, and even local TV channels. There would be a variety of options there where they could pursue to meet the requirements in having two conspicuous places in regard to advertising to meet the requirements.

As well, one of the hon. members mentioned economic development and opportunities. Viewed from the department, that is any investment that looks at promoting, building, and sustaining local business activity and the associated impacts of that activity. Certainly, look at the local employment, expanded tax base, and other financial and social benefits in that regard.

I think the hon. Member for Bay of Islands mentioned, and others did as well, the cap in regard to \$500. In regard to that, if you look at the real property transactions, it would generally exceed \$5,000. A change in the threshold would apply mainly to personal property such as vehicles and equipment. By keeping the threshold low as well, I think it is a higher level of transparency and accountability that is maintained for the disposal of virtually all personal property, including vehicles and heavy equipment.

The third point is, as other members may have indicated. We had discussions with MNL, and

they indicated the main reason for the cap to be raised was to avoid having to conduct public auctions or tenders for many personal property items. By removing that requirement for public tender or auction altogether when disposing of property, this issue has really been addressed. As I said, Municipalities Newfoundland and Labrador were supportive when we had the dialogue and discussion with them.

I think looking through, Mr. Speaker, in terms of the discussion and questions that were asked, I think I have been able to respond to those. Again, I would like to thank all members for their discussion on this particular bill. It seems to be a good bill. Across the floor on both sides, it seems that people recognize the importance of this amendment.

MNL passed a resolution in their AGM in 2013 to have this resolution brought to us and amend the legislation to reflect their needs. In discussions with them and what we have heard today, I think we have met those needs. I look forward to working with MNL and municipalities throughout Newfoundland and Labrador, again, to support them.

We look forward to responding to the financial framework that we are reviewing. We will respond to that in 2015, and certainly may respond to some of the items that were brought up here today in discussing this amendment.

Thank you again.

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'.

Carried.

CLERK: A bill, An Act To Amend The Municipalities Act, 1999. (Bill 41)

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 Amend The Municipalities Act, 1999", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 41)

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

MR. KING: Thank you, Mr. Speaker.

At this time I would like to call Order 7, second reading of a bill, An Act To Amend – sorry, pardon me, Mr. Speaker, it is Order 4, second reading of a bill, An Act To Revise – sorry again. I am in the wrong place here.

MR. SPEAKER: Number 5.

MR. KING: Thank you.

SOME HON. MEMBERS: (Inaudible).

MR. KING: I got it, thank you.

It is Order 5, second reading of a bill, An Act Respecting Missing Persons, Bill 36.

So moved by me, and seconded by the hon. the Premier, that the bill be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 36 be now read a second time.

Motion, second reading of a bill, "An Act Respecting Missing Persons". (Bill 36)

MR. SPEAKER: The hon. the Premier.

PREMIER DAVIS: Thank you, Mr. Speaker.

It is a pleasure to have an opportunity to introduce Bill 36 this afternoon, An Act Respecting Missing Persons. This is a new piece of legislation for Newfoundland and Labrador. It is a piece of legislation that deals in a circumstance that happens frequently in Newfoundland and Labrador when people go

missing in our Province. It is a bill that will allow for timely access to information that is often very crucial in finding a missing person.

As it currently stands, Mr. Speaker, the police must rely upon only the authority given to them under the Criminal Code of Canada to compel a third party to provide information such as medical, financial, telephone, or other information in support of a missing person's investigation. Under the current law, the Criminal Code provides police with the opportunity to search for such records but require police to have evidence of a criminal offence prior to obtaining a production order or a search warrant.

If police are doing a missing person investigation and if there is cause to believe a crime had been committed and they have grounds to support the request laying any information for a search warrant, they can obtain a search warrant only if grounds support it, but it has to be pertaining to an investigation regarding a criminal matter. However, we also know, Mr. Speaker, that in many cases of missing person's investigations there is no immediate indication of a criminal offence having taken place.

There is no known knowledge or understanding that a criminal offence has taken place. If there is sufficient evidence of an offence, access to information for investigative purposes is not available under the Criminal Code. If there is not enough information, if there is insufficient evidence to establish that an offence had occurred, then you cannot access information under the Criminal Code.

That means that in many instances when the police are unable to compel a third party to provide information that would generally assist in a timely investigation, it means that in a case where there is no criminal activity or no criminal allegation, they are not able to obtain those types of records. In order to address this limitation and to assist in locating missing persons, we are establishing missing person's legislation. That is the legislation that is now before the House and to which I speak.

This legislation, Mr. Speaker, is not new in Canada. It exists in four other provinces. BC, Manitoba, Nova Scotia, and Alberta all have

similar types of legislation. The intent of this legislation is to provide the police with the tools necessary to move more quickly and more efficiently on those investigations where it is known that a person is missing, but there is no evidence that a crime has been committed.

Mr. Speaker, I submit that these types of occurrences happen frequently in policing. Every year, the police investigate missing persons; probably on an almost daily basis the police in this Province investigate missing persons and, by far, most of them do not have a criminal element to them.

Mr. Speaker, in developing this legislation the Department of Justice and Public Safety have consulted with representatives from Aboriginal and also women's groups and I can tell you that the response from the consultations has been positive. Given the nature of the legislation, the Information and Privacy Commissioner was also consulted and I can tell you that the commissioner is in agreement with the underlying purpose of this bill.

Mr. Speaker, what is in the bill and what is in the act, as I am sure people want to know more about it, the Missing Persons Act allows the police to obtain specific information about a missing person when the police lack reasonable grounds to believe that a criminal offence has occurred. So the police receive a complaint of a missing person, someone calls the police and says a loved one, family member, friend is missing. I do not know where that person is. I am worried about that person for one reason or another. However, all of those circumstances do not include a criminal offence then it is this legislation that would deal with those types of circumstances.

As I mentioned, it is modeled after similar legislation. The other legislation exists in Alberta, Manitoba, Nova Scotia, and British Columbia, and this one is modelled after Manitoba. I think Manitoba was the first, and most of the other provinces have modelled their legislation after Manitoba's as well.

The act allows for the police to apply to a court, a court of jurisdiction, for a record access order or for a search order. Now, Mr. Speaker, a record access order allows the police access to

records that may assist in locating the missing person. That is the intention of this legislation. There are times when there is information or records that are available that could assist the police in locating a missing person and there are times when the holder of that information does not want to or feels they cannot provide that information because of privacy concerns, because of contractual obligations or otherwise, and they do not want to provide that to the police. Well, the police can now apply to the court for a record access order or a search order.

What happens is the police would have to apply to the court, requiring that the person give access to and have requested copies of specific types of records in respect to the missing person and if a missing person is a minor or a vulnerable person, records in respect of a third party can also be requested, if it is believed that they were in the company of the missing person.

The police must have a reason to believe that the requested records will do a number of things. They have to be able to establish this, and they must have a belief that the records will provide an opportunity to assist them in locating the missing person and the records are in the possession or under control of the person being served with the order. They have to have some grounds of belief. Before they set out to request the order, they actually have to believe and be able to establish that the records they are looking for could assist in finding and locating that missing person; and secondly, that the person they are asking for the records actually has possession of those particular records.

Mr. Speaker, under section 6 of Bill 36 there are a number of records listed. It outlines a number of records that the police can actually request and search for. It includes under section 6.(2), "The records that may be accessed under a record access order include (a) records containing contact or identification information; (b) telephone and other electronic communication records, including (i) records related to signals from a wireless device that may indicate the location of the wireless device, (ii) cell phone records, (iii) inbound and outbound text messaging records, and (iv) internet browsing history records".

Mr. Speaker, those records, we all know, may assist us in locating a person. A person may have said I am going to a place today or going to visit a person, or going to a specific place or visit a specific person. Sometimes records relating to signals from wireless records – because we know now that cellphones, you can almost track a cellphone anywhere or any time. We know it can be done.

The service provider quite often holds that particular information. The service providers generally we know are co-operative with the police. There are times when they say privacy legislation and protection of people's privacy, we have to be careful. We are more conscious of privacy information or people's private information than we ever are before. Having this will protect those service providers as they provide the information to the police.

They may have records of the actual location of a phone. They can also determine what towers, what repeaters, were utilized in the service of a phone call. I have seen that myself in the past, in my history as an investigator, that the cellphone towers, you can actually track a person's records on their phones and know when they made a call. It utilized a certain tower. That helps you to narrow down as well the location where the person is. They know from their own usage that if a certain tower is accessed, then there is a geographic area in which that phone quite likely was utilized.

If a person makes a phone call in Topsail, they are not likely going to use a repeater in Logy Bay, or use a tower from Logy Bay. It helps to narrow down those factors as well and can help the police in locating that person.

Global positioning system tracking records: Many vehicles today have tracking systems located in the vehicles, emergency services. They have GPS as well and having access to those records can locate a vehicle. Quite often, when you locate the vehicle, it is a good source and assistance to help actually locate the person.

Video recordings, including closed circuit television footage: There may be a recording at a local business that will show the person inside a business and maybe in company with somebody

else and they assist in locating the missing person.

Records of employment, records containing personal health information: A person may have gone to visit a doctor or a health professional and had provided information that could assist the police in locating that person as well.

It includes records from school, university, or other educational institutions containing attendance information. Records containing travel and accommodations – a very important one here, Mr. Speaker, I would say to you. I know in times in the past utilization of a person's debit card and a credit card, a Visa or MasterCard, that type of thing, can assist. Then when you find a person used a card at a location of accommodation, if you can go to that business and obtain the records of what particular information was provided when a person checked into a hotel, as an example, then that could assist you in locating a missing person as well.

Also, records containing financial information, again that goes to debit cards, Visa cards. Where did a person last make a withdrawal or utilize their debit card? You may find they used it in St. John's. They used it in Clarendville. They used it in Gander. They used it in Grand Falls-Windsor. You may say the last time they used it was in Grand Falls-Windsor, as an example, and that is the last known place of the person. That will help the police and assist them in locating a person as well.

There are other records that the judge considers appropriate. I caution again though, Mr. Speaker, in those types of circumstances the police would again have to establish the important or relevance of the information. They would have to provide details and information, as to their belief, of why those records will assist in their investigation.

Mr. Speaker, they are all listed under section 6 which refers to the section where, "A member of a police force who has reasonable grounds to believe that a person has records respecting a missing person may apply to a judge for an order requiring the person to give members of the police force access to, and if requested, copies of, the records..." as I just outlined.

There are also times when there are emergency circumstances, when police say they have reason to believe that there is a concern of imminent bodily harm or a concern of death of the missing person that may happen in an emergency circumstance where they have to act right away.

As I am speaking here in the House, I can think of circumstances I have been involved in in the past where there was a known and very high level immediate concern for locating that person. In those cases, it just may not be that a written demand for access to or copies of the records, doing it by court order may not be in the best interest of locating the missing person.

In that case the police were required to report. They can access information. They can make a demand, but they will also have to report to the commanding officer of their particular police force or police service, and they will have to file an annual report. The police service will have to file an annual report with the Minister of Justice and Public Safety outlining the number of emergency demands and the type of information that was demanded. The legislation also allows for that report to be made publicly available as well.

In a case like that, a police officer is doing an investigation if a person or loved one says or gives reason to believe there may be imminent bodily harm to the person or worse. In a case where the police feel we have to find this person right away, the circumstances are not conducive to actually going to the court, completing the order, making the order, and you need to make a demand right away. The legislation allows for the police to make an immediate demand upon a holder of information for that information, but there is also a reporting requirement that occurs after such a demand has been made.

A search order allows the police to enter a dwelling or other premises. Mr. Speaker, as I said, there are two types of demands that can be made. One is for records and the other one is a search order. When the police obtain a search order it will allow them to enter a dwelling or other premises but only on the condition that it is limited to searching for missing, minor, or a vulnerable person, which is an adult that is in need of protective intervention as defined in the Adult Protection Act, or a mentally disabled

person as defined in the Mentally Disabled Persons Estate Act. The police will be required to make an application to the court and to have reasonable grounds to believe the minor or the vulnerable person may be in the dwelling or premises in which they are asking to search.

In the case, Mr. Speaker, of domestic violence victims who may be fleeing from an abusive type of relationship, this legislation will not be a tool for an abuser to find them. This is purely a police investigative tool, because it has been asked. Well, in a case where a person is fleeing from an abusive relationship, can an independent person apply for information? No, they cannot. It is only the police who can do that. It would be a police investigative tool, and the records they found are also kept confidential.

The police will have the authority to publicly disclose the missing person's name or photograph, last whereabouts, vehicle information, circumstances surrounding the disappearance, and also serious medical concerns that may pose a threat to the person's life. The police do that regularly now, and the legislation will give that authority as well. In cases where individuals are of the opinion that the police acted inappropriately regarding their information, the person could make a complaint to the Police Complaints Commission or to the Information and Privacy Commissioner. Mr. Speaker, we want to ensure the legislation is used properly and for the right person.

We heard from the police when we announced this legislation last week that they conduct and carry out missing persons investigations on a regular basis. In times when a missing person, where the circumstances are there is no allegation of any criminality, there is no allegation of a criminal offence against that person that has been committed, circumstances where a loved one, a family member, it could be a medical practitioner, has concern for the person's safety and the person cannot be located, the police need to utilize all of the information and services that are available to locate that person as quickly as possible. This legislation is about that.

We know in this day and age, especially, there are records and electronic records, electronic devices and other records that can assist the

police in finding a missing person as soon as possible. In these types of cases, it is our intention that it gets an opportunity to either save a person from bodily harm, or it could save a person's life. That is what the legislation is about, Mr. Speaker. That is what we have brought before the House today, and I encourage all Members of the House of Assembly to support this legislation.

SOME HON. MEMBERS: Hear, hear!

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

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

I am very happy to be able to stand here today and speak to Bill 36, An Act Respecting Missing Persons. Obviously, it is a very important piece of legislation that is being brought here today, evidenced by the fact that the Premier is speaking to it.

I do not think there is any need to belabour the points that the Premier has made. I do have some comments and questions perhaps that I will put out there, just some thoughts. Speaking globally, speaking as a whole, we obviously like the idea of doing whatever we can to help the authorities locate missing persons. That needs to be said. That is on the record. We like the thought of resources and the lack of legislation that sometimes holds it up or makes it harder, we get that, and I do not think there is any disagreement certainly from this side on that purpose.

Where my background I guess kicks in as someone who did practice criminal defence law is that sometimes you get a fear when the authorities have unfettered discretion to exercise powers which may infringe on somebody's civil liberties. That is the point from which I am speaking right now.

I can say as someone who has had their – in my case I had my health information breached illegally. It is not a good feeling when somebody is able to get into your records and look at them without your consent, I can guarantee you that. Until you have been there, you can talk about it but you do not know. When you get that letter saying somebody, who

you had no idea existed, was in looking at your files to find out about you. That is disturbing; it is illegal. In this case, that person was convicted under the Personal Health Information Act. So I can say that.

The trick is we have this measurement, we have this weighing of the ability for police to do their job to locate a person who is potentially at risk versus those rights we have as citizens to be free from search and seizure, to be free to be alone, to be free as lawyers have said, our home is our castle, to be able to get in there without a warrant. That is a big thing. That is a big thing that has come from decades and decades of jurisprudence. This has been in court more than you can name. I want to put the context of which I am speaking out there so we can talk about that.

I hate the thought of a loved one of mine potentially missing and having the authorities say to me, boy, we are trying our best but I have to go to court to get this warrant, and I have to go through this to get there. That would kill me; but, there is also the potential for people doing things improperly and for the wrong reasons. We cannot just toss that aside – we cannot.

What I am going to do is I will just speak to that, and this has been brought up in the media. There have been other people who have brought this out. Actually, I am pretty sure that whenever this legislation, which I believe is in four other provinces, has been brought up these concerns have been brought by those who are actually seeking to protect people. We have to have these rights that we must protect. We have to have that right balance, and that is why I put this out there.

One of my first concerns when I look at section 2.(c) of the bill is missing person, a “missing person” means (i) an individual whose whereabouts are unknown and who has not been in contact with those persons who would likely be in contact with the individual...”, and it goes on. My question as to that is what is the threshold? What is the actual threshold? At what point is there a time period?

I know I am speaking now – and this is stuff that will come up in the Committee stage. I put this out there because I have these questions. If

these concerns can be allayed, then that is the purpose of this whole process. Nobody wants to see a rubber-stamping process where we all stand up and we all say everything is great when it is not. It is better we put this out now to ensure – because we have seen this before, everybody has, where we talk about legislation and maybe sometimes we do not think of every possible angle and that angle comes back to bite you. We saw that last week where we – it never came back but we closed off a loophole that could have been exploited.

In this section, when am I deemed missing? When am I deemed a missing person? What if I am a person who does not speak – I do not have a close family and I do not have friends around. When am I deemed? Is it after twenty-four hours? The Premier, who has a law enforcement background, probably knows this right now. He will get an opportunity to explain that.

The other thing too, we know the criminal side of this. If there is a criminal aspect to this that we are aware of, if we know that, it is fine, people can go do the warrant and go to the judge with the application. Hey, that is great; I like the thought of a judge sitting there hearing the basis for which we want the warrant to be able to get the information. That is how this is done.

In this case, when you go further under section 10, “Notwithstanding section 6, if there are reasonable grounds to believe that immediate access to records is necessary to prevent imminent bodily harm to or the death of a missing person, a member of the police force may serve a written demand on any person requiring that person to give members of the police force access to those records that are in that person’s possession or under the person’s control.” The list of records is large. Records containing contact information, electronic communication, telephone, wireless, cellphone, text messaging, Internet browsing, GPS, video records, employment information, personal health information, school records, records containing travel and accommodation, financial information, and credit cards.

I get why that is there. If we have someone that the police believe is in imminent danger, let us do what we can. For every action, we have to make sure there is the reaction to it. We need to

make sure that this is not exploited. We have seen this done. We do not want that possibility. What if – and this is again the libertarian perhaps in me coming out or the defence lawyer saying you think that I am missing and I am in harm. You do not have to put that in front of a judge. There is no proving to the judge why. You have the ability to demand those records or to enter into my house. What if they are in my house and I have some evidence of wrongdoing there? I can then be charged for that wrongdoing from a completely unrelated search that was done warrantless. I put that out there because that is serious and we need to make sure that is protected.

This is the balance – and I think we are having, I am not going to say trouble, but I mean this is serious stuff. This legislation, once it is put into law, we have to abide by it. We have to live by it. We cannot just toss this in without it getting proper discretion, even if it has the most honourable intentions. I do believe this has the most honourable intentions; I agree fully. My concern is that like anything, if it is abused, what does it lead to?

I put that out there. I think some of my concerns are better exercised through the Committee stage of this process, but what I would say is that – again, I think my colleague is going to speak to this; this is something we have brought forward when it comes to Aboriginal and missing women. We have dealt with this in this House. My colleagues and colleagues on the other side have spoken to this, the gravity and the seriousness.

I appreciate the opportunity to speak to this, and I believe I will take another opportunity during Committee stage to ask maybe some specific questions so that members can answer them properly.

Thank you, Mr. Speaker.

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

MR. KING: Thank you, Mr. Speaker.

I am pleased to have a chance to stand and have a few words about this piece of legislation, Bill 36, An Act Respecting Missing Persons. First of

all, I guess as a bit of personal history, a fair part of this bill was developed while I was serving as the Province's Minister of Justice some year or year-and-a-half ago. That is one of the particular reasons that I am very pleased to stand and speak to it.

Mr. Speaker, a number of people, including the Premier, has talked a bit about what is included in this bill. I do not want to repeat a lot of that, but what I will say is that the fundamental purpose of this piece of legislation is to provide law enforcement with the ability to have greater access to information that will find someone who is missing. In its simplest form, that is what we are talking about.

Just to give a little bit of context to where this bill came from, because I have heard a number of people raise questions about the timing of the bill and the validity of the bill. As a matter of fact, I read a transcript of a story from CBS with a local lawyer who was wrong on no less than three fronts in information that he supplied as factual about his interpretation of this bill.

The context of this bill, for those who are wondering why this bill at this particular point in time, this bill started with discussions back in late 2012. As people would recall, there was a serious discussion throughout Canada and I participated in any number of provincial-territorial meetings of Justice Ministers around the whole issue of missing and murdered Aboriginal women.

We made a significant commitment, as ministers across Canada, that we needed to do something about this, that there were too many instances in all of our provinces and territories where people were going missing and collectively. As a country of jurisdictions, we felt that we ought to be doing more but the law, in its current form, did not provide us the opportunity to do more.

That discussion elevated itself to the minister's level on any number of meetings that I attended and there was certainly unanimous support for provinces and territories to move forward and try to either enhance the legislation that currently exists or, where none exists at all, bring forward legislation that would allow law enforcement in particular to have the tools, the feasibility, and the ability to secure information

that would be extremely critical in assisting finding people.

Mr. Speaker, we are talking about it could be your son, it could be my daughter, it could be anyone of our siblings here in the House of Assembly today, our parents, our grandparents, or our spouses. That is what we are talking about at its most simplistic form. Most of us on a day-to-day basis, we read about stories, particularly as I said about the missing and murdered Aboriginal women. Some of us recall, not that long ago, about a couple who were in Halifax with roots from Newfoundland and Labrador who went missing for a period of time and turned up somewhere – I do not recall the exact details – I believe it was in New Brunswick. Many of us, I think, will probably recall that story because it is a little closer to home.

On any given day, Mr. Speaker, any number of us here in the Legislature could have family members, children, or spouses affected in a case where they go missing either because of their own doings or because of some criminal intent on a part of someone else.

The thrust of this legislation, or the genesis of this legislation, I should say, is all about recognizing the tremendous stress that families are placed under when they have loved ones go missing and they do not know where to go or where to turn. We are recognizing in this legislation, as I think it has been mentioned before, we are not the first Province to do this. There is actually four, I believe, jurisdictions. I think I have a list here somewhere: Alberta, Manitoba, Nova Scotia, and British Columbia are four in particular that have brought this forward.

So this is very much about our government's focus on public safety, and on ensuring that our communities are safe places in which to live. In the unwanted instance where one of our loved ones go missing, we want to make sure that we are providing the authorities with the proper tools and the ability, in a better way than they had prior to this legislation, to find information that will assist them in locating missing persons.

I wanted to share that context because I had some personal background as more than a year

and a half or so of serving as the Province's Minister of Justice. As well, people would remember, people in this Legislature who were here would remember that we did an all-member resolution in the House under former Premier Marshall back on March 18, 2014 where we called for a national public inquiry on missing and murdered Aboriginal women.

This is not a new issue to this House of Assembly. That particular motion was debated at length and supported by everyone unanimously in the House of Assembly. The piece of legislation we are bringing forward today is following through on commitments that the Premier has made, and that we, as a government, have made in the past around wanting to make our communities safer places in which to live and taking the appropriate steps, where necessary, when someone goes missing.

What this does is it really strengthens the police's ability to access information, as a number of colleagues have reiterated before – I am not going to repeat all the same things about what they can do. There are two significant pieces of information, I think, that people need to recognize here. This does not provide a police officer on the street by themselves, independent of anyone else, the ability to do anything different than they can do today. That piece of the legislation or piece of criminal law has not changed. What it does do, however, is it provides two things. It provides the police force, where there is imminent danger or a suspicion of death, it provides that an officer or officers, with the approval of their chief of police – so there is a check and a balance there – can take steps that they could not take before this legislation was brought forward.

The other thing it does is it gives the court – the second change – and a judge search warrant powers greater than they have today. To be clear, because I have been asked this question a number of times, it does not give police the overarching ability to simply go and come as they please and to access information as they so choose, Mr. Speaker. There are checks and balances in here, and it has to meet a certain test before approval would be given by the chief of police or a judge in the court.

The other thing my colleague for Burgeo – La Poile questioned a few moments ago, section 2(c). He talked about the definition of a missing person. His question was around what is the threshold or the time frame that someone has to be missing before they fit this definition.

The answer to that, Mr. Speaker, is that it is the same definition, the same threshold that applies today in criminal law. That has not changed. It depends on the information that police have. There are times where police receive information where someone has been missing for five or six hours, but in their estimation the person is not missing. Other than someone saying they are missing, there is nothing else to indicate that there is something untoward.

There may be other instances, for example, where the police get a call from a person who says my spouse called three hours ago and said they are leaving to walk home from the club, maybe a small rural community. It might trigger a suspicion that there is something untoward and it might be enough for them to proceed to investigate.

My point is, to answer the member's question, the threshold or the time frame that he asks about is not defined here because it has not changed from the current law. The current law provides the police with the option to make the interpretation as to whether they have sufficient grounds to deem someone to be missing. If they do, then they proceed to investigate. That is determined by the police based on the best information available to them.

Mr. Speaker, I want to thank everyone for participating here. I am going to conclude my remarks because I know there are a number of other people who do want to speak to this. I wanted, though, to share my perspective since I was the minister who participated in the development of the bulk of this bill while I was in the Justice portfolio.

I think it is an important piece of legislation. I am very proud to stand here and speak to it. I look forward to moving into Committee and doing my best to answer any questions that members opposite have. I do encourage everyone in this House to vote for and support this bill because in its simplest form, Mr.

Speaker, we are talking about any one of our children, or our spouses, or our family members who could be affected, could go missing at any time. This, in my opinion, gives the police the right tools and the right ability to acquire the information they need, as far as we are able to do so as legislators at least in finding missing persons.

Thank you very much.

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

MS ROGERS: Thank you, Mr. Speaker.

I am very happy to stand and to speak to this bill. First of all, I would like to thank all the folks up in Justice for the excellent briefing they gave us. I am sure there were a number of people who worked on this piece of legislation.

I believe the law that is before us, the act that is before us, is well intended. I truly believe that, as all my colleagues have indicated. I think we are all in agreement of that and there are some very important aspects to this act. I will not go over what the intentions of the act are, because my colleagues have done that so thoroughly. I think we all understand that and the reason for this act.

I believe, Mr. Speaker, this piece of legislation comes from a desire to protect missing and vulnerable persons, especially youth who are in danger, because how often have we heard stories of youth who have been taken into sexual exploitation? I received a call just on the weekend regarding that kind of situation.

I believe also that the act is intended to help seniors with dementia that may go missing. I believe that the act is intended also to help people who may be suicidal or are about to harm themselves in some way. The act is intended to help them in some way. I believe also that the act is also about protecting or helping women who may be the target of violence or anybody who is the target of violence. I applaud this initiative for those reasons.

For some of these cases I have outlined, time is of the essence. It might mean the difference of

life and death or serious personal harm. So this is a very important piece of legislation.

I also believe, Mr. Speaker, that this is major piece of legislation. Not in volume, but certainly in scope because any time we give police more access to a person's private or personal information, we have to be cautious, and we all know that. I would like to applaud the police services in our Province, both the RNC and the RCMP, who, under some of the most difficult circumstances, have to do the type of work we are talking about, some who are very dedicated and who are so very determined to help people, to help families find their loved ones. It is tough work.

Sometimes there are people who do not want to be found. Sometimes there are people who are in serious harm and sometimes there are people who have been seriously harmed. It is our police officers in these situations who are first on the ground. I would like to applaud them and thank them. Also, I would like to thank them in what I am sure has been a consultative role in this legislation.

My concern with this piece of legislation, Mr. Speaker, is the concerns that have been raised by my colleague from Burgeo – La Poile, but I also have some additional concerns. I am hoping that I may be able to raise some of them in the Committee of the Whole, but some of them I want to raise right now, Mr. Speaker, because I think they are valid concerns, and again because this is a very serious, major piece of legislation.

I know many people in the House are saying, oh, this is really good. It is not problematic. It is giving police the tools they need to do their work. None of us can dispute that but, again, the major part of the legislation that I am concerned about is our need to be cautious in this realm.

I would like to know, the word consultation has been thrown about quite liberally here this afternoon, Mr. Speaker. I would like to know, because I have done some consultation myself on this issue. I have spoken to women's groups, I have spoken to Aboriginal groups, I have spoken to lawyers, and people who have not in fact been consulted. The two different organizations that I did speak with who were consulted said it was done very, very briefly.

My concern, Mr. Speaker, is the level of consultation. We have to not throw that word around in such a cavalier manner.

How comprehensive was that consultation? How thorough was that consultation? How methodical was that consultation? Again, because what we are talking about is access to people's privacy, which is a fundamental right that we have here in this Province, that we have here in our country.

I would like to know, who was consulted? How was that consultation done? Was the Native Women's Association of Newfoundland and Labrador consulted? Were the women's centres in the Province consulted? Was the Human Rights Commission consulted? Again, how was that consultation done? Was the Newfoundland and Labrador Chapter of the Canadian Bar Association consulted? I would like to know that.

This government talks about being an open, transparent government but its relationship with civil society when it is making laws, they do not have a good track record. I am concerned about that. I am particularly concerned about that, Mr. Speaker, because we do not have a standing committee, a committee process that this act was vetted through.

If we had a functioning committee process where this act was taken before the committee, we would know that there would be a public, transparent consultation process. That is what is not apparent here. That needed to be done with such a major piece of legislation, not because of its volume but because of the scope.

In terms of our own democratic principles, this should have gone through our standing legislative committee where we can talk about what are the ramifications. We need to be able to call in experts on this type of legislation. We need to consult thoroughly and comprehensively in an open and transparent way with civil society, with people in the field. To just, in a cavalier manner, throw around the word consultation does not do it.

This type of legislation needs absolute scrutiny. My colleague and I, myself, as well would raise the issue of what is the definition of a missing

person? What is the threshold? How long is a person missing before we would go through this? This type of legislation needs to be constitutionally sound. It still needs to be able to advance the goal in a safe and sensible way, we all agree to that. We all see how necessary that is.

We can commend the government for taking the stand and for taking the initiative to introduce this kind of legislation. The portion on minors or vulnerable persons quite possibly is constitutional, but beyond that this piece of legislation might be constitutionally vulnerable in the definition of missing person. We need to address that.

For instance, when someone's records are found, how long will the records be kept by police? Once the person is found, are those records that have been accessed then destroyed? We do not know. I am sure we will be able to talk about some of this in Committee. However, if we had a standing legislative committee structure, we would have been able to examine these kinds of issues before coming to the House, thereby making our debate more focused, and also meaning that a lot of these problems would have been addressed before coming to the House.

One of the reasons I also am raising some of these issues, Mr. Speaker, is because of the concerns. We know that Manitoba has this legislation, BC does, Nova Scotia, and Alberta. What I have here is a letter written by the Privacy Commissioner in BC. She wrote to the Minister of Justice and the Attorney General at the Ministry of BC, February 14, 2014, addressing some of the concerns that she has in their legislation.

Government is saying our legislation is based loosely on the number of provinces that already have existing legislation now, and more so focused in on Manitoba's. She has identified some very significant concerns that she has. One of them in particular is when the police do an emergency access to information, when they do not go before a judge, she asked that that request for access to information not only go to the supervising officer but also directly to her office, because she said she needs to be able to understand.

She said, “I understand and endorse the need to expedite the production of records in instances where a missing person’s life or safety may be in danger” – we can all understand that – “or where there is imminent risk of destruction of those records.” No one has brought that up but we know it can be a danger that someone may destroy cellphone records or records on somebody’s computer. We know how important at times it is that the police can work in a very fast manner around these.

She says, “However, I am concerned that Bill 3” – which is their bill – “authorizes this expedited access without providing for sufficient transparency or oversight of emergency demands for records by police forces, and without limiting subsequent disclosure of that information for purposes other than locating missing persons.”

Mr. Speaker, she is raising some concerns. She had three proposed amendments to their act. This was only February, 2014. These are things we need to look at. If we had gone through a legislative committee process we could have been raising these kinds of issues. Also, the issues that are raised by other civil society groups that have not been consulted in our Province. I know they have not been consulted because I have asked them if they have been consulted.

For instance, the Native Women’s Association here in Newfoundland and Labrador, the Women’s Centres have not been consulted. The Provincial Advisory Council on the Status of Women was consulted very briefly – she told me, very briefly. I raised with her some of the issues that have been raised by Transition Houses in BC; she did not know about that.

MR. KING: Transition Houses were consulted.

MS ROGERS: Transition Houses were consulted, and he said it was a very brief consultation as well. He was not able to meet with them.

This is a major piece of legislation – it is a major piece of legislation – and we need to have a public, transparent, accountable consultation process.

MR. KING: You are talking about BC legislation; this is Newfoundland legislation.

MS ROGERS: I know that is what it is.

MR. SPEAKER: Order, please!

MS ROGERS: Mr. Speaker, I can hear what the minister has to say; however, we know that this requires very open and transparent consultation processes, and that has not happened.

Again, if we had had a legislative committee where this act would have gone through that legislative committee we could be sure that civil society was thoroughly involved, that any expert on the ground would have had the opportunity to have input.

Was the Newfoundland and Labrador chapter of the Canadian Bar Association consulted? Was the Human Rights Commission of Newfoundland and Labrador consulted? I doubt it, Mr. Speaker, because the minister is not saying that they have.

Again, this is serious, serious legislative changes, and we are suffering a democratic deficit in this House because we do not have a committee structure that would look at these kinds of situation. The BC Society of Transition Houses has complaints on theirs. The Aboriginal of Alberta says that their act is not helping missing and murdered Aboriginal women. The Nova Scotia folks, civil society, have problems with theirs.

Mr. Speaker, we know that this act is very important. We know why this act was introduced. I believe that the intent was honourable, but I am concerned for a piece of legislation that has a such broad scope is being rushed through this House. It is being rushed through this House because why –

MR. KING: A point of order.

MR. SPEAKER (Verge): Order, please!

The hon. the Government House Leader, on a point of order.

MR. KING: Thank you, Mr. Speaker.

There is no piece of legislation being rushed through this House. We are in second reading, and every single member on the floor of this House today has the right to speak to this if they want to. The member is absolutely wrong to use that kind of language here today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

There is no point of order.

The hon. the Member for St. John's Centre.

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

So, Mr. Speaker, I have spoken to members of civil society, whether it be lawyers or women's groups, people who are concerned about this bill, some of them have major concerns. It could be possible that their concerns could be alleviated in Committee; maybe that is possible. However, if we had had a true consultative process, we would not be at this point here today raising these kinds of issues.

Certain organizations we have seen across the country have raised issue and have raised concerns with similar acts in their provinces. We know that it is important that we have to – again, I applaud government's attempt at this. I applaud the intent of the legislation; however, we have to leaven it with important discussion and we have to hear from experts on the ground.

So, I need to hear from government exactly what their consultation process was, how thorough and comprehensive it was. It certainly has not been open and transparent, unless government in fact – unless the minister is willing to deliver notes on the deliberation and consultation with outside groups and organizations.

Mr. Speaker, I will take my seat at this point. I do want to reiterate that I have concerns with this. I have concerns with the process of how this act has come to the House, that it should have gone through our Standing Committee legislative process before it came to the House in this way. Again, I want to stress that I have concerns with the level of consultation that took place with people on the ground, with

organizations in civil society, because this is a piece of legislation that will affect many.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Placentia – St. Mary's.

SOME HON. MEMBERS: Hear, hear!

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

I am pleased today to be able to offer some comments on Bill 36, a very important, very significant piece of legislation, a bill that enhances the powers or the abilities of the police in missing persons' investigations.

As the minister said earlier, it is a bill that has been on the go for some time. A lot of discussion, a lot of deliberation has gone into it and a lot of consultation, contrary to what the hon. member across the way just got on with. In terms of Aboriginals, all the Aboriginal groups were consulted: Innu Nation, Sheshatshiu, and the Qalipu, as well as the Status of Women and Transition House. There has been no end of consultation, Mr. Speaker, on this. I will speak to that more in a minute.

Mr. Speaker, in talking about missing persons, we have all had at some time or other some experience with a missing person, albeit maybe missing for a short period of time. We have all experienced some anxiety or trauma over somebody who has been missing, who has not shown up on time, who has been gone for a little while, whether it has been out to sea and have not returned on time, was in the woods and have not come out on time. Whether it is a parent and a son or daughter who has not been on time at night and you are wondering where she is, and you cannot find that person and all her friends are home, and you do not know where the person is. There is an anxiety and trauma that goes with that.

That pales in comparison, Mr. Speaker, to a missing person as defined under this act, a person who has been missing for days or a person who has not made contact, who has not shown up for work, who has not been in contact with the people who they ordinarily make contact with, or if the person has a mental or

physical incapacity and is in a vulnerable position. These are all situations that create a tremendous amount of anxiety and trauma on the part of loved ones and families. We have all experienced a little bit of that or know people who do.

There have been situations – and I have been in this situation, I am sure many people in this House have – where you go into public buildings and you see posters of missing children or missing persons. They have been missing for some time. We realize these people all had families. They all had mothers and all had fathers, and the anxiety and trauma that these people go through when these people are missing and they are not being found.

The member across in the NDP mentioned the murdered and missing Aboriginal women and the minister referred to that. I myself attended a number of summits, when I was minister, of Aboriginal leaders and political leaders on that very issue. I listened to the impact statements given by relatives and friends of murdered and missing Aboriginal women. It was traumatic and the emotion just to hear the pleas from these people for help. This House supported a demand for a federal inquiry into that.

MR. SPEAKER: Order, please!

MR. F. COLLINS: The whole issue of trauma and anxiety of that –

MR. SPEAKER: Order, please!

Standing Order 9 of our Standing Orders says if the business of the House is not concluded by 5:30 then the Speaker would leave the Chair and return at 7:00 o'clock. I understand from the Government House Leader there may be a will to do something different than that.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

With leave of the House, we consulted with both Opposition parties and an agreement is reached that we would continue on until we finish debate on second reading.

MR. SPEAKER: Leave?

MR. A. PARSONS: Yes, we are certainly pleased to stay here and debate this bill as long as necessary.

MR. SPEAKER: The hon. the Leader of the Third Party, leave?

MS MICHAEL: (Inaudible) the same way, we are here to debate it as long as necessary.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

There was an in camera Management Commission meeting scheduled for 5:30, and depending on what time this debate ends tonight, if members would be willing to come to the Speaker's boardroom after and we will conduct that meeting but –

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: The hon. the Member for Placentia – St. Mary's to continue.

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

Mr. Speaker, as I was saying, the experiences that we all share pale in comparison to some of the cases that are reported to police. I am not going to go into details in this act with regard to what missing persons are; previous speakers have already done that.

Mr. Speaker, when these cases are reported to the police time is of the essence. Time is of the essence and it is crucial to get as much information on the missing person right away. That is where this act comes in.

If I remember correctly from the press conference the other day, I believe I heard the RNC Chief saying that 1,200 files were reported last year of missing people. Granted, a lot of these people were not missing for long and some of them showed up, but there were 1,200 files of missing people. That is quite a lot. It is crucial to get timely information, to strike while the iron is hot in other words, to get information right away. The quicker you get that information the better off the investigation goes.

Mr. Speaker, currently police cannot do that, as the Premier pointed out in his presentation. Police are restricted by the Criminal Code of Canada because there has to be evidence of a criminal activity before this kind of information can be sought in a missing person investigation and there has to be evidence of a criminal wrongdoing. Police cannot compel a third party to give this information. They cannot compel a third party to give this information, whether it is personal information, identification information, banking records, or telephone records. They cannot compel a third party to do that unless there is some criminal activity on the go and some criminal investigation on the go. Currently, the code restricts that. If there is no criminal offence, then they cannot get the information. It is as simple as that.

To get around that limitation that is set up by the Criminal Code of Canada, that is where this act comes in. A lot of jurisdictions in Canada have enacted this missing person's legislation. It is not rocket science here. We are not reinventing the wheel, as the Member for St. John's Centre might suggest. Four or five other provinces already did that.

As a matter of fact, Mr. Speaker, the Uniform Law Conference of Canada has adopted a model code for missing persons. It is based on the Manitoba model, and our model is based on the Manitoba model. When you are talking about the Uniform Law Conference of Canada, Mr. Speaker, you are talking about a group of people, government lawyers, private lawyers, analysts, law reformers, who get to (inaudible) early in the last century to discuss law reform in this country. If they have adopted a model piece of legislation that ours is based on, then I think we have done pretty well. I do not think there is much to worry about.

Now, I want to just briefly touch on the disclosure and the privacy bit. Every time a law is made it restricts or impairs somebody's liberties. That is the nature of laws. They restrict a person's liberties. They have to, but when that happens there are always people who come to the forefront, and we are seeing them here today. We have seen them in the media: we are creating a police state; giving too much power to the police; interfering and impairing civil liberties.

Mr. Speaker, we have Charter rights to protect that. If according to the Charter the interference or the impairment is only minimal and not enough to restrict the intent of the act, then that is a perfectly good law. Mr. Speaker, this law strikes a good balance between access to information and protecting people's rights. The rules for disclosure are clearly set out, what you can do with this information.

For a person like myself, who has been involved with this kind of legislation in many occasions, I have no concerns whatsoever with the use of this information, or the disclosure of this information by the police. I think it is necessary. It is a minimal impairment on people's rights in order to be able to enhance investigations of missing persons. It is a law that protects residents. If there is a complaint in the way the information is used, you can complain to the police commission. There is an avenue there for that.

The purpose of this bill, Mr. Speaker – I will not take any more time on it. The purpose of this bill is to help the police in missing person's investigations so as to get information in a timely fashion as quickly as possible because that is crucial. The rules for disclosure are clear, and it is a good balance between access to information and then protection of privacy rights.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Thank you, Mr. Speaker.

I want to speak for a few minutes also to Bill 36, An Act Respecting Missing Persons. "This Bill would allow members of the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police to access records about a missing person that may assist them in locating the missing person; and to enter a dwelling or other premises to search for a missing minor or vulnerable person."

Mr. Speaker, I took a couple of days last week and I was having a look over the bill, like a number of my colleagues. While the

overarching theme of this is wonderful, of course there are a couple of concerns that I want to outline. The intention here of Bill 36 is to speed up the search for missing persons. We will all agree here in this House that is paramount to the safety of the individual.

Mr. Speaker, I was involved last winter after Loretta Saunders, a young lady from my home area of Labrador, went missing in February – ironically enough, I have to add for the record, at the time doing her thesis on missing and murdered Aboriginal women. At that time our provincial Legislature and all three parties joined with groups across Canada calling for a national inquiry into murdered and missing Aboriginal women.

Mr. Speaker, we know that Aboriginal women are five times more likely to be violently attacked than non-Aboriginal women. There are over 800 cases right now of missing and murdered Aboriginal women in Canada.

MR. EDMUNDS: Over 1,000.

MS DEMPSTER: Over 1,000 now, my colleague corrects me, the Member for Torngat. He would know because he is from a district that certainly have their share of issues related to this, unfortunately, Mr. Speaker.

We know that in the first twenty-four hours, Mr. Speaker, when somebody goes missing, anything that we can do to help expedite that, the more likelihood the person will be found. I have been in circumstances unfortunately where we have had close ties to people who have gone missing. During that time of the search, I can tell you that every hour does seem like days and months.

Anything that we can do, Mr. Speaker, to expedite that, then I believe we have an obligation, and it is important to do so because we know that too many in our Province go missing every year. That is one of the reasons why we called for a federal inquiry for missing and murdered Aboriginal women after the Loretta Saunders case.

Mr. Speaker, some of my questions are around: How will the legislation be enforced? I guess I

am wondering: What resources do the police have to be able to use the legislation effectively?

When I was looking through the briefing, the bill, it talked about the information now will include cellphone records and text messages. I come from an area in the coastal communities where we do not have cell coverage. So, we are not going to help increase finding missing persons through their cellphone records or their text messages, I do not believe.

Prior to my coming in the House, we had the sad story of Burton Winters. My colleague for Torngat was involved in the search. It was my colleague who reached in his pocket and found his cellphone, Mr. Speaker, and that was no good to him. I feel it is important to share that.

Many times we stand in this House and we bring petitions forward and we are looking for things like cellphone coverage. Maybe it is not feasible for every small community to have cellphone towers and there is only so much money, but I believe we can be doing more. There are things like Wi-Fi repeaters at a much, much cheaper cost that we can put into some of these communities. They may not have cellphone coverage, but most people now have iPhones and things like that and we can actually have a connect with people through Wi-Fi, Mr. Speaker.

I want to draw attention to that because while this information includes things like cellphone records being able to be accessed, there are a number of communities, Aboriginal communities predominately, I would say, do not have this so it will not be applicable to them.

Now, Mr. Speaker, I know there are concerns that easier access to personal information could violate privacy, but I think we must ensure the access is used properly. I was thinking back, as I was looking at the bill, for over eight years I sat on a health authority and there were a number of times that board members – we received letters from people whose privacy and confidentiality had been breached. They felt very exploited, very exposed. They felt very violated in their personal rights. I have not been there myself. I hope I am never there.

So when people are saying we are very concerned about easier access to personal information and the privacy that could be violated there, they are very justified in those concerns. I believe we have to have confidence and some faith in the RCMP and in the RNC that they will be very careful and only use the information that they have access to for the purpose it is intended for.

I also want to commend the RCMP and the RNC for the work they do back in our coastal communities. A lot of times, Mr. Speaker, they are operating with very little resources in some very challenging conditions. It is a small area. You come in as professionals into those communities and you get to know some of the families very well. They feel the weight of the search that they get involved in and they do some tremendous work. I want to acknowledge them here today for that.

Mr. Speaker, I am not going to take my full time, but while it is a good piece of legislation, anything that we can do to reduce the numbers of the people who go missing every year, I think it is a wonderful thing. We still do have a number of questions. I have enjoyed listening to the debate here this afternoon and I will listen intently to the rest of the speakers.

The purpose of the legislation, Mr. Speaker, is to give the police another tool. Any time I believe that we can play a role with legislation like this to give police more ammunition – no pun intended – to do the work better, then that is a positive thing. We will just have to trust that the access to information records that they will have that they currently cannot access will be a positive thing, will be held in strictest confidence, and will not be abused in any way.

Right now, Mr. Speaker, without this provincial legislation we know that the police need to use the Criminal Code of Canada. Nobody wants us to continue there because oftentimes in many cases – and we know of circumstances in our own small communities where a missing person's case is often not criminal in nature.

Mr. Speaker, in our small communities I want to say that most of the time family and friends cooperate anyway. Family and friends will provide whatever information that they deem is

necessary because everybody wants to bring that missing person home safe.

Mr. Speaker, we know that similar statutes exist in the Provinces of Alberta, Manitoba, British Columbia, and Nova Scotia. I am happy now that it is being brought into our Province. I look forward to listening to further debate.

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 for the opportunity to speak on Bill 36 today. It is certainly a privilege to follow the speakers who have gone before me today, who can certainly explain the bill in a lot more detail than I can, especially our Premier, who introduced the bill; my colleague for Placentia – St. Mary's, former Justice Minister and lawyer; our House Leader, of course, who was Justice Minister; and the Opposition House Leader, who is also a lawyer. So, these people are well informed on the actual bill itself and what it entails.

Basically what we are talking about here, Mr. Speaker, is another tool for our police force to apply best practices – and that is what we are trying to do here today. As was stated before, consultations were done, were done with the women's groups, and the Aboriginal groups, and also with the Privacy Commissioner, because that is an important piece as well, protecting people's privacy.

Basically, the bill would allow members of the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police to access records about a missing person that may assist them in locating the missing person and to enter a dwelling or other premises to search for a missing minor or vulnerable person.

Now, Mr. Speaker, like I said, the bill was certainly explained in detail and adlibbed by a lot of people. I would just like to speak on basically two definitions of the bill today, and just make it more clear and it is in print, and it is

easy to basically understand it. The two definitions – one is missing person; “‘missing person’ means (i) an individual whose whereabouts are unknown and who has not been in contact with those persons who would likely be in contact with the individual”. So, that is basically the definition of a missing person.

The other definition that I would like to touch on is the record access order. That particular one, “A member of a police force who has reasonable grounds to believe that a person has records respecting a missing person may apply to a judge for an order requiring the person to give members of the police force access to, and if requested, copies of, the records set out in subsection (2) respecting a missing person that (a) may assist the police force in locating the missing person; and (b) are in the possession or under the control of the person. (2) The records that may be accessed under a record access order include (a) records containing contact or identification information; (b) telephone and other electronic communication records, including (i) records related to signals from a wireless device that may indicate the location of the wireless device, (ii) cell phone records, (iii) inbound and outbound text messaging records, and (iv) internet browsing history records; (c) global positioning system tracking records; (d) video records, including closed circuit television footage; (e) records containing employment information; (f) records containing personal health information; (g) records from a school, university or other educational institution containing attendance information; (h) records containing travel and accommodation information; (i), records containing financial information; and (j) other records the judge considers appropriate.”

This, in itself, is going to be a great tool for our police force to be able to locate a missing person in a reasonable time, hopefully. Like my colleagues prior who spoke earlier to this particular bill that is a very important piece of legislation that is going to help the police force to hopefully find that missing person, especially ones who are vulnerable and possibly could cause harm to themselves, which is very important.

It seems like most of the members here today in this House are supporting this piece of

legislation because of the need for it and being able to provide the police force with this very important piece of legislation, this very important tool, to apply best practices.

Mr. Speaker, thank you for the time; it was a privilege. Hopefully, we will all support this piece of legislation.

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.

I am glad to have some time to make some points with regard to Bill 36, An Act Respecting Missing Persons. I will not go into all the details of the act that have been made, points that have been made by others when they have spoken. I think we all do recognize the need for an act to assist in the situation of people who are definitely missing and who could be in danger. There is no doubt about that.

I would like this act to have some fine points in it that are not in it, yet when the time comes – I know that we will vote for it because we do need an act, but I am going to bring forward some thoughts that I hope the minister is listening to and will take seriously. It is not frivolous to bring up these points.

I want to make a general comment first with regard to the whole thing of going to judges to seek court orders for different situations. I am going to use an example that does not have to do with missing persons but does have to do with seeking court orders. Judges make their decisions based on the information that is brought to them. I know that if they need clarity they will ask questions of clarity, but I have had stories brought to me about court orders being given with regard, for example, to children being taken from what were deemed to be serious situations.

A couple of the ones that I can think of where a social worker – it is a different situation, but it is a parallel – turns up at a door at night maybe,

some of the ones brought to me were at night, and even police with the social worker saying that they have a court order to take a child out of the home because there has been some indication that the child is in danger.

I am aware of situations where the information was completely false and that the child who was taken out of the home went through trauma for three or four or five days while they were in a foster situation, and after days it was proven the child had not been in danger and the child was returned home. The judge who gave the order that allowed that to happen was basing his or her decision on information that was being presented to him or her. Based on that information, the judge gave a court order.

So, concern that has been raised on some of the points around this bill are similar to that. Concerns that I have read coming from some of the people who spoke out in other provinces, on whose legislation we have based this piece of legislation, are concerns around the whole issue of even court orders are being sought, why isn't there somebody present to give – maybe there is another side to the story that needs to be presented before a court order is given for accessing the private information that is being sought.

I am speaking to the general of going into the judges at this point on trying to seek a court order in able to access the private information that is being sought. I think that point about court orders, when they are sought, the judge is only hearing one side of the story. I think that is a very, very valid situation.

For example, when the BC Society of Transition Houses raised issues out in British Columbia when their legislation was being put in place, they made the point of what if the person who is missing is being abused by a partner, and the police are acting on the information from the abusive partner that the person is missing. They get a court order or they take an emergency action, one or the other. They are doing it based on the information from somebody who is abusing the person who has tried to run away.

We have a weakness in our system and I do not know, I am not sure that you can put it in legislation how you make sure you get

protection for the person who may be in that kind of an abusive situation. You can have a minor, for example, who is also in an abusive home and the minor has run away because of abuse.

I know the people at the Department of Justice did have some answers for that when they were questioned in the briefing. I do thank them for the briefing. I was not part of that, but I do understand it was a very good briefing and people were very, very pleased with it. They do have answers for that and, in some cases, the answer would work.

For example, if you have somebody who is being abused and if the police do get the access to private information from the abuser, not knowing it is an abuser, and then when they find the person who is missing the person indicates that she – in most cases it is a she; it could also be a he – is actually living with an abusive person and that is why she has run away, then the police would not bring her back to that place. That sounds nice on paper, it sounds nice and neat, but it might not always work that way. You may end up finding the person who is missing and she is so terrified of the abuser that maybe will not say that and will go back.

There are complications. It becomes more complicated when it is happening in an emergency situation, which the bill allows for, and the police are making a decision based on a moment – I can understand the reason for it, the fear that maybe the person who is missing, that their life is in danger. They have to take some immediate actions in order to make sure that an emergency does not happen. That is understandable, but you do have the possibility of somebody being returned to a situation that is not a good situation.

As I have said, maybe it is not in legislation that kind of thing gets dealt with. Maybe that gets dealt with in regulations, but I think it is a consideration that the minister needs to give attention to and address. It also has to be dealt with in an open and transparent way. Open and transparency is something I want to look at as well.

In British Columbia – and I think it is legitimate for us to use some of the reactions or feedback

from organizations in a province that has the legislation on which we are basing our legislation. In British Columbia, the Information and Privacy Commissioner wrote the Minister of Justice with regard to their legislation that was put in place. Her concern was openness and transparency when talking about the emergency disclosure, police going after an emergency disclosure as section 10 of our legislation discusses.

One of the things she points out – again, I put this forward for the minister to consider. She recommended that her office be notified after an emergency disclosure demand is made. Her reason for that, is so that as the Information and Privacy Commissioner she could monitor, number one, how many times throughout a year this mechanism was used by the police and also evaluate over time whether they are being undertaken in an effective manner that is proportional to the privacy impacts on the individual whose records are disclosed.

This privacy dimension is extremely important. I think there is another piece that adds to that. Is that if people have had their information accessed in whatever form that is, whatever records they are – you know there are many, many ways in legislation that have described the records that may be accessed and what they are.

Sometimes a third party might have records accessed as well. The Information and Privacy Commissioner is very concerned that anybody who has had their information accessed should be notified within a reasonable time that their information has been accessed. I think that is extremely important.

As she put it in her letter to the Minister of Justice in BC, individuals should know who is in possession of their personal information and the purpose to which that information is being put. She also recommended that individuals whose information is collected, pursuant to the Missing Persons Act, be notified of that fact within a reasonable period of time after the information is collected.

Now, I do not see that in our bill. However, that is something that could be put in a regulation. We do not have to rewrite the bill. That could be put in a regulation. I think it is extremely

important. While I know we want to protect people and that is the intent of this bill, and I realize that, and we do not want to speak against that, at the same time we have to be concerned about the access to one's own personal information. So, listening to what an Information and Privacy Commissioner has put forward I think is extremely important.

I think I may have one more point that I would like to make, if you will just give me a second. The dangers that are inherent in this are dangers that can be dealt with. There is no doubt about that. That is what I would encourage the minister to look at.

I am going to come back to the earlier point I made. The bill says, "A judge who is satisfied on oath or affirmation that there are reasonable grounds to believe that a missing person who is a minor or a vulnerable person may be in a dwelling or other premises may make an order authorizing members of a police force to enter, by force if necessary, the dwelling or other premises and search for the missing person."

That looks really logical but, again, the judge is making a judgement on reasonable grounds based on limited information. So, I think we really have to make sure there is a process. Now this is part of the larger judicial system, I do realize, but we do have to make sure there is a process whereby a judge can be satisfied that he or she has all the necessary information. I cannot overstate that point, Mr. Speaker.

These are the two major points for me. Making sure that, in general, when a judge's approval for a court order is sought, that the judge has all the information that one can have. Again, that may be something that could be put in regulation. Once again, the process is not finished just with the bill.

The second one is my concern about the seeking of the emergency information and whether it is an emergency situation or information sought by a court order. In both of those cases, people who had their information accessed should, within a reasonable time, be notified that has happened. They should know. They should be able to find out who is it who actually has that information.

Having said that, Mr. Speaker, I will sit and look forward to some responses from the minister.

Thank you.

MR. SPEAKER: The hon. the Government House Leader speaking to close debate at second reading.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

I appreciate the opportunity to close debate on this particular bill, and I will try and take a few minutes to address a number of points that have been made by various speakers.

To set the stage for the closure of the debate – I think the clock needs to be fixed here as well, Mr. Speaker, just a point of interest.

To set the stage, I will share a couple of comments that I shared when I spoke at the beginning of this debate. The genesis or the initiation of this particular piece of legislation was several years ago. A number of colleagues of mine had a hand in this, I did as well. My colleague from Placentia – St. Mary's was a part of the initial discussions, national discussions that occurred with justice ministers where there was a very strong identified need to do what we can to provide police, law enforcement, with more tools and more opportunities, perhaps is the word, to seek the necessary information required to assist them in finding missing people.

There was a national debate around missing and murdered Aboriginal women, as I already alluded to. A result of that debate at the national level was strong consensus and commitment by all justice public safety ministers across Canada that we would work to try and strengthen or enact new legislation with respect to this, and that is the reason why we are here. The second reason why we are here with this today is because of this government's continued commitment to public safety and to keeping our communities safe for Newfoundlanders and Labradorians.

As has been mentioned by previous speakers, we are really talking about a change here from the

current legislation which really necessitates the demonstration that a crime has been committed by police in order to gain court support and court access to records and documentation that would assist them in an investigation.

I might add, Mr. Speaker, that it has been noted over the last number of years, with the increased focus on individuals' rights to have protection of privacy, that third parties have become very much reluctant and, in some cases, not willing at all to participate in sharing of information because of fear that they in some way were violating someone's rights. So, the fact is that the police's ability to solve these types of crimes has been, if anything, more restricted in the last number of years because of the heightened sensitivities around individual's rights to have their privacy protected.

This legislation, Mr. Speaker, does not violate the rights of people's ability to have their privacy protection. It speaks very strongly to that, in fact, and provides a litmus test. For example, in this particular legislation, we are talking about an ability to apply to a court to have access to records, and any number of members have talked about the kinds of records. The records we have talked about here today are just examples. Any number of records could help police solve a missing person crime – if it happens to be a crime, Mr. Speaker – also, search orders. The one instance where a court order is not required is if there is some reason to suspect that there is imminent danger or, in fact, a death may occur.

In all cases, an individual police officer cannot make that determination on their own. If they do not apply to the court, they have to go to their commanding officer. That is the first point I want to make on that. It is very important for people to understand that. We are not giving police on the street the ability to do what they want, when they want. They still require the support of either their commanding officer, or the court, Mr. Speaker.

As well, I want to touch on a couple of comments that have been made here in particular. First of all, I want to reference the Member for Cartwright – L'Anse au Clair, and I want to thank her for her commentary around the work that the RCMP and the RNC do in

Newfoundland and Labrador, and I agree with her. Having spent almost a year-and-a-half as the Justice Minister, they do tremendous work. There are always going to be instances with them where mistakes are made, no different than whether you are a teacher or a doctor or a lawyer, mistakes get made. On par, the work that we get from law enforcement in this Province is superb and all of us ought to be thankful for the commitment we receive from them.

I want to thank the Member for Cartwright – L'Anse au Clair. She also strongly endorsed the legislation and thought it was a very positive thing. She made the comment to make sure that it is not abused. I agree; we have to make sure, any time we bring in this kind of legislation, that there are checks and balances so that there is not an abuse of the legislation. That is why again, I reiterate, that this does not give police the ability to do what they want, when they want. They minimally have to seek the approval of their commanding officer and, in most cases, they have to seek the approval of the court.

The other thing, Mr. Speaker, that is important because a number of members from the Third Party talked about transparency. Under this legislation, in all instances where these emergency orders are sought by police or their commanding officer, there has to be a published annual report made public, highlighting all of the cases and all of the instances and times where they had used this emergency order to access third-party information. In fact, it is a very transparent process, Mr. Speaker. None of this can be done without it being documented and available to the public. I think that is an important point that needs to be underscored here.

The other point that the Member for St. John's Centre focused on was a lack of consultation. I take exception to that in a very strong way because, if anything, we have consulted widely on this particular piece of legislation. My colleague for Placentia – St. Mary's and also for Exploits talked at length about that. I have a list here, Mr. Speaker; I can table it, if people want to see it.

We have consulted with Aboriginal groups, the Innu Nation, the Sheshatshiu First Nation, the

Nunatsiavut Government, the RNC, the RCMP, the Provincial Advisory Council on the Status of Women, the Transition House of Newfoundland and Labrador, other women's groups, and, most importantly – because I challenged the Member for St. John's Centre on this a little earlier, talking about legislation in other provinces like BC, then introducing challenges with the BC legislation, and a letter that was brought forward by the Privacy Commissioner for British Columbia.

I want to make two points on that. First of all, we are not debating British Columbia legislation here today; we are debating Newfoundland and Labrador legislation. Secondly, we consulted the Privacy Commissioner of Newfoundland and Labrador. What is relevant to this legislation is not what the commissioner of British Columbia had to say about British Columbia legislation. What is relevant is what the Newfoundland Privacy Commissioner had to say about the Newfoundland and Labrador legislation. In this Province, our Privacy Commissioner supports this bill as is being brought forward before the House.

I think it is very important for people to be reminded of that as often as we can because if you only catch a small glimpse of the debate, the Member for St. John's Centre simply paints a picture that is totally false and inaccurate about how this legislation was developed. There was significant input sought from many groups. Like developing any legislation, you do not get to include sometimes everything that everybody wants. We recognize that. I am sure the member could raise points and say yes, I talked to this person who wanted this in there, I talked to another person who wanted that in there, but that is always the case when you are developing legislation. You can never please everyone, but you cannot accuse us of not consulting because we did not necessarily include everything everybody wanted.

There was extensive consultation completed on this and we have the support of those groups and we have the support of the Privacy Commissioner. That, for me, is extremely important. The other thing that is very important is it is really a smack at democracy and a smack at the Members of the House of Assembly when a member stands here and says you are rushing

legislation through. Our process is very transparent and very defined. For anybody who has been in this House of Assembly very long and read our rules of order, it is very clear that we do Notices of Motion, which lets the public and the House know we are going to debate legislation; we do first reading; and once second reading comes, every member of this House who wants to speak is entitled to a time allotment. Generally, it is twenty minutes, other than for those who introduced the legislation and the Premier, and I believe the Leader of the Opposition.

When we get to Committee stage, as long as there are intervening speakers, members can speak as long as they want. Mr. Speaker, I am not trying to stray off topic, but I think it is important for people following the debate to understand that. There is no rush to this legislation. Like any other piece of legislation, the debate stops when members of the House have had their say or they do not want to speak or they feel that the debate has been exhausted. That is it and if members want to continue speaking –

MR. EDMUNDS: Filibuster.

MR. KING: I hear my hon. colleague for Torngat Mountains chatting there and he is absolutely right. Members can filibuster and talk all day. As long as there are two speakers, legislation debate can continue, so there is nobody rushing this legislation. I want to make that point very clear.

This legislation is far too important to the Premier and to this government, and I hear at least from Members of the Opposition and I do believe the members of the NDP, in spite of raising concerns with this, I do believe they support this legislation and they recognize that it is a good piece of legislation. There is no one rushing it, Mr. Speaker. We will stay here as long as it takes to debate this piece of legislation.

The Leader of the Third Party also raised concern around whether or not there is opportunity for abuse here in terms of engaging a judge for purposes of court order and whatever other process is required under the legislation.

I can only say that I have confidence in the justice system. I qualify that by going back to my previous comment that nothing is perfect. There are times when things happen that could have been done a little better, there is no question about that. We have to have faith in judges to make appropriate decisions. We have to trust that our law enforcement officials are bringing forward the appropriate information that will assist judges in making their decision.

I did hear the hon. member make mention to the fact that maybe judges need to hear the other side of the story. Unfortunately, Mr. Speaker, the other side of the story is why the legislation is here. That is the missing person. If someone puts in a claim that a person is missing, the only one to debate the other side of that story is the person who is missing. That is very difficult to do, but I do accept the member's concern, no question.

All of us have to strive to make sure that legislation that is brought before here that gives police enhanced powers, that there are strict controls over that so we do not abuse the power. I accept that and commit that we will relay those concerns to our law enforcement officials. None of us want to see something like that happen, where there is an abuse in any particular way. The focus here is intended to be positive and to support us in finding persons who are missing.

The other comment I want to speak to is the Leader of the Third Party talked about that it is possible – I think she said based on her understanding, but I do not want to put her words in her mouth. I think she made reference to a situation where it is possible that the police find someone and return the person to an unhealthy relationship or unhealthy situation. That cannot happen here against the person's will.

The legislation provides for the police to find the person. Once the person is located, if the person self identifies that they are there because they want to be there, for whatever reason the case is closed. It is over, and nothing further is disclosed to anyone about where the person is, including the location.

There would be no opportunity for a person to be located and returned to an abusive

relationship unless the person acknowledged they wanted to do that. I suggest to you that is a different issue that we do need to debate because that happens every day as well.

The legislation provides the protection there, that once a person is located, Mr. Speaker, if the police open the door and the person is located and they say I am fine, I left because I wanted to leave. The case is closed. Nothing more is said and the person's whereabouts is not disclosed or identified to anyone, including the person who made the complaint. I wanted to make sure that point was made, because the Leader of the Third Party raised it. It was a good point, but it is important to point it out.

Mr. Speaker, having said that, I am going to conclude my remarks. As I said a few moments ago, I think this is a strong piece of legislation. Undoubtedly, in the coming weeks, months or years as the legislation is enacted, we will find ways that we ought to tweak it and make it better. Hopefully, we will do that, but I do believe this is a very positive step, because for me it is all about reducing it to the fundamental basis.

That is it could be my son or daughter, your son or daughter, or someone else in this House tomorrow who has a child or a sibling or a spouse go missing. All of us want nothing more, in a very short time, then for the police to find them for us. There are far too many cases out there where people are never discovered, Mr. Speaker, and legislation like this, in some instances, may have prevented that from happening.

So, I think this is a very good piece of legislation. I want to thank all members of the House for their contribution to the debate. In spite of some of the questions raised, I do read the House that everybody is supportive of this legislation.

In particular, as I said at the beginning of my closing remarks, I want to thank the Premier, because this is a fundamental piece of what he has talked about for some time here around focusing on public safety and ensuring that we do all that we can to make our communities safe. In instances where that is disrupted, this is the

kind of legislation we need to help police do their job, and do their job very quickly.

Thank you all for participating.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

The hon. the Leader of the Third Party on a point of order.

MS MICHAEL: Thank you, Mr. Speaker.

Just to say that the minister did offer to table the list of people who were consulted. He wanted to know if we would like that. I wanted to let him know that we would like that.

MR. SPEAKER: The hon. the Government House Leader to the point of order.

MR. KING: Yes, just to clarify, Mr. Speaker. I can happily provide my notes, but I can give you a more accurate list from the department. It is up to you. Either one is good, but I can get you – this is my written notes. I can get you a better list.

MS MICHAEL: (Inaudible).

MR. KING: Sure, okay.

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 Missing Persons. (Bill 36)

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: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, a bill, “An Act Respecting Missing Persons”, read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 36)

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

MR. KING: Thank you, Mr. Speaker.

I moved, seconded by the Minister of Health and Community Services, that the House do now adjourn.

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

All those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, ‘nay’.

Carried.

This House stands adjourned until tomorrow, Tuesday, at 1:30 p.m.

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