



Province of Newfoundland and Labrador

FORTY-SEVENTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLVII

SECOND SESSION

Number 30

HANSARD

Speaker: Honourable Ross Wiseman, MHA

Monday

18 November 2013

The House met at 1:30 p.m.

MR. SPEAKER (Wiseman): Order, please!

Admit strangers.

Before we start the proceedings today, I want to welcome a special guest to our gallery, Mr. Wilson Belbin, who is the Mayor of Forteau.

Welcome, Sir.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will have members' statements from the Member for the District of Lewisporte; the Member for the District of Burgeo – La Poile; the Member for the District of St. Barbe; the Member for the District of Kilbride; the Member for the District of Placentia – St. Mary's; and the Member for the District of Terra Nova.

The hon. the Member for the District of Lewisporte.

SOME HON. MEMBERS: Hear, hear!

MR. VERGE: Mr. Speaker, I rise today to remember and pay respect to our Veterans of War. The freedoms that we enjoy, the peace that we have, and the hope that lies within each of us is due in large measure to the sacrifices made by the brave men and women in uniform.

Many have fought on foreign soil for our freedom, and many have not safely returned to enjoy the benefits of their service. At this time of year, as Members of the House of Assembly, as we participate in Memorial Day ceremonies and we lay wreaths of remembrance, we are reminded to give thanks.

I also want to acknowledge the good people in my district who helped organize and to also participate in Remembrance Day ceremonies both in Lewisporte, and in Norris Arm.

On behalf of the constituents that I serve, I want to say once again: Thank you to those who have lost their life fighting for my freedom, thank you to those who have survived to become our modern-day Veterans of War, and also thank you to all those who currently serve in our military. We owe all of you and your families a great debt of gratitude.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I rise today to recognize and commend James Lane, Jr. and Yvonne Lane of Channel-Port aux Basques, two grieving parents who have turned tragedy into a way to help others.

One week before Christmas 2012, Jim and Yvonne lost their six-month old son, Wyatt, to an extremely rare heart condition. Born in May, Wyatt spent his first three weeks at the Janeway before returning to Port aux Basques with his family. In November, Wyatt returned to the Janeway. Under the attentive care of the Janeway team, he fought bravely for thirty-three days, never losing his signature smile.

The Lanes wanted to keep Wyatt's memory alive and acknowledge the dedicated care provided by the Janeway, so they created a Wyatt's Stars Project. The project consists of a five-year Christmas pewter ornament series, with each design including a star to honour the Lane's own "Little Star".

Initially the Lanes had 750 pewter ornaments produced but have already increased its order by another 250. They have received orders and support from all over the Province. Proceeds from the sale will be given to the Janeway Foundation to be used wherever necessary.

Mr. Speaker, I ask all members of this House to join with me in extending congratulations to Jim

and Yvonne Lane on their creation and to remember Wyatt, their Star.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BENNETT: Mr. Speaker, I rise in this hon. House today to congratulate Charlene Shears, a teacher at Gros Morne Academy, Rocky Harbour, on winning the Canadian Teaching Excellence Award for Physical Education. Ms Shears was nominated for this national award by three colleagues and flew to Winnipeg, Manitoba in October 2013 to accept it.

Ms Shears engages her students in activity, both traditional and non-traditional. The traditional school activities include volleyball, basketball and hockey, but that does not satisfy the interests in physical needs of everyone so she delivers the non-traditional and outdoor activities. These include rhythmic dance, shelter building, snowshoeing, survival, and winter camping. She also engages students in active living workshops such as karate, cheerleading, just dance, and Zoomba.

Ms Shears creates and promotes many opportunities for children to be active, and the goal is physical activity in their daily lives.

Mr. Speaker, I ask all members of the House to join me in congratulating Charlene Shears on winning the Canadian Teaching Excellence Award for Physical Education.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. DINN: Mr. Speaker, I stand in this hon. House today to congratulate Stephen Knight who has been awarded a Governor General's

Medal of Bravery on two occasions for acts of valour he performed within a three-month period.

In Canada, there are only two higher awards in the Canadian Honour System: the Cross of Valour and the Star of Courage. Stephen's two medals of bravery put him in a pretty elite club. Since the award was created in 1972, only eight people have ever won it twice; only three did so in the same year.

On February 18, 2004, Steve of the RNC rescued a teenage girl who had jumped from the railing of a pedestrian bridge in Bowring Park. Dispatched to the scene, he jumped in the frigid water and reached the girl and pulled her to safety with the help of his RNC colleagues.

In May, 2004, Steve bravely apprehended a knife-yielding man who was stabbing a bouncer from a George Street bar. In this incident, Steve was also stabbed.

Recently, I had the privilege of presenting one of these Medals of Bravery to Steve Knight at the RNC Headquarters in St. John's.

Honourable members, please join me in recognizing a truly brave man, Steve Knight.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. F. COLLINS: Mr. Speaker, I rise in this hon. House today to congratulate Mr. Tony Reardon of St. Joseph's, St. Mary's Bay, on recently being inducted into the Newfoundland and Labrador Volunteer Hall of Fame.

During his reaching career in St. Joseph's, and in his years of retirement, Tony was responsible for developing school and community athletic programs that enabled school teams and local

youth to participate at provincial, national and international levels.

As well, he was, for several years, Mr. Speaker, the Commanding Officer of 2895 Enright Memorial Cadets Corps and developed that Corps into one of the best in the Province. He has also served his community as a firefighter and served his church community in a number of different roles.

He has received a number of awards, Mr. Speaker, from Newfoundland and Labrador High School Athletic Federation, the Newfoundland and Labrador Basketball Association, and the Department of National Defence.

Mr. Speaker, he is a true community builder. He has dedicated his life to the youth of St. Mary's Bay and continues to do so.

It is my pleasure today to ask this hon. House to join me in thanking Tony Reardon for the tremendous contribution he has made to his community, to his Province and to congratulate him on his induction into the Newfoundland and Labrador Volunteer Hall of Fame.

SOME HON. MEMBERS: Hear, hear!

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

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

I rise today to recognize an individual from my district, Mr. George Beck of Eastport. George was born and raised in Burin but would later move to Eastport in 1998.

While in Burin, George was an active volunteer in the community, including serving as Fire Chief for the local fire department for fifteen years. He would also join the Orange Lodge and the SUF where he remained a member for twenty-six years. George currently sits as the Vice-President of the Bonavista Bay Search and Rescue where he has been a member for the past fourteen years.

When asked what his favourite hobby is, George is quick to simply respond by stating volunteering is his hobby. Just recently, on September 29 of this year, George was bestowed with the prestigious title of Grand Master of the SUF for Newfoundland and Labrador. While he has achieved many things in his volunteer life, he considers this to be amongst his biggest accomplishments to date.

I ask all hon. members to join me in recognizing my friend, George Beck, a man who has given so much of his time to helping others and to working hard to make his community and Province the best it can be.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before we go to Ministerial Statements, I also want to acknowledge the Mayor of Deer Lake, Mr. Dean Ball, who is in the gallery today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: There must have been something going on here this weekend that brought you into St. John's.

Ministerial Statements.

Statements by Ministers

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I rise today in this hon. House to emphasize the important role that all Newfoundlanders and Labradorians play in the lives of our children and youth. All children and youth have the right to feel protected and secure each and every day. In Newfoundland and Labrador, the Children and Youth Care and Protection Act is the law which gives the Department of Child, Youth and Family Services the ability to intervene to

protect children and youth when there is a report of child or youth maltreatment.

In particular, section 11 of this act outlines the public's legal responsibility to report information that a child or youth is or may be in need of protective intervention. We all have a duty to report, and this standard is the same for both professionals and the general public. Under the duty to report, individuals must immediately report any information they believe may cause a child or youth to be in need of protection. It is the law that information regarding child and youth maltreatment must be reported to the Department of Child, Youth and Family Services or to the police.

When a referral is received by the Department of Child, Youth and Family Services, a social worker will immediately assess the information to determine if a protection intervention is required. If concerns require follow-up by the department, then a social worker will conduct this investigation in order to ensure the safety and well-being of the child or youth. All referral sources are kept confidential, except when the source is ordered to be released by court. Therefore, any person who makes a report of child or youth maltreatment is legally protected, unless it is done without a reasonable cause or with malice intent.

It is important for the public to know that it is an offence to withhold any information regarding a child or youth who is or may be at risk of maltreatment. I encourage all residents of our Province to uphold their duty to report child or youth maltreatment, and call your local Child, Youth and Family Services office or to contact your local police.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I thank the minister for an advance copy of his statement. Clearly, as residents of this Province, each and every one of us has a responsibility to ensure the safety and protection of our most vulnerable, obviously our children and our youth. We all have a responsibility to protect our children from harm, and it is good that we are speaking about this and raising awareness. Awareness is key to any issue of importance, especially such as this, and anything we can do to engage and assist is crucial.

Where someone knows or believes a child is or may be in need of protective intervention, it should immediately be reported to a manager, social worker, or a peace officer. Our law states that a person who does not report may be guilty of an offence and can be fined up to \$10,000, or imprisonment for up to six months or both, very tough penalties and as it should be.

We all share this responsibility. We must protect our children. I would like to also commend the good work of the front line workers of CYFS. These are the people who are handling the investigations and the calls. I commend them for the work they do. Let's keep this up as we move forward in protecting our children in this Province.

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. I commend the staff of child protection who works so hard under some of the most difficult circumstances to protect our children and youth.

Yes, it is absolutely crucial to educate the public about everyone's responsibility to report suspected and actual cases of abuse of children and youth. However, reporting is not enough. Hand in hand with that it is important we have

the support services in place to respond to every case of child abuse.

In her report of March of this year, the child advocate identified some very serious departmental problems in dealing with cases of abuse. She cited that children are at risk. We need an update, Mr. Speaker, on exactly what has been done to address the problems she identified in her report.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Does the Member for St. John's North have leave?

AN HON. MEMBER: By leave.

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

MR. KIRBY: Thanks to the minister for an advance copy of his statement.

All of us agree in this House that each child in Newfoundland and Labrador deserves to be loved, cared for, and properly protected. I think we all need to take some responsibility to see that that happens. Like the hon. Opposition House Leader, I would also like to say thank you to our front line workers who help protect our kids each and every day.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, our government is focused on protecting our forests, our communities, our property, and the residents of Newfoundland and Labrador through the provision of effective and efficient fire management services.

Our fire and management staff responded to sixty-seven forest fires on the Island and thirty-two fires in Labrador during the 2013 official forest fire season. Overall, this was an average season in terms of the number of fires. However, there were periods of heightened activity near the end of June and early July when it was extremely busy, especially in Labrador.

During that period, fire management activities proved to be challenging with high winds, warmer than average temperatures, and very little precipitation to assist relief efforts. Two fires, one near the Town of Wabush and the other at Gull Island in Labrador, proved especially challenging given the weather conditions at the time.

Mr. Speaker, our Forestry Services Branch maintains approximately 100 seasonal firefighters deployed throughout the Province. Our firefighters work with permanent staff at the district and regional levels and these staff also have fire management responsibilities.

For the Wabush fire, our staff worked with the provincial Incident Management Team, non-government and enforcement agencies, local residents, town councils, and others to ensure the safe evacuation of residents. They also worked side by side with other government departments, including Fire and Emergency Services Newfoundland and Labrador. We commend the pilots and maintenance crews with the Department of Transportation and Works Air Services Division who did an incredible job this past summer and deserve special recognition.

While protection of the Province's resources is essential, safety of our staff and the public is paramount. A strict safety culture is maintained while fighting a fire and considerable effort goes into keeping everyone safe. Firefighting is extremely dangerous, and that is why we utilize a team of trained professionals on our fires.

Mr. Speaker, our government is dedicated to a continuous improvement approach to forest fire management and recognizes training is a key component. We take tremendous pride in our firefighting capabilities and we applaud the

courageous men and women who are willing to stand up and protect our forests and our people.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. BALL: Thank you, Mr. Speaker.

I want to thank the minister for the advance copy of his statement. He mentioned sixty-seven fires on the Island and thirty-two in Labrador; two in particular that he mentioned, one near the Town of Wabush and one near Gull Island. I did fly over the one near Wabush over the summer and the amount of damage that was done is indeed devastating. We remember the days when that community and Lab West in particular, were on high alert because of smoke and the close proximity of that fire.

He also mentioned the importance of training. We also know that in the 2013 Budget where we saw layoffs of 1,100 people, one of those was a flight crew in Gander, but if not for the importance of training – and if we remember, there was a flight crew who successfully landed a piece of equipment in that fire. If not for their experience, I guess the news could be much more tragic.

Mr. Speaker, I want to join the minister in recognizing the great work of all our staff, recognizing the value of training, and all the volunteers and the valuable roles they play in firefighting and protecting, not only our Province, but most importantly our people.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

I would also like to thank the minister for the advance copy of his statement here today. No doubt, there should be congratulations passed all around, from municipal councils down to the air crews, and down to the ground crews who successfully fought these fires.

I would also like to tell the minister, too, that we have some special challenges in the future – number one being, of course, global warming, and he touched on that in his statement. Hopefully, government is going to be responding to this in the future with more resources to address these fires, and more training as well, like he says in his statement. Hopefully, they will address all of these and put more resources as well into smaller communities, more money, so that they can have the firefighting equipment and they will also be providing the front-line services.

Thank you very much, Mr. Speaker.

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

AN HON. MEMBER: By leave.

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

I, too, thank the minister for an advance copy of his statement, and I commend the professional staff that we have that fight forest fires.

One thing I will say is that we certainly need the resources, and maybe we need to look at a contingency fund for emergency measures so that if it comes a time that there is a high level of forest fires, that there are resources available so that it does not impede other projects that the department may be undertaking.

Thank you, Mr. Speaker.

MR. SPEAKER: Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

Last year, this government passed the most secretive bill that this House has ever seen. Bill 29 has given this government and Cabinet sweeping powers to hide information from the public.

So I ask the Premier: Will you repeal Bill 29, and initiate a process of public consultation sessions on how our new protection of privacy laws should look?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DUNDERDALE: Thank you, Mr. Speaker.

Mr. Speaker, this government is highly committed to openness and transparency. That is why one of the first things we did when we came to government was proclaim the ATIPP Act. Mr. Speaker, it was a piece of legislation introduced in the House by the Liberals, but never proclaimed. It is not do as I do; it is do as I say.

Well, we do as we do and we do as we say, and we have proclaimed that legislation, which makes us one of the most open and transparent governments not only in Canada, but in North America.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well, I can assure you one thing that the government has done a lot of purchasing on, that is toner; because by the level of black ink that we are seeing on the information that we are

getting, their purchase of toner must be extremely high.

The government talks about how many pages of information they release, but what they do not hear is the amount of black ink on those pages. Bill 29 is regressive, and should be repealed.

So I ask the Premier: Why do you continue to choose secrecy over being open and accountable to the people of this Province?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DUNDERDALE: Thank you, Mr. Speaker.

Mr. Speaker, last year when we were debating Bill 29 and reaction to Bill 29 in this House, our friends opposite also referred to the Centre for Law and Democracy for their information and the rating on our ATIPP legislation.

Mr. Speaker, I would like to share with this House and with the people of the Province that the Centre for Law and Democracy says we are third in the country, better than Canada as a whole, better than North America, better than Scandinavia, and on par with the United Kingdom.

Mr. Speaker, we are open and transparent, far ahead of other provinces in this country, ahead of ten provinces in this country, and the federal government. This is what we are committed to, this is what we do, and this is what we will continue to do.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: The bill was so good that they actually forced closure on the House of Assembly to actually bring it into legislation, Mr. Speaker.

Transport Canada announced this week in its plan for new offshore safety regulations that prohibiting flights during unsafe weather or water conditions is a good move, but there is still no action on the independent safety regulator as recommended by Commissioner Wells.

I ask the Premier: It has been three years since you publicly supported the recommendation of the commissioner, why have you not been able to secure an independent safety offshore regulator?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DUNDERDALE: Thank you, Mr. Speaker

Mr. Speaker, I find myself time and time in this House having to correct information that is being put forward, especially with regard to the area of natural resources. Only last week in the House, the Leader of the Opposition was up discussing the fact that the water management agreement we have on the Churchill River was being disputed in the courts in Quebec, which is absolutely untrue, Mr. Speaker. It is the 1969 contract that is in dispute.

Mr. Speaker, there is a shared responsibility between the federal government and the provincial government with regard to the C-NLOPB, which is arm's length. We support the stand alone; the federal government has not committed at this point.

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 is aware, if she saw the court challenge in Quebec, that one the appendices is indeed the PUB water management agreement from 2009. So, it is just not about 1969.

Mr. Speaker, safety advocates have said that these new regulations do not go far enough, and we still have not heard from the Premier on night flights.

I ask the Premier: What is your position on night flights?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, our position on offshore safety has been clear. We join with members opposite in this House to make offshore safety a priority. It is important for the people who work in our offshore. I would contend, Mr. Speaker, all of us have neighbours or know people who work in the offshore. It is a great industry and it is great for the future of this Province.

The C-NLOPB, Mr. Speaker, the agency that governs offshore safety, they have the experts there, they work with industry, and they work with Transport Canada. We take the advice from the C-NLOPB because they have the experts there. Make no question, Mr. Speaker, this government, the Premier, we have always said and we will continue to say that offshore safety is absolutely essential in this Province.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

The position on night flights – and we do have a great offshore industry, but it can only be great if it is safe. Mr. Speaker, the Veterans Affairs office in Corner Brook is set to close early in the new year. The DFO office in Grand Bank has closed. We are still suffering from the ill effects of the closure of the Marine Rescue Sub-Centre in St. John's and the marine communication traffic centre in St. Anthony and St. John's.

I ask the Premier: What representation have you made to Stephen Harper about these closures?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DUNDERDALE: Thank you, Mr. Speaker.

Mr. Speaker, as a provincial government we take all issues in this Province extremely seriously, and we raise them at every opportunity with the federal government. I would like to ask the Leader of the Opposition what he does with his Liberal MPs, who he told along with others in this Province, could represent their interests better than a member of the government. What are they doing for the people of Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

They are working very hard and they would like to get the support of the Premier.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. BALL: Why did the Premier not answer the question? What is she doing with her friend, Mr. Harper?

Mr. Speaker, this government talks about being a government of action, but the people of the Province are tired of this rhetoric. With the constant closure of federal offices that we are seeing and a continual decline in services, the silence is deafening.

I ask the Premier: Will you finally start lobbying the federal government to do whatever we can to save these vital services?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER DUNDERDALE: Thank you, Mr. Speaker.

Mr. Speaker, I am very happy to be held responsible for what goes on in this Province and to answer for what this government does. I do that on a daily basis. I am very proud of the work we have been able to do over the last ten years.

Mr. Speaker, I represent our interests at every opportunity, here at home and abroad, and with the federal government, as I did in CETA, ensuring that our interests were protected. As I did ensuring that we had a \$400 million transitional fund for the fishery in this Province, the most important thing to happen in this fishery in my lifetime, probably more; the most important positive move towards improving that important sector, important to all the people of the Province. We will continue to represent the interests of Newfoundlanders and Labradorians at every opportunity.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. BENNETT: Thank you, Mr. Speaker.

In August, government released a \$75,000 report that criticizes government for not keeping up with school bus issues. The report recommends short term, medium term, and long-term solutions to improve busing for our students; yet, this government is still sitting on the report doing nothing.

I ask the minister: When can our people expect these recommendations to be put in place?

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

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, daily, we bus some 46,000 students across this Province. We take that issue very, very seriously. The member is right, we did commission a report. As a matter of fact, Mr. Speaker, there are a couple of recommendations that came from that report that have already been implemented. Our continued investment of \$47 million in this sector points to us wanting to ensure that we have the most reliable and safe bus service, Mr. Speaker, that we have in this Province.

SOME HON. MEMBERS: Hear, hear!

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

MR. BENNETT: Mr. Speaker, if the recommendations have been implemented, no one knows what they are.

The 2003 Tory election Blue Book states that school buses in this Province carry a most precious cargo, our children. School transportation must be held to the highest level of safety.

Given that the promise is ten years old and the \$75,000 Deloitte report is merely collecting dust: Has the minister considered adding the school bus promise to the government's pile of broken promises, or will it make a solid commitment to act now on these recommendations?

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

SOME HON. MEMBERS: Hear, hear!

MR. JACKMAN: Mr. Speaker, there are a couple of recommendations that we have acted on already. Let's not take the rhetoric of the member, that this is something that has been ten years in the making. Mr. Speaker, this report was just recently turned in this spring.

Already, Mr. Speaker, we have put cameras on the outside of buses. We have looked at a new template for having contract services with our private contractors, Mr. Speaker, and we are

looking at official routing software that can tell us the facts as we know it and to see where we can find efficiencies.

Mr. Speaker, the man will not draw me into doing anything other than to say we are going to provide the best quality service for that precious cargo that he mentioned.

SOME HON. MEMBERS: Hear, hear!

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

MR. EDMUNDS: Mr. Speaker, last Tuesday in this hon. House the minister committed to having an RFP for new ferries for Labrador issued by the end of 2013. On Thursday, he backtracked on the commitment by saying: I hope, I do not commit, that the RFP would be ready.

I ask the minister: Which is it? Are you or are you not committing to the people of Labrador that the RFP will be issued by the end of this year?

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I would like to point out that there has been a significant amount of work done on the RFP for the ferry transportation network in Labrador. There has been a great deal of work done on it during the past year or more. It is a complex piece of work.

The goal is to reach a contract for a long-term service to ensure the long-term stability, and a long-term safe and a long-term dependable service for the people of Labrador. The Department of Transportation and Works continue to work toward that goal, and they will keep working on it, Mr. Speaker, until it is finalized.

SOME HON. MEMBERS: Hear, hear!

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

MR. EDMUNDS: Mr. Speaker, the minister also stated in this House that we will hopefully meet our 2016 deadline. Again, it is a step backwards.

I ask the minister: Does this mean your previous commitment to have two new ferries for Labrador by 2016 is no longer realistic?

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

I am not sure if the hon. member opposite missed the answer I have provided to him because I have clearly said, and I will clearly say again now, that this government remains committed to the people of Labrador. We remain committed to them in many aspects of transportation.

We are working towards the finalization of an RFP, the same as we did, Mr. Speaker, with the Trans-Labrador Highway, a commitment we made in 2003 and a commitment we have upheld for hundreds and hundreds of millions of dollars that we have put into Labrador since that time. We are going to do the same thing with ferry services, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, this government promotes the use of public transit through its Climate Change Action Plan and other initiatives, yet the City of St. John's pays the Province \$380,000 a year through road taxes, fees, and its public transit vehicles.

I ask the Minister of Finance: Why doesn't government put words into actions and eliminate taxes and fees on the operation of public transit systems?

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

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, this government takes the handling of the fiscal situation in this country extremely seriously. We have an economy that is booming right now. We have business investment at a rate that is leading the country and is creating jobs in the major projects.

The people working in those jobs are getting higher salaries than they have ever received before. Average weekly earnings have exceeded the Canadian average for the first time, and that is driving economic activity in Newfoundland and Labrador.

Mr. Speaker, under this government, that economic growth and activity is certainly going to continue.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, I asked about eliminating taxes on public transit, not a fiscal update.

Mr. Speaker, today this government announced the winners of its municipal carbon footprint challenge and congratulated them on their initiatives to reduce the carbon footprint in municipalities. The public transit is one of the most effective ways to reduce carbon footprints.

I will ask the minister again: Why are you taxing the very initiatives you are promoting in the communities around this Province; will you eliminate the taxes on the Metrobus system in the City of St. John's?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

In the Department of Municipal and Intergovernmental Affairs we are very cognizant of the needs and concerns of municipalities large and small, including the capital city of Newfoundland and Labrador. We are going through a fiscal review process right now where we are looking at the entire relationship between municipalities and the Province. We are establishing a new provincial-municipal fiscal framework where we look at all aspects of the financial relationship between our levels of government.

This process will unfold over the next eighteen months or so. The City of St. John's will be an important stakeholder in the process. We have a good relationship with the capital city, and I look forward to continuing that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, it is a very simple question. You are charging \$380,000 in road taxes and other fees to Metrobus. They have been asking for that to be eliminated for years. Are you going to do it or not?

MR. SPEAKER: Please direct your comments to the Chair, I ask all hon. members.

The hon. the Minister of Municipal and Intergovernmental Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

It is a simple question and I will give him a very simple answer, as I just did previously, if he was paying attention.

We are reviewing every aspect of the relationship between municipalities and the provincial government. Everything is on the table. We are looking at how services are delivered. We are looking at the structure of government, and there is incredible opportunity over the next couple of years for all stakeholders, all recipients of municipal services in this Province, to have input.

The relationship with the capital city is an important one and I look forward to continued discussions with the City of St. John's.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Mr. Speaker, two weeks ago in the House I asked the government to reconsider the renegeing of the \$50,000 grant they had promised to the SPCA to create a public awareness campaign on the new Animal Health and Protection Act. My question was met with laughter and mockery from the members opposite.

I ask the Minister of Natural Resources: Do you find it amusing that dogs will suffer through another winter outside because you will not enforce this act?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, that is a ridiculous question. Members of this side of the House, certainly me when I stood in this House two weeks ago, clearly indicated our understanding, our support for animal welfare in this Province. We were the ones to bring in a new act.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, the SPCA does great work, we acknowledge that. In fact, we give them \$110,000 a year to help them do their work.

Beyond that, Mr. Speaker, we have worked with the SPCA to try and come up with a program and an opportunity to help educate people with the new act. We put money on the table to find a way through that, Mr. Speaker. To date, we have not found that. It was not satisfactory. As a result of that and through the Budget exercise, now we have to wait to go through another Budget process.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: I would just let the minister know, if you are not aware of it, Municipal Affairs carries money over from year to year. That is not a good enough excuse to let these animals suffer, I say to the minister.

The regulations say a doghouse must be insulated, elevated, and weatherproof. A dog tied up to a non-insulated wooden box, by your own definition, is in distress. Constituents are telling police will only seize dogs if ribs are showing.

I ask the Minister of Natural Resources: Why are you not enforcing your own definition of distress?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, I think as a society, and the people of this Province, would expect animals to be treated with dignity and respect. I would suggest if he is referring to a specific situation that maybe somebody in the community could work with these people who own animals to ensure that they are looked after.

As a government, we provide funding, we provided the act. We are working with the SPCA to help educate, Mr. Speaker. We work with communities in terms of the enforcement of the regulations. Beyond all of that, Mr. Speaker, I would certainly expect the people of the Province would understand if you have a pet, you should take care of it.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Mr. Speaker, the world-renowned Organisation for Economic Co-operation and Development has revealed in their international study on literacy that the proportion of people in our Province with low literacy levels remains unchanged since 2003.

I ask the minister: How could you claim, as you did last week, that people are getting the literacy skills they need when the OECD shows otherwise?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Yes, Mr. Speaker, I certainly welcome that report. As a matter of fact, when you look at the overall report you actually see how Newfoundland is doing well – very, very well. As a matter of fact, we have a 98 per cent success rate in high school education. We have more people in our skilled trades in CNA than the private sector. These are people who are moving through. Yes, we might have an issue in regard to medium age in Newfoundland and Labrador, from forty-five upward, but as well, those people are working, Mr. Speaker, because we have the lowest rate of need for Income Support in this Province in its history right now.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Mr. Speaker, after six years of stalling and \$150,000 spent on consultations, this government finally admitted in May that information gathered for the long-promised Strategic Adult Literacy Plan is outdated.

I ask the minister: Knowing that literacy levels are directly related to skill levels, will you acknowledge that your government has failed on a commitment to enhance literacy levels with a desperately needed strategic literacy plan?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, this government has always wanted to prepare people for work, meaningful work in this Province. As a matter of fact, that is the reason why Newfoundlanders and Labradorians are seizing the opportunity that was created by the megaprojects we have developed over the last number of year, Mr. Speaker.

We will always continue in regard to the skilled labour review. Also, in regard to people moving into CAN, I think it is up by 8 per cent in regard to people attending CNA college right now, and that is not counting the people who are in the private sector as well; all moving to great opportunity in Newfoundland and Labrador, meaningful work, meaningful lives.

SOME HON. MEMBERS: Hear, hear!

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

MS DEMPSTER: Mr. Speaker, the Labrador Tourism Development Officer position has been vacant now for more than six months and is temporarily filled by a development officer in Confederation Building.

I ask the minister: Why has the Labrador position not been filled on a permanent basis?

MR. SPEAKER: The hon. the Minister of Tourism, Culture and Recreation.

SOME HON. MEMBERS: Hear, hear!

MR. FRENCH: Thank you, Mr. Speaker.

Mr. Speaker, we have every interest in filling that position. It goes through a process, as all of the public service would know, Mr. Speaker. We are very interested in tourism in this Province, and particularly in the Labrador piece. That is why we have invested over half a million dollars into the tourism product in Labrador in recent years. That position, I can assure the hon. member, will be filled, and will be filled very, very shortly.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair, for a very quick question.

MS DEMPSTER: Mr. Speaker, why is there not a Tourism Development Officer located in a region in Labrador where we have UNESCO at Red Bay, the Battle Harbour Historic Site, the Mealy Mountains Park, the Torngat Park, all world-class sites? Why is there no position there to better promote the tourism opportunities that exist there?

MR. SPEAKER: The hon. the Minister of Tourism, Culture and Recreation, for a very quick response.

SOME HON. MEMBERS: Hear, hear!

MR. FRENCH: Mr. Speaker, I am very aware of the tourism product in Labrador. As a matter of fact, I spent this summer and went down the South Coast and admired the product there. I saw things that we could do when it comes to product development and so on and ways to influence that.

Mr. Speaker, we do have a Product Development Officer, and it is staying right where it is.

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

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

On Saturday, the Transportation Safety Board issued new safety regulations for the offshore, which are already in place in our Province. They ignored the Wells inquiry recommendations calling for a ban on night flights, which cause great anxiety among offshore workers.

Mr. Speaker, I am asking the Premier: Will she formally demand that the TSB pass regulations banning night flight in the offshore?

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

SOME HON. MEMBER: Hear, hear!

MR. DALLEY: Mr. Speaker, just to reiterate, our government's position, it is widely known that we have accepted the recommendation from the Wells inquiry. We are firmly supportive and have always advocated for offshore safety, and again recognizing the importance of the industry to the Province and the number of people from all communities in this Province who are able to engage in meaningful work in offshore.

Mr. Speaker, when it comes to safety, we have always said that we accept the Wells recommendations, including Recommendation 29, and we continue to press the federal government. I personally have already written the minister to again reiterate our government's firm stance that we accept all recommendations, including Recommendation 29.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Mr. Speaker, I suggest to the minister that there is a consultation process with the TSB; he should be speaking to them.

Mr. Speaker, the TSB makes no regulations regarding the need for offshore helicopters to have true thirty-minute run-dry capability; this deficiency was cited as a key contributor in the crash of Cougar Flight 91 and the loss of seventeen lives.

I ask the Premier: Will she formally demand, through the consultation process, that the TSB pass regulations making thirty-minute run-dry capability mandatory on all helicopters flying offshore?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, I think it would be fair to say that we could probably never do enough for offshore safety and we will continue to press until we get more and more special initiatives and safety initiatives put in place.

The recent formalization of these safety measures by the federal government, we applaud that, but I want to particularly recognize and applaud our own C-NLOPB, Mr. Speaker. They, well in advance of the federal government formalizing this, have taken the initiative and enacted these safety measures right after the Wells inquiry.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: I want to recognize the work of the C-NLOPB and the experts that work there for offshore safety, but it is important to understand – and I do not disagree with what the member is saying, but it is important that we continue to press for offshore safety and work with the industry and work with the C-NLOPB.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: Thank you, Mr. Speaker.

The new TSB regulations come years after they have already been implemented, as we are all recognizing, I think. An independent offshore safety board that is recommended by the Wells inquiry would be better designed to ensure regulations were made and enforced in a prompt manner.

I am asking the Premier: What is she doing, besides writing letters, to ensure that this independent board is created to protect the safety of people working in our growing offshore industry?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, for anyone who is following and probably heard the Premier today say very clearly that we take our responsibility for the issues in this Province, and the issues that we have responsibility for, absolute, to be the most important thing that we do.

When we talk about offshore safety, what is in our control and realm, Mr. Speaker, we have been very clear and very supportive of offshore safety. Any measure that is a responsibility of the federal government, we have been very clear – in fact, firm – that we support all twenty-nine recommendations of the Wells inquiry.

It has been clear, it is on record, we have stood in the House, we have written letters, we have raised it in meetings, Mr. Speaker, and I can tell you we will continue to do so.

SOME HON. MEMBERS: Hear, hear!

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

MS MICHAEL: A very brief question, Mr. Speaker: Will the Premier tell us whether or not this government is going to make representation during the consultation period to the TSB?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, any where, any place, any time that we have the opportunity to raise the issue that affects Newfoundlanders and Labradorians in this Province, we are going to stand up and do it.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: The member opposite is obviously extremely supportive, and we support her in that, Mr. Speaker. We applaud all of the members opposite and the people of Newfoundland and Labrador who have a genuine concern for the people who work offshore. They are our friends and our neighbours, Mr. Speaker.

As a government and I am sure our Premier, as leader, we will do all we can to ensure that we have the safest offshore in the world, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

The Transportation Safety Board recently released its report into the accident in Portugal Cove involving the *Beaumont Hamel*. The report cites issues with crew fatigue, such as long hours and little rest.

What has government done to alleviate this concern amongst the crews of the Newfoundland and Labrador ferry fleet?

SOME HON. MEMBERS: Hear, hear!

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

MR. DAVIS: Thank you, Mr. Speaker.

I am glad he asked the question at this time because I get to follow up from what my colleagues answered a few moments ago. He

talked about the importance of safety. It is very true in the Department of Transportation and Works, and especially with the operators and employees on the vessels throughout Newfoundland and Labrador, the seventeen different vessels that provide transportation services to the people of rural Newfoundland and Labrador, and also very important to the people who travel and depend on those vessels for transportation. There have been many things that have taken place, Mr. Speaker, and I can tell you that we all must remember the final decision to operate a vessel rests with the captain of the ship, and we give that captain full authority to make those decisions in the best interests of the people aboard the vessel at any time.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

The report also says that operating an aging ferry fleet without a risk mitigation strategy puts the vessel, the crews, passengers, and the environment at risk.

I ask the minister: What has government done towards putting a risk mitigation strategy in place?

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: Thank you, Mr. Speaker.

The member raises a point about our aging fleet, and I would just like to remind the member opposite, the people of the House of Assembly, and the people of Newfoundland and Labrador of the great announcement made by this government just last week to build a new ferry for the people of Fogo Island and Change Islands –

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: – and also, Mr. Speaker, to negotiate for a new ferry for the people of Bell Island –

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: – to operate between Portugal Cove and St. Philip's. These are big investments. They are good investments for the people of Newfoundland and Labrador and we will continue to make those.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

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

MR. MARSHALL: Mr. Speaker, pursuant to 25.(5)(a) of the Financial Administration Act, I am tabling two Orders in Council relating to funding pre-commitments for the years 2014-2015 and 2015-2016.

Mr. Speaker, the commitments are to facilitate the extension of a contract to the Bell Aliant Regional Communications, Limited Partnership for the provisioning of government-wide area data network. It is \$2 million a year in each of those years with a total of \$4 million.

Also, a second one, Mr. Speaker, is to facilitate the execution of a contract with Damen Shipyards of the Netherlands for the provision of an eighty-metre ferry vessel. That will be \$48,728,400 over two years.

Thank you, Mr. Speaker.

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

Notices of Motion.

Notices of Motion

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

MR. KING: Thank you.

Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Human Rights Act, 2010. (Bill 25)

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

MS ROGERS: Thank you, Mr. Speaker.

I give notice that on the NDP caucus's next Private Members' Day, seconded by the Member for Signal Hill – Quidi Vidi, I will present the following motion:

WHEREAS the Family Violence Intervention Court provided a comprehensive approach to domestic violence in a court setting that fully understood and dealt with the complex issues of domestic violence; and

WHEREAS domestic violence continues to be one of the most important serious issues facing our Province today; and

WHEREAS the cost of the impact of domestic violence is great, both economically and in human suffering; and

WHEREAS the Family Violence Intervention Court was welcomed and endorsed by all aspects of the justice system including the police, the courts, prosecutors, defence counsel, Child, Youth and Family Services, as well as victims, offenders, community agencies, and women's groups; and

WHEREAS the recidivism rate for offenders going through the court was 10 per cent compared to 40 per cent for those who did not;

THEREFORE BE IT RESOLVED that the House of Assembly urge government to consider reinstating the Family Violence Intervention Court.

Seconded by the Member for Signal Hill – Quidi Vidi.

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

MS MICHAEL: Yes, Mr. Speaker, pursuant to Standing Order 63, the motion just read into the House by the Member for St. John's Centre shall be the motion debated on Wednesday.

MR. SPEAKER: Thank you.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

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

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

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

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

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

WHEREAS cellphone service is essential for business development;

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

As in duty bound your petitioners will ever pray.

Mr. Speaker, this is a petition that the residents of the area keep coming forward, keep coming forward, and keep coming forward. The request is relatively simple. It is a request for government to partner with the private sector in order to establish cellphone coverage in the Town of Trout River.

The Town of Trout River is at the end of Trout River Gulch. It is a beautiful area, but it is very isolated even though it is close. This is not even a request to spend money. This is not even a request for the government to extend the service. This is a request for government to partner with the private sector and try to find a way to implement and put into place cellphone coverage in this town.

Mr. Speaker, this is one of the few things that a well run, well-managed Department of Innovation, Business and Rural Development could certainly look at. Any interest in establishing business in rural areas of our Province, this would be – it is tailor made for government to participate in a meaningful fashion in something that could even be a three-fee partnership in order to go forward with this service. The people are requesting and requesting and requesting.

Thank you, Mr. Speaker.

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

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

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

WHEREAS residents of the Southwest Coast must travel the TCH between Channel-Port aux Basques and Corner Brook for work, medical, educational and social reasons; and

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

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

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

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

As in duty bound your petitioners will ever pray.

Mr. Speaker, this is a petition I entered last week, I am entering it this week, and I am probably going to enter it again next week. The fact is that Port aux Basques is the gateway to this Province when it comes to rubber tire traffic. The vast majority of rubber tire traffic is obviously arriving on the Marine Atlantic ferries.

These vehicles get off, a lot of which is commercial traffic, and they leave. The fact is they are not getting the same coverage of twenty-four hour snow clearing from Port aux Basques to Stephenville that they are getting in many other sections of this Province, including

trunk roads; roads that are not Route 1, they are on the side.

The fact is we have special circumstances. There is a high amount of traffic arriving. You also have special weather phenomena, and the Wreckhouse is world-renowned. We all know how dangerous it can be. The fact is we need to make sure this pilot project encompasses this section of the roadway.

We are here in the middle of November now; it is not going to be long before the snow really starts. Again, we are going to see the danger that is out there. We have a lot of people who have to travel for work, medical, educational. They have to go to Corner Brook for just about anything. The fact is they are not getting that coverage. We need to make it happen. I will continue putting these petitions in until it gets done.

Thank you, Mr. Speaker.

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

MR. KIRBY: 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 current government regulations deny busing services to students who live closer than 1.6 kilometres to school; and

WHEREAS parents have expressed concern that children living within 1.6 kilometres of school face dangers in walking to school, such as congested streets and busy intersections, especially during winter weather conditions; and

WHEREAS the \$75,000 review of the school transportation system completed by Deloitte recommended that the Department of Education consider reducing the 1.6 kilometre eligibility zone for kindergarten and elementary students; and

WHEREAS the \$75,000 Deloitte report also noted that only 10 per cent of those surveyed for the school transportation system review agree that the current 1.6 kilometre policy is reasonable for students and families; and

WHEREAS parents are continuing to demand more flexible policies to meet the current needs of school children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to change the outdated 1.6 kilometre school busing eligibility policy in order to ensure safe travel to school for primary and elementary school children in the Province.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I have certainly noticed that the hon. Member for the District of St. Barbe asked about this in Question Period today, the issue of the school transportation review, which cost \$75,000 to carry out. I have been petitioning government for closing in on two years now on this issue.

This is the second iteration of this petition. Initially, we were calling for the review. We managed to accomplish that, the minister did that, and he has received recommendations from Deloitte now on changing some of these policies. I was pleased to hear that he has actually gone ahead and made some relatively minor changes, I would suggest; but what we really need to do, before the winter sets in, is to get this issue dealt with, especially when it comes to smaller kids.

Smaller kids should not have to be out there in bad weather conditions. They are in dangerous territory on some of our streets. Thorburn Road in my district is certainly a street that is dangerous, is congested, and in the winter that problem gets more austere, because of the weather and snow clearing.

I will leave it at that, Mr. Speaker.

Thank you.

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

MS ROGERS: 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 with the passage of Bill 29, the Access to Information and Protection of Privacy (Amendment) Act, the Government of Newfoundland and Labrador has weakened citizens' access to information and has reduced government transparency; and

WHEREAS the Government of Newfoundland and Labrador has moved towards greater secrecy and less openness; and

WHEREAS the Government of Newfoundland and Labrador is breaking its own commitment for greater transparency, accountability and freedom of information, which it said at one time was the hallmark of its government.

WHEREUPON the undersigned, your petitioners, humbly pray can call upon the House of Assembly to urge the Government of Newfoundland and Labrador to repeal the passage of Bill 29.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I am happy once again to stand and present this petition, as I have in the past, since Bill 29 was passed in this House, an unfortunate time in the history of our Province. I found it very interesting today to hear the Premier cite that we were ranked third in all of Canada in terms of our access to information from the Centre for Law and Democracy; however, the Centre for Law and Democracy has actually criticized the amendments to Bill 29 saying that, in fact, what Bill 29 does is a backwards step in terms of transparency, openness and accountability for the Province of Newfoundland

and Labrador, particularly because of the exemptions that the bill covers and the issue of Cabinet secrecy.

They said the main problem with the amendments is that they very significantly expand the regime of exemptions, including the blanket exclusion of a vast range of documents under the so-called Cabinet exemption. They say that, "On exemptions, the amended law would earn just 14 of a possible 30 points, making this a clear Achilles heel of the new regime."

That is less than half, Mr. Speaker, so I am not quite sure how the Premier, in fact, can tout that the Centre for Law and Democracy is saying that this was a good thing. The Centre for Law and Democracy is saying it is a bad thing. He said that, "These changes would drop the Newfoundland law behind countries like Bulgaria, Peru and Moldova." We heard this in the House when this law was being debated, Mr. Speaker.

The Centre for Law and Democracy also said that the people of Newfoundland deserve better and to know what their elected government is up to. I say the same thing, Mr. Speaker. The people of Newfoundland and Labrador deserve better, but Bill 29 must be repealed.

Thank you, Mr. Speaker.

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

MR. MITCHELMORE: Thank you, Mr. Speaker.

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

WHEREAS government has a responsibility to ensure that Internet access is broadly available so people have the right to be able to access the Internet in order to exercise and enjoy their

rights to freedom of expression and opinion and other fundamental human rights; and

WHEREAS St. Anthony Bight still remains without broadband services; and

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

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

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

As in duty bound, your petitioners will ever pray.

Mr. Speaker, it is certainly recognizable that there have been a number of communities throughout Newfoundland and Labrador that have received broadband Internet, and we certainly have many more to go, upwards of 200 communities. In my district, I have nine in particular that need to see an improvement in broadband Internet and many more that have capacity issues.

What we really need to work toward is building a more ubiquitous network to have that broader coverage. Whether it is using a mix of technologies, whether it is wired or wireless, I really do think there is the will from the Minister of IBRD to look at using the RBI, the Rural Broadband Initiative, to look at capturing the gaps that are there and in finding ways to provide coverage to residents who are without. These residents, particularly residents in St. Anthony Bight, are at a disadvantage when it comes to looking at pursuing other educational opportunities, developing business, and communication.

Just looking at things in rural areas, the number of people who are part of the commuter economy, being able to just dial in and use

Skype, voice-over Internet protocol, how important that would be to be able to see your family and something that when you have a dial-up service is not available, something that you cannot stream and which is a free service, is to be able to connect and have that conversation with family and friends is so important. It is so important that we have a broader strategy so that we do provide Internet services for people of St. Anthony Bight.

Thank you, Mr. Speaker.

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

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

To the hon. the 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 transgendered people face high risk of discrimination, violence, underemployment, and lack of access to housing and other services; and

WHEREAS a recent Egale Canada survey found that 90 per cent of transgendered youth hear transphobic comments regularly from other students and one quarter hear such comments from teachers; and

WHEREAS the Public Health Agency of Canada reports that nearly half of trans youth seriously considered suicide and one-fifth attempted it in the previous year; and

WHEREAS all individuals should have equal opportunity to live their lives and meet their needs without being hindered or prevented by discriminatory practices based on gender identity or gender expression;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to amend the Human Rights Act to include gender

identity and gender expression in the list of prohibitive grounds of discrimination.

As in duty bound your petitioners will ever pray.

Mr. Speaker, I truly hope this is the last time that I stand in this House of Assembly and present this petition. Today, I had the honour of attending a flag-raising ceremony where transgendered youth and adults from all over the Province raised the transgender flag in pride and in hope. There was an excitement at the event that in fact our Human Rights Act was going to be amended to include gender identity and gender expression.

This is such a positive thing, Mr. Speaker, and there are people ready to celebrate province wide. We are not talking only about trans folks, we are talking about their brothers, their sisters, their mothers, and their fathers.

This week is a whole week of remembrance activities for transgendered people who have lost their lives. We know that the suicide rate has been so high, and the bullying rate has been so high. Consequently, the death rate has been high among our young people and adults who are transgendered.

Mr. Speaker, I am so proud that our House of Assembly will pass a bill that will amend – that the minister is bringing this forward to amend the Human Rights Act. I am proud. I think all people of the Province of Newfoundland and Labrador can be proud of this. It will be a good day in our history. I do hope this is the last time that I have to stand in this House and present this petition.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Orders of the Day.

Orders of the Day

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, I call Order 2, third reading of a bill, An Act To Amend The Revenue Administration Act No. 4. (Bill 12)

MR. SPEAKER: It is moved and seconded – go ahead.

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Finance and President of Treasury Board, that Bill 12, An Act To Amend The Revenue Administration Act No. 4 be now read the third time.

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

Is it the pleasure of the House to adopt the motion that Bill 12 be read a third time?

All those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, ‘nay’.

Motion carried.

CLERK: A bill, An Act To Amend The Revenue Administration Act No. 4. (Bill 12)

MR. SPEAKER: This bill is now read 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 Revenue Administration Act No. 4”, read a third time, ordered passed and that its title be as on the Order Paper. (Bill 12)

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

MR. KING: Thank you.

Mr. Speaker, I call Order 3, and I move, seconded by the Minister of Finance, that Bill 19, An Act To Amend The Proceedings Against The Crown Act, be now read a third time.

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

Is it the pleasure of the House to adopt the motion that Bill 19 be now read a third time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

CLERK: A bill, An Act To Amend The Proceedings Against The Crown Act. (Bill 19)

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

On motion, a bill, "An Act To Amend The Proceedings Against The Crown Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill 19)

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

MR. KING: Thank you.

Mr. Speaker, I move, seconded by the Minister of Finance, to ask leave to introduce a bill entitled, An Act To Remove Anomalies And Errors In The Statute Law, Bill 11, and I further move that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. minister shall have leave to introduce a bill, An Act To Remove Anomalies And Errors In The Statute Law, Bill 11, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 11 and that the said bill be read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Remove Anomalies And Errors In The Statute Law", carried. (Bill 11)

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

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 11 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Minister of Finance, to ask leave to introduce a bill entitled, An Act To Amend The Judicature Act, Bill 14, and so move that the bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Justice shall have leave to introduce a bill, An Act To Amend The Judicature Act, Bill 14, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 14 and that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Judicature Act", carried. (Bill 14)

CLERK: A bill, An Act To Amend The Judicature Act. (Bill 14)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 14 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you.

Mr. Speaker, I ask for leave and I move, seconded by the Minister of Finance, to introduce a bill entitled, An Act To Amend The Commissioners For Oaths Act, Bill 15, and I further move that it now be read the first time.

MR. SPEAKER: It is moved and seconded that the hon. Minister of Justice shall have leave to introduce a bill, An Act To Amend The Commissioners For Oaths Act, Bill 15, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 15 and that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The

Commissioners For Oaths Act", carried. (Bill 15)

CLERK: A bill, An Act To Amend The Commissioners For Oaths Act. (Bill 15)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 15 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you.

Mr. Speaker, I move, seconded by the Minister of Finance, to ask for leave to introduce a bill entitled, An Act To Amend The Provincial Court Act, 1991, Bill 16, and I further move that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. Minister of Justice shall have leave to introduce a bill, An Act To Amend The Provincial Court Act, 1991, Bill 16, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 16 and that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. Minister of Justice to introduce a bill, "An Act to Amend The Provincial Court Act, 1991", carried. (Bill 16)

CLERK: A bill, An Act To Amend The Provincial Court Act, 1991. (Bill 16)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 16 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you.

Mr. Speaker, I move, seconded by the Minister of Finance, to ask leave to introduce a bill entitled, An Act To Amend The Law Society Act, 1999, Bill 23, and I further move that the said bill be now read the first time.

MR. SPEAKER: It is moved and seconded that the hon. Minister of Justice shall have leave to introduce a bill, An Act To Amend The Law Society Act, 1999, Bill 23, and that the said bill be now read a first time.

Is it the pleasure of the House that the minister shall have leave to introduce Bill 23 and that the said bill be now read a first time?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Law Society Act, 1999", carried. (Bill 23).

CLERK: A bill, An Act To Amend The Law Society Act, 1999. (Bill 23)

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

When shall the bill be read a second time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 23 read a first time, ordered read a second time on tomorrow.

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

MR. KING: Thank you.

Mr. Speaker, I call from the Order Paper, Order 4, second reading of a bill, An Act To Amend The Highway Traffic Act. (Bill 6)

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

MR. CRUMMELL: Mr. Speaker, I move, seconded by the Minister of Child, Youth and Family Services, that Bill 6, An Act To Amend The Highway Traffic Act, now be given second reading.

MR. SPEAKER: It is moved and seconded that Bill 6 entitled, An Act To Amend The Highway Traffic Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Highway Traffic Act". (Bill 6)

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

MR. CRUMMELL: Mr. Speaker, the Government Services Branch of Service NL is responsible for highway safety initiatives in the Province, under the auspices of the Highway Traffic Act and its regulations. Mr. Speaker, the Highway Traffic Act regulates drivers and the use of motor vehicles on highways. The act is a very significant piece of legislation, with more than 215 provisions and a detailed schedule, as well as eighteen associated regulations.

The act has been amended on a regular basis since its enactment, to improve highway safety and to adapt to changing conditions. Concerns have recently been raised about the personal safety of emergency personnel and peace officers when they are stopped at roadsides to perform their duties. Unfortunately, Mr. Speaker, there are still drivers who continue to drive at or even above posted speed limits, and who also neglect to give sufficient space to these personnel, dramatically increasing the risk of a serious accident.

Mr. Speaker, this bill proposes to amend the Highway Traffic Act to create new provisions for the protection of public safety or emergency personnel. A new section, 121.1 of the act, will require drivers to take appropriate safety precautions when approaching an emergency vehicle or other designated vehicle that has stopped in the lane or on the edge or shoulder of a roadway.

Specifically, Mr. Speaker, drivers will be required to reduce speed, and if necessary, stop. They will be required to pass emergency vehicles or other designated vehicles only if it is safe to do so, and change lanes if there is another lane for travelling in the same direction, or otherwise place as much distance as possible in the same lane between his or her vehicle and the emergency vehicle or designated vehicle, and only if it is safe to do so.

Mr. Speaker, the amendment defines an emergency or designated vehicle as one that has flashing or rotational lights activated or other warning or safety signs and equipment in use. Other than the usual emergency vehicles, such as ambulances and police vehicles, a designated vehicle can include a tow truck or other roadside assistance vehicles; a search and rescue vehicle; a public utility vehicle; a municipal, provincial, or federal enforcement or service vehicle; a vehicle used by a volunteer fire department or emergency medical responder in the course of responding to an emergency; or finally, Mr. Speaker, a vehicle operated under the authority of a government emergency organization in the course of responding to an emergency.

Failure to apply the safe driving practices outlined under the new legislation may result in fines ranging from \$300 to \$900 and having four demerit points assessed against a driver's record in the event of a conviction.

Mr. Speaker, this amendment is consistent with the laws in most other Canadian jurisdictions. Its enactment will greatly enhance road safety for police, first responders, and other enforcement personnel.

Mr. Speaker, I asked my officials to look into what is going on in other jurisdictions. Certainly, I have pointed out that reducing speed and, if necessary, stopping is what we are doing in this bill and fines a minimum of \$300 and a maximum of \$900 for four demerit points. When we compare it to other jurisdictions, we can see when Nova Scotia has vehicles stopped at a roadside they must slow down to sixty kilometres an hour. So they define a speed, but this is not the norm. In most of the jurisdictions they are moving towards slowing down at an arbitrary rate. More laws that have been enacted in other jurisdictions are moving towards slowing down versus a posted or recognized speed limit.

The fines in Nova Scotia range from \$350 to \$700 and demerit points range from two to four. So we are consistent from that perspective, Mr. Speaker. PEI, in their regulations, talk about no greater than half the posted speed limit, minimum fines of \$200 and a maximum of \$1,000, and again three demerit points, consistent pretty much with what we are trying to do in Newfoundland and Labrador.

In New Brunswick, when an emergency vehicle is stopped at a roadside, the drivers must slow down. New Brunswick is consistent with what we have here, but their fines are only about \$392.50 and three demerit points. So our fine regime is a little bit stiffer, Mr. Speaker.

In Quebec, we are looking at a slowdown again, \$200 to \$300, and four demerit points. Ontario is a slowdown, legislation as well consistent with our legislation here, and they range from \$400 to \$1,000 and three demerit points. In

Manitoba, again, slowdown legislation enacted there with no specific speed limits, \$300, and two demerit points.

I can go on and on, Mr. Speaker, about what is happening in other jurisdictions. Basically what we are saying here is that we are consistent with what is happening right across the country. We think certainly it is a timely opportunity to bring this to the floor of the House. I am sure that when members get up to speak to this, this will be one of the bills that will have unanimous consent. I have no doubt about that. So I look forward to hearing what the members opposite have to say and certainly the members on this side of the House as well.

Thank you, Mr. Speaker.

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

MR. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, on this side of the House we are in agreement with this particular piece of legislation. It is good legislation.

I remember seeing a program on an American channel where they were doing a documentary on people in New York City not pulling over for emergency vehicles just a couple of years ago. The TV cameras would follow an ambulance or another emergency vehicle. When the emergency vehicle was stuck in a traffic jam because people refused to pull over, the camera crew got out and went up to people's windows in vehicles, knocked on the window and asked people why they were not moving over. Some people responded in quite a shocking way. The reality and the purpose of that documentary was to show that people just were not paying attention to emergency vehicles and pulling over to make way for emergency vehicles.

I thought to myself when I saw that program, one of those days one of the individuals who refuses to pull over is going to get home from work and realize that it was one of their family members the emergency vehicle was responding to. That will probably make a difference to that

individual. The reality is we probably need greater education and greater awareness.

In this Province luckily when most people see an emergency vehicle, people still respect that and pull over. There are some who do not. There are some who will actually try and keep pace or keep speed with the emergency vehicle, or in fact on a highway, emergency vehicles that are pulled over, individuals will pass those emergency vehicles, sometimes at greater than the speed limit.

We all recall just a few years ago on the Outer Ring Road there was a government official and city officials, I think they were surveying the ruts in the Outer Ring Road. I am not sure exactly what they were doing, but I believe that is what they were doing. I am looking at the Minister of Transportation and Works or his designate and I am wondering if that is in fact what they were doing. I believe they were surveying the ruts on the highway on the Outer Ring Road and looking at ways of correcting that problem.

The official from the Department of Transportation was hit by a passing vehicle. That was quite tragic and something that I have never forgotten. When you look at the fact that these individuals go to work in the morning and expect to carry out their regular duties and come home at night to their families – sometimes because individuals, drivers, or motorists are not showing proper courtesy in slowing down for emergency vehicles, or pulling aside to let emergency vehicles pass, these individuals who are carrying out their daily work activities are putting themselves at risk.

I agree with this legislation, I say to the minister. I think that it is a good piece of legislation. I think that drivers should be required to reduce their speed when passing an emergency vehicle, and they should be required to pull aside. They are now required under law to do so, but we should impose stiffer penalties for the drivers who do not.

Mr. Speaker, I will not tie up too much time on this particular piece of legislation because I do

believe it is a good piece of legislation. I will point out for those who are listening or watching on television what parts of this act entail.

Clause 1 of the Highway Traffic Act will be amended by adding immediately after section 121 the following – and it is to ensure that stopped emergency or designated vehicles are protected. “Upon approaching an emergency vehicle or a designated vehicle that is stopped in a lane or on the edge or along the shoulder of the roadway, the driver of a vehicle travelling in the same direction shall take the safety precautions set out in subsection (2).”

Those precautions, Mr. Speaker, are, “The driver shall (a) reduce speed and, if necessary, stop; (b) pass the emergency vehicle or designated vehicle only if it is safe to do so; and (c) change lanes if there is another lane for travelling in the same direction, or otherwise place as much distance as possible in the same lane between his or her vehicle and the emergency vehicle or designated vehicle, only if it safe to do so.”

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Verge): Order, please!

MR. OSBORNE: Furthermore, it says, “The reference in subsection (1) to an emergency vehicle or designated vehicle is a reference to an emergency vehicle or designated vehicle that has flashing or rotational lights activated or other warning or safety signs or equipment in use.”

Mr. Speaker, again, I think this legislation – I do not think there will be a lot of debate or should not be a lot of debate on this particular piece of legislation. It is there for the proper reasons. Outlined in the legislation are some of the vehicles that would be recognized as emergency vehicles or utility vehicles.

Such as, “(a) a tow truck or other roadside assistance vehicle; (b) a search and rescue vehicle; (c) a public utility vehicle; (d) a municipal, provincial or federal enforcement or service vehicle; (e) a vehicle used by a volunteer fire fighter or emergency medical responder in the course of responding to an emergency; or (f)

a vehicle operated under the authority of a government emergency organization in the course of responding to an emergency.”

Mr. Speaker, we are all in favour, I would suspect in this House. I would be surprised if any individual in this House was not in favour of this piece of legislation. I am delighted to speak to this legislation and I will be supporting the legislation.

Thank you, Mr. Speaker.

MR. SPEAKER: I recognize the Member for Mount Pearl South.

SOME HON. MEMBERS: Hear, hear!

MR. LANE: Thank you, Mr. Speaker.

It is a pleasure to stand in this hon. House today and have a few words to say about Bill 6, which is An Act To Amend The Highway Traffic Act. As it has already been said, this is what has been known as pull-over legislation.

Mr. Speaker, this is really about safety. This is what it is all about. In particular, in this case it is about the safety of our first responders. When you think about it, a lot of times if we have our first responders and they are pulled over on the side of a roadway, the side of a highway and so on, in a lot of cases they are there because they are responding to an actual emergency itself. Their minds, quite frankly, are on saving somebody else.

It could be saving somebody’s life that might have been in a car accident. It could be a paramedic; it could be someone from the fire department operating the Jaws of Life trying to extricate somebody from a vehicle. The police could be there, they could be involved. They could be arresting somebody or it may simply be hauling somebody over and having a chat with them because they were going a little too fast. Whatever the case, if those people are there and pulled off to the side of the road, they are there to do a job. They are responding to some kind of a crisis, some kind of an emergency and so

on. Their mind, quite frankly, is on dealing with that situation, the situation at hand.

One thing they should not have to be worried about is the car that is coming down the road passing them by. That is what this legislation is about. This piece of legislation is about doing the best we can to protect them. As it has been said, it is about saying to drivers if you are driving down a roadway and you are approaching an emergency vehicle – it could be pulled off on the shoulder of the road, or it could actually be obstructing a full lane. It could be a double lane highway, they could be obstructing it. It could be a single lane highway and they could still be obstructing a lane for that matter.

The point is when they see this emergency vehicle and they see this flashing light, drivers need to be aware of the fact they now have a responsibility to (a) slow down, and (b) move to the outside lane. If it is a double lane go to the outside lane. If it is a single lane, when safe to do so they would go in the oncoming lane, obviously.

That is really what it is all about, to protect that emergency vehicle, protect the people who are operating those vehicles, whether they be police officers, firefighters, paramedics. Also the people they are there to protect because they are there for a reason. Obviously, as I said, there are members of the general public involved in this scene as well. That is why we are putting it in place, for the sake of health and safety. All of those employees and the health and safety of whoever they are involved with there as a member of the general public.

There is also a piece in here that talks about the fact that there are also designated vehicles. So, it not just a fire truck. It is not just a police car. It is not just an ambulance. It could be things like a tow truck, which makes sense. If there was an accident or something happened, well a tow truck would have to be called to remove the vehicles and so on. Those vehicles would be required to have a flashing light and motorists would have to respect those people as well.

It could be a utility vehicle. There could be a line down on the side of the road. It could be Newfoundland Power. It could be Newfoundland and Labrador Hydro. It could be a cable company that are there trying to repair or replace a line or a pole that is knocked down and so on. Those people are there, they are responding to a scene on the side of a roadway. This is to, as best we can, ensure that those people are also protected.

There is a fine schedule, obviously, as the minister has said; a maximum fine of \$800, a minimum of \$300, four demerit points. It is not just putting a piece of legislation in place for the sake of saying we have it. It is something that is enforceable and it is something that could (a) hurt somebody in the pocketbook if they are not following it; and (b) the demerit point, which is another reason why you would want to be abiding by this legislation. Not to mention the safety of the people and the whole intent of having the legislation to begin with.

Mr. Speaker, another point I wanted to reference here, and when I did a briefing in the department one of the questions I had coming from a background in occupational health and safety prior to getting involved here as MHA. We wanted to make sure, or certainly I wanted to make sure that this in no way could trump occupational health and safety legislation.

This in no way could interfere with that, because you would not want a situation – because right now as it currently stands, if there is a work site on the side of the road which could involve a utility company by way of example, it could involve municipal vehicles or contractors or whatever, they have a requirement under the Occupational Health and Safety Act and Regulations to have proper signage in place, to have flag persons on site to let traffic go through on either side of that construction site or work site, if you will, and all the proper personal protective equipment and so on. Obviously, this act here complements that, but it does not trump that.

We would not want companies thinking now that we have this pull-over legislation that means

I do not need flag persons any more, and I do not need to have signage any more. It does not mean that at all. If you have any kind of a work site, whether you be construction or whether you be a utility or whatever the case might be, and if you are doing work on a roadway and you are obstructing that roadway, there is still that same requirement under the Occupational Health and Safety Act and Regulations to have your signage, have your flag persons, have your barricading, and all that stuff. That still is required.

This complements it in that it also puts some onus on the driver – the member of the public who is driving down the road and approaches that scene. It also puts the onus on the driver if they are approaching a situation, as I said, where the road actually is not obstructed, but there are emergency vehicles even pulled over on the shoulder of the road where they now have to slow down and get in that outside lane, when safe to do so, and take the time and go around it in order to protect the first responder.

We all know people who work, I am sure – we know them or we have family members and so on – in emergency services whether it be the police, fire department, ambulance, whatever the case might be. We want to make sure they are all protected when they are doing their job. They are there to save lives in many cases. We have to make sure that while they are doing that they are not going to be put at risk.

I can recall seeing, Mr. Speaker, in the media I think it was a year or two ago – and I think there have been a number of cases that have happened. I think it was down in the States I was watching one night where there was an actual sheriff who was on the highway and had somebody hauled over. He got out of his vehicle, he was up against the side of the window to write a ticket or whatever the case might be, doing the vehicle check, and the sheriff actually got clipped by a passing car. Those things can happen.

There have been a number of times when you have seen that type of thing occur. We do not want that to occur here. That is why we are

putting this legislation in place. As the minister said I think it is pretty consistent with what other provinces are doing to protect emergency services and so on. The fines are pretty much consistent; the demerit points are consistent.

At the end of the day, this is all about safety. This is all about the safety of first responders. This is all about the safety of people who work in the utility companies. It is all about the safety of people who operate tow trucks and so on, and anybody who would have a need to be performing some sort of service along the side of that highway.

As I said, there are requirements on them as well to have their flashing lights and so on, so they do not get away with this scot-free. They have requirements as well, but at the end of the day it is more so about public awareness – not just a public awareness piece. We are hoping to bring awareness to it and I think there is some intent as time goes by now to do some public awareness on this once this bill passes, and I am certain it will, so that the public are more aware of it. For now, this is about putting this legislation in place to protect these people.

Again, I think it is a great piece of legislation, Mr. Speaker. I certainly support it 100 per cent. I will take my seat now and look forward to hearing what others have to say.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I am very happy to rise in my place and speak to Bill 6, An Act to Amend the Highway Traffic Act. This is obviously a great piece of legislation. It is a long time coming, in fact. I do remember, actually, we had an opportunity to do the briefing back in the spring and it was very educational. There has obviously been a need for this for some time, and I am glad this government has brought this forward. I thought,

actually, it would be on the Order Paper last year, but it is better late than never.

The amendments to the Highway Traffic Act itself are very short. We are adding after a section the following, and it talks about when you approach an emergency vehicle the actions a driver must take: reducing speed, if necessary stopping, only passing if safe to do so, and changing lanes if possible.

Then it also talks about what a designated vehicle is. I am glad to see that designated vehicles are not just emergency vehicles. We look at tow trucks, roadside assistance, search and rescue, public utilities, municipal, provincial, or federal enforcement or service vehicles, and volunteer firefighters. Again, I am glad there is a large subsection covering a lot of different vehicles. People who have to stop on the road in order perform a duty or perform a task need this protection. It is essential.

I am pretty sure that subsection (d) is actually pretty important to me because I believe that includes our workers who work for Transportation and Works. This was something we saw last summer when we had an employee of this provincial government – well, we had an accident in Flat Bay and we lost someone. The Province lost a good worker and a lot of people in the Town of Cape Ray lost a friend and family member. I lost a friend, somebody I used to play hockey with. It was a terrible day, and I actually appreciate the former minister for everything that he has done for the family and for the people in Cape Ray, and his department has done a lot.

So again, this is important legislation. We can avoid these things in the future. I do not mind saying that I have spoken to the family and they are happy to see anything that is going to prevent these types of things in the future. That is what we need to do. That is why we are happy to support this legislation – and again, the quicker we can get it in.

I do want to make a few other comments just about the act and the way this is going to roll out. I am glad to hear that once this receives

Royal Assent there is actually going to be a three-month period where there is going to be an awareness program done, an awareness part. We have seen this in other jurisdictions in other provinces. We are one of the last provinces to put this in. So we do have the benefit of looking elsewhere to see what they did to make it well known. That will be the job – I am sure there will be an ad awareness program put out there. I am sure it is going to be on TV, Facebook, and the other means of people seeing it. Again, anything we can do to proliferate that information, to get it out there and let people see it, is absolutely wonderful.

Awareness is key. It does not matter what we are talking about. We had a Ministerial Statement, and my response today to that, talking about a completely different issue, but it is awareness. It is awareness. It does not matter if it is CYFS, it does not matter if it is Transportation and Works, if people are not aware they are not going to know. Again, a lack of knowledge can be fatal to just about any cause, any means.

I do not need to belabour – I will bring up one thing, and this is something that relates to the justice side of it, and that is when it comes to the penalties. The penalties are fine; I think they are consistent across the board with other provinces. I am glad to see that there is a serious penalty here in the sense that four demerit points is substantial – and that is good. We have the fine amounts, and we have the ability, in default, where there is incarceration.

My problem comes down to – it is one thing to do the fine; that is okay. The problem we have in this Province now is our fines administration is falling behind. We are about \$30 million in receivables. We have people who are getting pulled over and caught with tens of thousands of dollars in outstanding fines. I think that is an action item that we need to take, that we need to address.

I have talked about it in the past, I have questioned it in Estimates, and I am going to continue to question it, because we have to find the way – and I do not think this is something I

have asked previous ministers, current ministers. We are all aware that is an issue, but we cannot just put our head in the sand and say we cannot do it. We have to look outside the box. Let's go to other jurisdictions; what do they do?

So again, I say that we have talked about our Province and that we have had a tough fiscal year. When we have allowed the fines outstanding in this Province to reach just about \$30 million, we have an issue we need to address. Anything we can do to reduce that – and when you see these people. There was a twenty-three year old female pulled over in the last three weeks, \$45,000 outstanding in fines. That is absolutely ridiculous. It is mind blowing, it is shocking, and it is not acceptable.

The vast majority of people respect the rules. The vast majority of people pay their dues. People get in trouble. That is the thing about a highway traffic offence is that it is not a criminal offence. You do something; you go a little fast, you do not follow a rule of the road. You get a fine and you pay it. The vast majority do that, but you see these people who are not respecting the rules. Tossing them in jail is not going to work. That is not going to help us. We have to find a way to collect on those fines or do something. There is a need to do that, and I am going to continue advocating for that part of this problem.

Going back to this, this is a great piece of legislation. It is long overdue. I am happy to see it here. I am happy to stand and support it, and I will be happy to vote for it when I get the opportunity as well, Mr. Speaker.

Thank you very much.

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

SOME HON. MEMBERS: Hear, hear!

MR. CROSS: Thank you, Mr. Speaker.

It is indeed an honour to stand up to support a piece of positive legislation as it comes to the floor of the House of Assembly.

I would like to thank the good people at Service Newfoundland and Labrador for the briefing because they are the people who have distinct knowledge I guess and they pass it on to us. We are actually standing in the House of Assembly as ordinary citizens in this nature and we present to this as an ordinary citizen would approach it.

That is probably the tact I am going to take today as I proceed after my first few comments. Just imagine how the ordinary citizen looks at this and listens to this today, and how they will react to this. Really, the onus is on that ordinary citizen, the driver to enforce most of this legislation we are talking about today because most of it is actually going to be on an honour system as people approach these situations.

Although these are minor changes, Mr. Speaker, they are still very, very important. They are so important because safety and lives may be at risk if we do not enforce this, or the driving population do not adhere to this. The driver must assume the responsibility for this.

Through this legislation and through the first three months after it will be enacted, there is going to be a very, very positive education piece. So the public will be aware of this legislation. As the Member for Mount Pearl South says, because his background was in occupational health and safety, this is not going to negate any other important legislation that is already on the books. It is not going to override or take away from the onus and the responsibility of these companies or people who do construction sites on the side of the road.

Imagine now, Mr. Speaker, if you are John Q. Public, you are approaching an area and ahead you see a tow truck. It is a little duckish in the afternoon, if we use that term, and the lights are your first impression. You see the rotating lights and you know something is amiss on the road ahead.

As you approach your first instinct should be to slow down. That would be a normal instinct. As you approach you see it is not a construction zone. Now right away then the driver has to take the responsibility to know that what is

happening on the side of the road, it may be in the ditch, it may be on the side of the road, it may be in my lane, it may be in the second lane in a two-lane highway, it may block actually part of a two-way highway.

In all of these situations things are a little different, but the driver has to assume that I have to slow down. I have to take responsibility to know that if something is blocking my lane, I approach with caution, I slow up. I sort of sense the security that is there. The people who are operating on the side of the road need to know that the driver who is coming is respecting the space that they need to do to safely carry out their occupation, whether it be a tow truck, someone from a telephone company, utility company, a light power line is down. Any of these situations may come into place.

There is not going to be signage in this case because it is a first responder, or it is a tow truck just pulling on a vehicle that has gone off the road. The actual time it would take to put out all the signage and everything like that, the job could be completed. Under these circumstances there are no temporary traffic lights, there is no temporary anything. It is just the good knowledge and the good intent of the driver who is approaching. We have to educate our public that this is exactly what we expect.

We know in other jurisdictions a lot of these laws have been enacted. As the member opposite said, we might be one of the latter provinces that are doing this. Now we have the right and the ability to judge what is done in all these other places and to enact what is most appropriate for us. We do not have to reinvent the wheel; we do not have to do all of that.

That is where this stands, Mr. Speaker. That we look at this, that there are emergency vehicles operating on the side of the road. They need to operate in safety. We have to do our part to enable that to happen. Even if you are approaching from the opposite direction, what is the onus there? If I am coming from the opposite direction, it is not in my lane, it is not directly blocking me, I have the right to proceed, but for goodness sakes, our general population

still will have the good strategy of slowing down, respecting the right of these workers to work in safety on the side of our highway.

I want to take a tiny bit more time to review a couple of things. I said I would take it from the idea of I am Joe Q. Public: What do I say to myself? How do I ask? What about this law as applicable to me?

This new amendment is requiring the driver to take the onus to slow down as you approach a safety zone. Another question, just to review again: What types of vehicles do I have to look out for? Most people are looking at us on the House of Assembly channel today or even some of us here, we still need to think: What are these vehicles? What are the different types of work that they are doing? What does it mean a designated vehicle?

The designated vehicle may be local community enforcement, local police; campus enforcement when you are on the roads around the university or post-secondary institutions. It may be utility crews for towns around our many rural municipalities where they do work.

In some other places, if you are going to operate and you are going to do the due diligence as a driver, when you approach – even like a loading zone, because in most of our smaller communities a lot of the freight that is delivered these days come in these big, long, huge transport trucks that do not have the room to back into a small private parking lot. They are actually blocking part of the road when they are discharging their cargo.

Even in situations like that, the driver should still realize that if something is partially blocking the lane I have the onus to take the appropriate action. I do not have to worry if there is a police officer there looking at me or not. It is what you do in a situation to keep yourself safe, to keep everyone else safe, and it is very, very good education for our public.

What are the specific fines that I have to really pay attention to? Again, as my legal colleague on the other side said, these are more highway

enforcement type activities. They are not criminal code violations. The onus is on the driver, that these fines should never have to be even taken and put into place.

If someone is operating their vehicle safely and they are doing this properly as a Joe Q. Public driver, I should not have to even think about what the fine would be because I operate within the jurisdiction of what is expected of me as a driver in today's world and I do that in safety for everyone concerned.

I think this is positive legislation, Mr. Speaker, and I am sure from all the speakers we have had so far there seems to be a great deal of support for this. I thank you for the time today.

SOME HON. MEMBERS: Hear, hear!

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

MR. MURPHY: Thank you, Mr. Speaker.

It is a great day in the House of Assembly, it is a great day to be a New Democrat, and it is a great day to see government listen whenever you get in to talk about a piece of legislation. I particularly want to thank government for listening to the views we have had.

I guess it was probably about a year ago now that I met with the previous minister on this issue. He listened quite intently. His staff were really intent on coming out with a piece of legislation to protect highway workers as well. He listened. He sat down and listened to the arguments we had as regards the legislation and why it needed to be passed. I am glad to see this piece of legislation come forth today, so it is a great day for everybody, particularly if you are a highway worker.

I want to say that back in 1993 I do not think anybody in this world would have imagined a piece of legislation would be necessary like this. Back in 1993, just to inform the House and to inform the listeners of the House of Assembly channel and the viewers out there, there was a gentleman by the name of James Garcia. James

Garcia is probably a name that every paramedic, every police officer, and every highway worker would probably remember from this day forward.

James Garcia was a paramedic who was responding to an accident scene in South Carolina in 1993 and actually became involved in a car accident. He was at the scene. He was a first responder at the accident scene. He ended up getting hit by a vehicle at the accident scene, yet he was charged with causing the accident – charged with causing the accident – while being a first responder to the accident scene. Now, that is how backwards driving laws were in South Carolina.

On that particular day, I guess after the accident, Mr. Garcia took the charge upon himself to get hold of various government officials and get forth a bill presented in the South Carolina Legislature to get highway workers protected. That is where move-over legislation started. It was in South Carolina in 1993.

So we have gone from a paramedic who was hit to today's House of Assembly here, about twenty years later, and we have to see the handiwork of Mr. James Garcia, who deserves all the credit in the world. We will wave the hand to Mr. Garcia on that and let him know his legislation is coming through here.

Having said that I am glad to see that government has come out with legislation today. We have asked for it for a long time. I want to thank the staff at Service NL for the great meeting we had with them I guess it was about a year or a year-and-a-half ago now with all the staff there. They asked us about our concerns on it, asked us where they thought it should be enacted in that particular part of the Highway Traffic Act, and they listened. So, again, like I say, it is a great day.

When it comes to the actual piece of legislation itself, we are totally for it. This side will be voting in favour of this particular piece of legislation. It is a very important piece of legislation, and I think the hon. Member for Mount Pearl South touched on it. It is an

occupational health and safety issue as well because it deals with the workplace of anybody who is responding to an accident, for example. These are mobile work sites, if you will. Not only are they in their police car and pulling in cars and everything, but their actual work site deals with being on the highway.

So, these are, in essence, mobile workplaces. That is the other reason why you have to have move-over legislation too, because it is not exactly a fixed workplace either. This is a concern that we heard when I was dealing with the police right across the Province of Newfoundland and Labrador. I do not know how many RCMP officers and RNC officers that I talked to about this piece of legislation, how many paramedics I talked to about this particular piece of legislation, too, in the full face of the government's ambulance review. It has been an ongoing issue with me pretty much about three years ago when the move-over law first came to the attention, and the need for it. Again, I am glad to see that government is bringing forth this particular piece of legislation.

Wildlife officers, when they are out there doing work, when they are out there in their vehicles, probably checking out other vehicles on the side of the road, will have protection here. As long as their lights are on – and that is the key to it. The lights of the vehicles have to be on. Vehicles have to be enacted, if you will – they have to have their lights going. Police, ambulance, you name it, if it is out there on the highway, it gets coverage. Highway enforcement officers, as well, would also get coverage under this piece of legislation.

Mr. Speaker, I also have to emphasize the need for a very good PR program to make sure that everybody is going to understand this law, and just to give everybody out there, too, a sense of what this law is all about.

We already know, as drivers out there, that anything in the rear-view mirror pretty much is covered under the act now, under the Highway Traffic Act. What we are dealing with now is everything that is through your windshield. So, anything that you see up ahead that deals with

emergency lights flashing on the side of the road, that is when you should automatically think, right off the bat, that you are going to be dealing with move-over legislation of one form or another, and that you should start paying attention to the emergency lights that are up ahead of you.

We already know again, Mr. Speaker, what happens in the rear-view mirror is already covered under the act. We are dealing with what is coming up to you through your front windshield.

Where do you go to get a good PR program? Well, I can tell the minister right now, I can tell this House, just to give one example of a good PR program that is out there, the Michigan State Police have a really, really good program, a really good PR program. They also out a lot of Tweets out there and they supply links. If you go under #MoveOverLaw on your Twitter account, you can see the Michigan State Police there and the programs that they have enacted. Follow the links around it and it will take you to a very varied YouTube program of every single highway traffic act, law, or every other act that they are dealing with when it comes to any kind of criminal legislation. If you go into Twitter and you look up #MoveOverLaw, you will see that there. It is great place to go and have a look, right off the bat, to see some of the PR programs that are out there.

Mr. Speaker, as regards to the fines, I was quite pleased to see that government is going to be coming out with a heavy fine because it does put the emphasis on safety when it comes to this particular piece of legislation. We know that the legislation right now is calling for anywhere between \$300 to \$900 and the applicable amount of demerit points, I was quite happy to see that as well, with the four points that are going to be enacted off anybody's driver's licence if they are found guilty of such an offence.

Again, that is about all I can say on it – other than to say that this is the second last Province in Canada right now, as far as I now, New Brunswick is the only other province that needs move-over legislation. There is one state as well

in the United States that does not have it and that happens to Washington, DC; the District of Columbia does not have it. So it is pretty much going to be all in North America.

I might add, too, that when it comes to the PR program, a good series of news releases enforcing the simple fact that this law is going to be coming into place at the time it gets Royal Assent three months from that particular date. All drivers now should be warned that this piece of legislation is going to be – it is probably going to end up being passed today. They should be forewarned that this is going to be happening. It is going to be happening for the good of every paramedic out there. It is going to be happening for the good of every police officer who is out there, or any of the other highway workers that other members have been talking about. It is a great day.

I will finish up by saying that this party will be supporting this piece of legislation, naturally.

Thank you very much, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. MITCHELMORE: Thank you, Mr. Speaker, for the opportunity to speak to Bill 6, An Act to Amend the Highway Traffic Act.

It is certainly an important piece of legislation to protect the citizens and the emergency responders that we have in the Province. I am quite pleased to see the comprehensive listing of emergency response vehicles, as other members have mentioned.

If we look at where we currently stood before this legislation can come into effect, we do not have anything beyond when we are encountering stationary emergency vehicles that would have their emergency lights activated, and that a current offence of failing to yield right-of-way of emergency vehicles would be a fine of between \$300 and \$900 and a loss of two demerit points.

It noted that the act that we are currently debating would come into effect three months after Royal Assent. In looking at what this act is meant to do, I undertook some research to look at what other jurisdictions are doing. Sometimes you get surprised, I guess, by the inconsistencies across provinces when it comes to looking at legislation on certain highways, the different speed limits that people are requesting, the different fines that are imposed from jurisdiction to jurisdiction makes it difficult for residents of this country, Canada, to look at understanding our legislation as we are driving from one province to the next. It does present some challenges that there are inconsistencies.

If we look at Ontario, for example, Ontario has a fine of \$400 to \$2,000, plus the loss of three demerit points, for those that would not move over into a lane when it is able to be done safely; and if that is followed up by additional offences, then the fines range from \$1,000 to \$4,000 and/or imprisonment for a maximum of six months. They have really taken this very, very seriously when it comes to that piece of legislation.

PEI law, if we look at that, it states that no person shall drive a motor vehicle on a highway at a speed greater than half the posted speed limit when approaching an emergency vehicle that is stopped on a highway and would have the lights active, in operation. Those fines are between \$100 and \$200. We can see the difference between just Ontario and Prince Edward Island right there.

As well as Manitoba, they have no actual listed posted rate as to what somebody should slow down to, but only to pass when it is safe to do so, to use discretion. The fines in Manitoba look at \$247 and two demerit points, but a maximum of up to \$2,000. You could also get your driver's licence suspended up to one year on a judge's ruling, if convicted. We are certainly seeing a different level based on jurisdiction as to how serious move-over legislation can be.

Alberta and Nova Scotia has a similar legislation that asks drivers to slow down to a speed of sixty or the posted speed limit, whichever is less,

when approaching a stopped emergency vehicle that has their lights activated on the highway. In Alberta, basically the fines follow that similarly to other motor vehicle regulations. Nova Scotia's fines are between \$340 to \$685.

Quebec has a similar law when it looks at having a buffer lane so that you protect human life. Their fines are between \$200 and \$300 and four demerit points. If we look at spanning the country and the other pieces of legislation, they are very different. People can become confused as to if they are following what should be a very simple law correctly.

As I read the legislation there, in our law it just talks about slowing down. It does not actually talk about any specific speed. Maybe that is something that I will have to ask in Committee about getting clarification. In Alberta and Nova Scotia, they do have clarification as to how much you are expected to slow down to: sixty kilometres or to the posted speed limit up to fifty kilometres an hour so that you get a reduced speed.

Looking at many roads that we see in some of our rural areas the posted speeds are very low, they can be thirty kilometres an hour, and looking at the narrow roads and the fact that some of our roads do not have very broad shoulders. If we look at routes that do not have a zero at the end of it, they may not necessarily even have white lines painted on the edge because of the distance there. We have to look at in some areas of the Province there is not a whole lot of room to be looking at this move-over piece and that we have to do it in a very cautious way.

One of the big things that I want to see out of this legislation, and it has been talked about, is how we inform the general public. Once this legislation was passed in Nova Scotia, the police were reporting that drivers were not slowing down, despite the law being entered into legislation. Most drivers were really unaware of the law, despite giving media attention to it. There were a number of post cards mailed out, there were ads, and there was media pertaining around it. People still did not understand that

this was legislation, that there was a period of which there had to be some level of enforcement, where there was a grace period. Maybe then when tickets were starting to be introduced, that jurisdiction may have seen greater compliance when it comes to the move-over legislation.

In Quebec, for example, they had an issue-based campaign with thirty-second television messages, radio messages, a Web page dedicated, and it even showed videos of how to deal with the situation appropriately, given if there were double lanes, if there was just a single-lane highway, or in a rural area.

That might be something that the Department of Service Newfoundland and Labrador may want to consider is posting videos showing people in these situations and in these vehicles how to go on and look at, depending on the circumstance, how to safely mitigate and protect the lives of our first responders, our emergency responders, whether it is our police, our fire department, or our paramedics, or whether it is somebody dealing with a tow truck or utility in times of when a poll has fallen. That is something I think really needs to be looked at.

I would like some clarification as well as to why the fine level was chosen, as to that rate, given that some other jurisdictions have heavy fines for this type of legislation. I will say what we need to see from this legislation is a clear, effective plan, which I am sure the Department of Service Newfoundland and Labrador will be putting in place over the three-month period in which the law is coming into effect, that time where we will see an appropriate media campaign and recognize the importance of public safety for both the drivers and the designated vehicles, for those this law and legislation is meant to protect.

I see it as very good legislation there, Mr. Speaker, and I certainly will be supporting it. I have a number of questions, I think, that I will be asking in the Committee phase as we get into this piece of legislation. It is really important that as legislators we have a thorough understanding of the overall impacts this

legislation will have on people and constituents, especially those who I represent in a very rural district.

With that, I will take my seat. Thank you.

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

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

I decided to speak to this bill because it is an important one. I think as all of us in the House recognize and has been said by other speakers, it is long overdue. I am very glad to see that we are finally getting it. I hope that the one province that is left after us and the one territory follow it so that we know right across Canada this type of legislation is in place. We owe it to the workers here in this Province. We owe it to the workers of all of the designated emergency and other vehicles that are going to be covered by this law. They have to know that they are safe when they are doing their work, and their families have to know that they are safe when they are doing their work.

I am sure we all have seen things on the highway that sometimes really give us cold chills, and you wonder: What is the driver thinking? How can they be driving the way they are? How can they be so irresponsible? Because the things one sees sometimes really are awful. It is more than just drivers going fast. It is drivers not caring how they are passing people. It is drivers not driving in a lane and all kinds of things.

One of the things that came to mind today when I was preparing to stand and speak was what I have seen, for example, and I am sure many of us have, with the new regulations we have with regard to road maintenance where we have to slow down. The signs are up. You are usually given lots of warning that the speed limit is going to drop. We all know the fines for breaking that can be pretty hefty; yet, at the same time, drivers assume, and you know you can even feel it in yourself sometimes, I have thought: Well, I wonder do I really need to slow

down? I do not see anybody. The thing is if the signs are there, you do need to slow down because you do not know where the workers are.

I have been in situations where I have seen drivers take for granted: I cannot see anybody so I am just going to keep speeding through this area. Even though the signs are up, even though you know you are now in a 50 kilometre zone probably – that is usually what it is, sometimes it is down to thirty – we cannot assume because we cannot see anybody at the moment that we do not have to stop.

That experience of those new rules around slowing down for road maintenance with all of the warnings that are on the road and the way in which I observe drivers ignoring it makes me wonder how we enforce the act. The act is really important and putting down these move-over regulations – first of all the legislation and then the regulations that will go with it – are extremely important. We have to do it, but the question becomes: How does it get monitored? How does it get enforced?

I am sure the department is looking at that, and I will be looking forward to hearing how they see that happening. When we are talking about the rules we have with regard to maintenance areas on the highway and slowing down when we see the signs, there we actually – they know they are going to be doing the maintenance. They have the time to set everything up. They have the time to put the signs in place. They have the time to put the new speed limit in place, et cetera. People can get warned well in advance that they are going to have to slow down, even then many do not.

In the case of emergency vehicles, like when we are talking about some of the things that are here, for example, a search and rescue vehicle, a tow truck or a roadside assistance vehicle, maybe an ambulance. These are in emergency situations and they do not have the time to put down warnings that you are coming across an emergency situation.

It is going to be more complicated I think getting people to comply with these new regulations.

That is why the educational program that is being talked about by the department is going to be so important. I would suggest it is going to have to be on many, many levels in order to get people into the new culture, because it will be a new culture.

One would like to think it is common sense that people slow down when they see an emergency. One would think it is common sense that people would slow down and pull over when there is an ambulance coming behind them with lights flashing or fire trucks coming with lights flashing. One would think people would automatically do it, and we know that is not the case. That is why we have to put the laws in place.

Since it is not common sense, since there are drivers out there who for some reason do not seem to care, then we are going to have to make sure we do the education on many, many levels. We are going to have to start in schools right away so that young people who do not even yet drive become aware of it; for two reasons. Very often young people are the ones who teach their parents. If young people in schools are being taught the new laws then they become observers in the vehicles with adults when adults are driving.

I think we have lots of situations where parents do know who get pulled to attention sometimes by their children because of the education that is going on with children. I can think of adults, for example, who stopped smoking, period; not just smoking in their homes but stopped smoking because their children were becoming so educated about the ills of smoking that the adults finally said I have to listen to my child. I have to listen to what my children are saying.

Education right at the level of the elementary school, even primary, right down around this, will help all the other education that is going on, because children will pay attention. If they are taught in school you really have to look out for emergency vehicles and drivers have to look out for it, and you have to be ready to stop. They will learn that and they will be the ones who are after the adults, as I have said.

The whole thing of enforcement is going to be difficult. If, for example, you have emergency vehicles on the side of the road and they are all caught up in the emergency, they are not going to be able to take the time, maybe, to actually see. They will maybe know a car has sped by, but to get the licence plate number from that car is going to be very difficult.

So, I am very interested in knowing what measures the government will put in place. I presume the measures will be put under Service Newfoundland and Labrador – what measures are going to be put in place to really be able to ensure the enforcement of the legislation is going to be adequate.

The other thing, and this has been raised by other speakers, is the issue of speeds. I note there is nothing in the bill itself with regard to the speeds that are acceptable. All we have in the bill is saying that when the driver comes across the situations as outlined in the bill, the driver shall reduce speed and if necessary stop. We are not the only ones not to put the actual speed that one must slow down to in legislation.

For example, in British Columbia they do not have the speed in their legislation. They have it in their regulations. Because the regulations are not written yet, we do not know what is being thought about. When we come into committee I would like to hear from the minister, what exactly is it they are looking at doing?

For example, in British Columbia it says, “if an official vehicle with illuminated flashing red or blue lamps or lights, or both, or flashing amber lamps or lights is stopped on or on the side of a highway, a person driving a motor vehicle on the highway in either direction must drive the motor vehicle at the following rate of speed when approaching or passing the official vehicle: (a) 70 km/h if signs on the highway limit the rate of speed to 80 km/h or more; (b) 40 km/h if signs on the highway limit the rate of speed to less than 80 km/h.”

They have put this in regulations. They do not have the speed in their legislation either, as we do not; they have it in their regulations. It is not

unusual for the speed to be put in the regulations, but I would be interested in knowing what the department is looking at for the speed limits here. I think that would be extremely important.

I can understand why if you are on a road where the speed limit is higher that you would not have to slow down as much. There is a difference if you have single lanes and double lanes with regard to how you slow down. If you have a single lane then the cars have nowhere to go and the emergency vehicles may even be partway into a lane. You would want to slow down a fair bit, I would say, to make sure that the people who were involved in the emergency situation are safe.

It would be very interesting to see what our department is looking at with regard to the speeds. This is something that would really concern me. I also wonder if the department is looking at perhaps having signs posted on the highway. It would be part of education but it would be also part of ongoing information, at regular intervals, signs posted giving what the speed has to be if somebody comes across emergency vehicles, or emergency vehicles are coming at them from behind.

I have to say, and I am sure others have observed the same thing, that it gets frustrating from the perspective of what are they thinking when you see cars ignoring emergency vehicles coming from behind that need us to slow down, pull over so that they can move through. I think that we definitely would have to have something in an ongoing way posted, intervals on the highway, reminding us what to do when emergency vehicles are coming in terms of the speed that we should go down to.

These are the main points I want to make. I just felt because it is such an important bill, there were a couple of points I wanted to emphasize myself. The other thing, too – I think I made the point so I am not going to repeat myself.

AN HON. MEMBER: (Inaudible).

MS MICHAEL: Do you like that? I like that, too, when we all can control ourselves and not repeat ourselves.

I am going to leave it at that, Mr. Speaker. I want to say this. I do ask the minister –

AN HON. MEMBER: Bravo.

MS MICHAEL: Actually brava – feminine and masculine.

I do ask the minister if he has information of what the regulations are looking at with regard to speed. I would be really interested in having that information in Committee and we will ask for it if the minister does not spontaneously give it to us.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BENNETT: Thank you, Mr. Speaker.

I would like to speak in favour of this legislation.

SOME HON. MEMBERS: Hear, hear!

MR. BENNETT: It is an unqualified support and I do not want to be too critical of the deficiencies that I see, but I would like to give some background.

In the period from 1989 to 1990, a five-year period, five police officers were killed on the highways in Ontario before move-over legislation was introduced. I was living there during most of that time and recall each time the horror story of the police officers doing their job, police officers leaving home in the morning and not coming home in the evening because they were killed, just by passing motorists, just because of a routine stop.

The first one in 1989 was Constable John Gregovski, killed January 4, when he went to

assist a disabled van on the QEW at the base of the Garden City Skyway Bridge. A wrecker had been called and the two men were seated in the cruiser, with the roof lights on. A westbound tractor trailer came in the right-hand lane, struck the cruiser, pushed it into the disabled van and sent both vehicles 200 feet up the Skyway Bridge, killing both the officer and the thirty-six-year-old passenger.

April 2, 1996, senior Constable Michael Gula, while patrolling the QEW northbound in Niagara Falls, observed another highway cruiser stopped with a female motorist. He stopped and activated his roof lights to complement the other cruiser. As he was standing there, a sport utility truck struck him from behind, killing him.

Constable Charles Mercier was assigned to safeguarding and directing traffic at a construction site on the QEW on September 30, 1999. His location was on the right shoulder of the eastbound lane near the base of the Garden City Skyway in St. Catharines. Just after 8:00 a.m., Constable Mercier was in his marked cruiser with a raised rooftop-activated flashing arrow sign when a cube van crossed from the passing lane and plowed into the rear of the highly visible police car. The car was pushed 132 feet into a ditch between the highway and Dunkirk Road. The OPP vehicle was wedged under the truck, killing the officer.

December 31, 1999, Senior Constable James McFadden was working the day shift on traffic patrol east of Chatham. He stopped a Michigan driver for speeding and was parked behind the subject's vehicle with his emergency lights activated while he wrote the ticket. Another driver came up behind the two stopped vehicles and rammed the cruiser from behind, killing Constable McFadden.

On June 9, 2000 Sergeant Marg Eve left her family and went to work and she was stopped checking a vehicle that was suspected of being involved in an armed robbery in Windsor, Ontario. While talking to the occupants of the car, a driver of a transport truck drove directly into the three police cruisers, the suspect vehicle, and all five people standing on the shoulder of

the highway, killing Sergeant Eve and seriously wounding the others. There is a name plate recognizing that on the 401 right now.

Ontario introduced this legislation and many of these drivers, tractor trailer drivers, were professional drivers. The Ontario legislation was introduced and passed in 2003, so we should not think that we are reinventing the wheel. We are ten years late with the legislation that Ontario was probably very late with in the first place.

Now, a person might think that having that legislation would make quite a bit of difference; however, legislation does not make as much difference as public education. In 2008, the Government of Ontario issued a directive. Five years after the legislation, that directive was issued by two Cabinet Ministers, Jim Bradley and Rick Bartolucci. It was also issued by Julian Fantino who was the Commissioner of the OPP, five years after the legislation was passed. Two ministers and the Commissioner of the OPP – and Commissioner Fantino today is a Cabinet Minister in the federal government – five years after, they are urging motorists to slow down.

I would say that in the case of our legislation, the public education piece will be the absolute most critical update, most critical piece of legislation to educate drivers. This is a communiqué from the McGuinty government on June 27, 2008 outlining the need to slow down and pull over. You would think maybe that would make a difference to drivers, maybe it made a difference to some; however, the type of driving has not changed.

On July 25, 2011, OPP urges motorists to obey the move-over law. "This is an important education and targeted enforcement campaign." It outlines the hazards of not pulling over.

It is not just restricted to the Province of Ontario, because in 2010 a CBC news story said, "Police in Nova Scotia say most drivers are not slowing down when passing stopped emergency vehicles, despite a new law that came into effect..." This was only a month earlier. They

say, “Officers say most vehicles are failing to comply.” Corporal Andy Hamilton of the RCMP said, “I’m finding the vast majority of vehicles aren’t slowing down and when I motion for them to slow down they’re just looking confused”.

“Hamilton said when he asks motorists why they did not slow down many say they are unaware of the new law.” He says, “On some occasions I’ve been able to finish my traffic stop and catch up with a few vehicles and each time the motorists are complaining they have no knowledge of this new legislation although there has been some media attention given to it.”

It is not restricted to Nova Scotia either. In Quebec, there is a news story also from CBC on October 7, 2012, “A Sûreté du Québec officer is dead, after he was hit by a passing vehicle while on duty in the Laurentians Saturday. Donovan Lagrange, a nine-year SQ veteran, died while on duty. Donovan Lagrange, 33, was struck while walking back to his patrol car from two other vehicles he had pulled over in a speed trap.”

August 6, 2013, CTV in Montreal said – so this is 2013, this is ten years after the Ontario legislation and well after the Quebec legislation – “...too many drivers are failing to respect the province’s ‘move-over’ law.” In the first year after the law was put into place, police officers “...stopped 2,600 drivers for failing to move over, and each one has been issued a ticket for \$200-\$300 and lost four points on their license.”

Mr. Speaker, for sure this is good legislation. It is necessary legislation. It is important legislation. As I said earlier, it is a little bit late coming. This allows us to catch up on the legislative side with other jurisdictions in Canada.

Where the legislation is deficient, and both the Member for The Straits – White Bay North and the Member for Signal Hill – Quidi Vidi pointed to speeds, this legislation says drivers shall slow down. Well, from what speed to what speed? Shall slow down simply is unclear and it should be clarified. Ideally, it should be in the statute. If it is not in the statute, I would urge

government to put it into the regulation and post it.

In Alberta, a driver is required to “Slow to 60 km/h or to the posted speed limit, whichever is lower.” I do not know why you would not be required to slow to the posted speed limit in any event because you would be breaking the law if you were over the speed limit.

In British Columbia, you are required to “Slow to 70 km/h if the posted speed limit is 80 km/h or more. Slow to 40 km/h if the posted speed limit is less than 80 km/h.” In the Northwest Territories, a vehicle is supposed to slow to half of the posted speed limit.

Mr. Speaker, for sure drivers need to be informed and educated. Every year people renew their stickers, every five years they get a driver’s licence. These are opportunities for public education. For sure we need legislation that has how much the speed reduction should be from or to, and it also needs to be to inform drivers of the new legislation.

Nova Scotia says, “Slow to 60 km/h or to the posted speed limit, whichever is lower.” Prince Edward Island says, “Slow to a maximum speed equal to half the posted speed limit.” If the posted speed is 100, you must slow to fifty. If it is eighty, you must slow to forty. It also goes on to say, “Vacate the lane closest to the stationary vehicle if it is safe to do so.”

Mr. Speaker, in Saskatchewan the legislation says, “Slow to 60 km/h or less except when on a divided highway and on the opposite roadway from the vehicle in question.” The deficiency I would see in the legislation is we do not have a mandated speed limit that a driver must slow to. In my view, that makes this unclear.

The public education can be done afterwards, needs to be done afterwards, but could be done beforehand. There is no reason I can think of that all the advertising this government does and all the advertising it is doing internally in the Province today, some of that advertising could not be directed in saying this legislation is

coming and mandate drivers to understand exactly what it is.

If we can see ten years after the Ontario legislation we still have this problem in various parts of the nation, and if we can see in every single province where there are news stories about legislation that was introduced, there was a huge compliance problem that the police experienced. I think that public education is critically important.

In this legislation I would say for sure we need more precision as to what the speed limit ought to be. I am not as concerned about the penalties because the penalties come after the fact. Our Highway Traffic Act in my view could be and should be updated to have more types of infractions and higher penalties, but we are not here for that purpose today. Today it is for the move-over legislation, which I support absolutely. However, the legislation should say you have to slow down to this speed or this speed or a formula.

For sure public education would be critical. We owe it to our emergency workers, our police officers, and anybody who works on the highway, that we put into place this legislation because it really is health and safety legislation. It would protect people who are out there to protect and serve us.

Those are my comments, Mr. Speaker.

Thank you.

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

MR. DAVIS: Thank you, Mr. Speaker.

Thank you for the opportunity to rise in my place today and to participate in the debate on Bill 6, An Act To Amend The Highway Traffic Act.

Mr. Speaker, we frequently see amendments to the Highway Traffic Act come before this House. It is one of the pieces of legislation that is a larger piece of legislation. It is one of the

largest ones we have. There are about 215 sections, if I recall, in the Highway Traffic Act. Some of those particular sections can be lengthy. Some of them can be detailed and have a lot of information in there.

As well, the Highway Traffic Act is a piece of legislation that affects virtually everyone in the Province. Most people, anyone who operates a motor vehicle or travels in a motor vehicle or accesses and use roads, then the Highway Traffic Act has an impact on them.

This piece of legislation, Bill 6, is a very important one, Mr. Speaker. It is a very important piece of legislation for us to consider. It is also a very important piece of legislation for the people in the Province who find themselves on our highways, on our roadways throughout the Province in conducting the business they engage in, if it be maintenance work of our highways, if it be assisting the general public or motorists, or if it be in the role of enforcement. This piece of legislation is going to have an impact on all of it.

Mr. Speaker, hon. members opposite throughout the debate this afternoon had referenced a couple of the terrible tragic events that have occurred on our highways when it comes to highway workers. I would like to thank the Member for Burgeo – La Poile for his comments earlier this afternoon. I certainly appreciate that.

I can tell you, this summer when I was Minister of Transportation and Works it was a difficult time for the entire family in the Department of Transportation and Works. I know speaking to officials and my colleagues who were predecessors of me in the department, that in 2011 – I know the Member for St. John's South referenced an incident that occurred on July 5, 2011 when there was a fatality on the Outer Ring Road here in St. John's, the Trans-Canada Highway.

Both of those incidents were tragic. They were tragic for the individuals and their families. Obviously, it had significant impacts on their families. It also had impacts on workers who were on the site, people who happened to be on

the site, members of the general public or emergency responders who had to respond to these incidents.

As well, Mr. Speaker, it has had an impact on all of the people, all of the employees in Transportation and Works. The numbers of staff at Transportation and Works varies throughout the year, depending on the season. At times, there are upwards of 2,000 employees working throughout Newfoundland and Labrador in the maintenance and operations of our highways, from the people who are actually on the ground, labourers, from equipment operators, people who operate equipment in the summertime and the wintertime, as well as in snow and ice control who try to maintain our roads during very difficult weather conditions. It has an impact on all of it.

This law, this Bill 6, is going to have a positive impact on all of those people and more besides. It is going to have a positive impact on emergency responders, if it be the RNC or the RCMP, if it be a requirement for medical emergency circumstances, if it be an ambulance, fire services and other emergency responders that find themselves on highways from time to time, such as highways enforcement officers as part of motor vehicle registration and also fish and wildlife enforcement officers as well, and there are others. There are others who find themselves on our highways from time to time.

There are sections in this act that I want to take a few minutes to reference. Under the act, this is what the bill states, "The Highway Traffic Act is amended by immediately after section 121 inserting the following" – I think it would be prudent just for a second to talk about what is being referred to under section 121, and that is the section under the Highway Traffic Act that indicates that when an emergency vehicle is approaching that vehicles on the highway are required to move to the right as far as they can, pull to the right-hand side of the road and stop.

I know from my own experiences, Mr. Speaker – as you and many people are quite aware, I spent twenty-five years in policing in Newfoundland and Labrador. I worked on the

West Coast and most of my career here on the East Coast. Many, many, many times we are on highways responding to emergencies or calls for service, a whole variety of circumstances, and also responding to emergencies and find people are very unpredictable in the response they have when an emergency vehicle is approaching them.

Sometimes on a divided highway people will try to move to the left. If they are in the left lane of divided highways or in the left lane of a multi-lane highway, they will try and squeeze to the left. I know from my own experience that is a very dangerous thing to do. The requirement of the law is to move to the right and that people should do that.

What this bill does, Bill 6, is it adds a new section immediately after what is currently existing in section 121 and it will become 121.1. In addition to what already exists in the Highway Traffic Act, this will require that "Upon approaching an emergency vehicle or a designated vehicle that is stopped in a lane or on the edge or along the shoulder of the roadway, the driver of the vehicle travelling in the same direction shall take the safety precautions set out in subsection (2).

Subsection (2) says: "The driver shall (a) reduce speed and, if necessary, stop". It is a required judgement on the operator of the vehicle, depending on the circumstances that exist at the time.

Mr. Speaker, I would suggest, there is no way that this legislation could prescribe every potential eventuality that a driver could encounter while on a highway. There are multiple lane configurations that exist. It could be at intersections. It could be in other places. We do not know how much traffic is on the road, how wide the roadway is, weather – the Member for St. John's East mentions weather, and there is no way.

This is the way it is described. You shall "reduce speed and, if necessary, stop". I would suggest to you, Mr. Speaker, and to this House that the circumstances that exist in what a driver

would be required to do will in some ways have to be left to the interpretation of the police officer who would be investigating such an incident and apply his knowledge of all the facts that exist at that particular incident.

It also says that the driver shall “pass the emergency vehicle or designated vehicle only if it is safe to do so”. It goes on to say “change lanes if there is another lane for travelling in a same direction, or otherwise place as much distance as possible in the same lane between his or her vehicle and the emergency vehicle or designated vehicle, only if it is safe to do so.”

Mr. Speaker, what I would say to you and I go back and when I look at this bill and I think about it, it is something that has been on my desk as the former Minister of Service NL and just wanted to acknowledge what the Member for St. John’s East referenced earlier, that he came and met with me about this and he did actually. At the time, I told him the only problem was that we had already started to work on it.

I appreciated his interest in it and the value that he had in it and that he came and had that discussion with us and we were on the same page much as we are today, that this is a useful piece of legislation that is going to help to make the roads safer for everybody, makes it safer for the workers on the road and it makes it safer for the general public who have to travel on the road as well.

It has taken us a while to get here because the good, hard-working staff in Service NL – and I was speaking to the Minister of Service NL here in the House today. We had a discussion about this particular piece of legislation and he understands how much work has gone into this piece of legislation. I am glad that he is here today and brought this forward for consideration by the House because it is important. He was telling me today how the staff in the Department of Service Newfoundland and Labrador did a full jurisdictional scan.

What that means for the people at home is they took the time to go to other provinces in Canada.

When you do that, you say: What do you have in place now? That can happen pretty easily. You can go on the Internet; we can all go on the Internet and search what laws are in place in different Province. Then we say: What advice do you have for us? If you had your time back, how would you modify or change that law? What changes would you make? What additions would you make? What is creating a challenge for you or what is creating a challenge for your police?

So we do a jurisdictional scan across the country to find the best practices and what works best. It is a big piece of work to do, and then to do an evaluation of that and come up with what we have here today as Bill 6.

The Member for Burgeo – La Poile also – I believe it was the Member for Burgeo – La Poile and he can correct me if I am wrong – referenced outstanding fines, people being stopped and outstanding fines. I am glad he brought it up because he is accurate in what he says in that there are a large number of people in the Province who have a large number of outstanding fines. Mr. Speaker, I would like to tell you it is not as large as it has been in the past. The value of outstanding fines is coming down.

Then that leads to the question: Why is that? There is a number of things we have done as a government to create safer highways for the people of Newfoundland and Labrador. One of the things we did as a government prior to me coming here, as a matter of fact I was a police officer when this took place back in 2003-2003, was we began a process of developing a new training program for police officers and a new ability, an opportunity to hire more. In the case of the RNC, there was a new program developed through Memorial University. Police officers now being trained and hired by the Royal Newfoundland Constabulary actually have to complete a university program.

My recollection at the time was it was the only one of its kind in the country, probably North America. I stand to be corrected. I believe that is still the case. It is still the only one of its

kind. I do know that police services from other jurisdictions across the country have spoken to, met with, and visited the Royal Newfoundland Constabulary to learn what they have been doing, how they are now training their cadets, and what the results are of this new training program. It is probably one of the most comprehensive police training programs in the country.

As well, Mr. Speaker, we have also worked with the RCMP to provide both services – the Royal Canadian Mounted Police and the Royal Newfoundland Constabulary – with the tools to do a better job. We have increased the policing budget since 2003 by more than \$50 million –

SOME HON. MEMBERS: Hear, hear!

MR. DAVIS: – and we have added 140 new police officers, serving the people of Newfoundland and Labrador since 2003.

That is not all we have done. This goes more to the point that from the Member for Burgeo – La Poile raised today, because it is a very valid point. We brought through a piece of legislation in this House – I cannot give you a specific date; it was the last couple of years we brought through a piece of legislation that gives the police the powers to conduct random roadside checks. They never had that power before.

Before that, the police had to have reasonable grounds to stop a vehicle. They had to have a good, bona fide reason to stop a vehicle: crossed over the line, was speeding, got broken light, has done something that would cause the officer to give him grounds to stop and check the driver to ensure they are in compliance with the law, to ensure that they have a driver's licence and registration, they are not driving while impaired, or there is not some other issue occurring.

What we did as a government is we brought a new piece of legislation that allows police officers in Newfoundland and Labrador to conduct random stops. So they see a vehicle and they stop a vehicle, and they say: I am stopping you to ensure you are in compliance with the law. I want to see your driver's licence. I want

to see your registration. I want to see your proof of insurance. They get the opportunity to assess the driver to make sure they are sober, that they are not operating while impaired by alcohol or a drug. It gives them an opportunity to have a closer look at the vehicle they are operating to make sure that the vehicle is in compliance with the Highway Traffic Act and the Highway Traffic Act regulations, and to ensure that person operating the vehicle, that everything is good to go, as we say.

In providing those new tools, providing extra police officers, by increasing the budgets of police services in Newfoundland and Labrador and providing them with legislation, they are now able, better equipped, to do their jobs to ensure the safety of the public. That is why the police today are stopping more people with these fines than ever before.

With the advancements of technology and the very advanced computer systems that are now right in many of the police vehicles that patrol the highways of Newfoundland and Labrador, they can very quickly check a licence plate number to find out who it is registered to and they can very quickly ascertain if there are outstanding warrants; or if there are outstanding issues with that particular vehicle, or with the driver of a vehicle, they can do a stop and investigate it further. It is important that we give them those tools.

Bill 6 is another tool in the toolbox that will help provide safety to those officers. I have been out on a highway with a vehicle stopped, doing a traffic stop on a vehicle, and you notice that police officers quite often will give themselves a safety area. People quite often will ask: Why does the police officer have his car out in the lane when the car he has stopped is on the side of the road? That is to provide a safety zone for that police officer to operate and to function within to do his work so that he has the protection of his own patrol vehicle while he is dealing with the occupants of the car.

Dealing with people in a car on a traffic stop can be very dangerous business. Make no mistake about it, Mr. Speaker, that can be very

dangerous business. There is police officer after police officer after police officer in Canada who has lost their life while doing what people consider to be a routine traffic stop, either by motor vehicle collision or by actions of a person in the vehicle.

A police officer always needs to be focused on the business at hand of who they are dealing with. When they stop a vehicle you really have no idea of the persons you are stopping, who is in the vehicle, or what they may be engaged in at the time that you stop them. You really need to be able to focus and that is why they move their cars out.

When that occurs, we are now requiring that people approaching slow down. It could be a police officer, emergency vehicle, if it be a search and rescue vehicle, if it be a utility worker, it could be a Department of Transportation and Works pickup truck with their lights activated on the side of the road repairing a guiderail.

We see guiderails are under repair right now on the Outer Ring Road, a big piece of work that has to be done up there. They replace and repair road signs as an example; they might be doing ditching work. Or, as in the case of 2011, the Member for St. John's South referred to, they were actually up doing an examination of the asphalt trying to make a determination on best practices, best ingredients, and mixes of asphalt. They were doing some evaluation of sites up there in 2011.

There are a number of reasons why they have to be on the roadway up there. It includes not only provincial but also includes municipal, provincial, or federal enforcement or service vehicles, a tow truck, or other roadside assistance. Vehicles break down from time to time and you need someone to come assist you. A search and rescue vehicle, public utility vehicle, a vehicle used by a volunteer firefighter – and this is a good one, the vehicle used by a volunteer firefighter.

Other than the plates they have identifying them – I think it is an important point to make here,

Mr. Speaker. When you are approaching a vehicle on the side of the road that has lights on, lights flashing, people on the road, you may not know if they fall into these categories or not. The safe thing to do in all cases is to slow down and follow what is contained within Bill 6 because you really do not know what you are dealing with.

If there is a vehicle on the side of the road, lights are flashing, emergency lights may be flashing or your four-way flashers, maybe overhead lights, blue lights, orange lights, red and blue lights, arrows flashing, there is a really good chance that there is probably someone standing on that highway. Especially when it is dark out and visibility can be poor, you could have a foggy night, rainy nights, or snowy nights – we have lots of those types of extenuating circumstances, and that the person may be dressed that it is hard to see them. Especially if you have vehicles coming towards you, you have a glare of lights coming towards you, you have a glare of flashing lights, and a person may be outfitted appropriately in their personal protective equipment, their blaze orange or florescent green, or maybe striped or have other reflective gear, it still may be hard to see them under all of those circumstances.

It is so important for people to slow down and to drive with care, and only pass when it is safe to do so. That is what the bill says: only pass when it is safe to do so, and not before. The safe thing to do if you are not sure is to not move, to wait until you can do that safely. It is everyone's responsibility whenever you drive a vehicle, it does not matter what the road conditions are or the weather conditions are, you get behind the wheel of the vehicle, it is the operator who is responsible for the movement of that vehicle.

I have gone to lots of accidents when they say: I went off the road because the road was slippery. No, you went off the road because you were not driving within the ability of the conditions that existed at the time. It was not because the road was slippery; it is because of how you drove your vehicle. You could have a hundred cars go by on a slippery road and do it without any problem. When this particular person does it

and has an accident, they blame it on the road. No, it is the driver's responsibility all the time. When you move a vehicle, it is the driver's responsibility to make sure that you move that vehicle safely.

Mr. Speaker, I see my time is running out. To sum up on this this afternoon, I thank and applaud the minister for bringing forward this piece of legislation. I want to thank all the members opposite who have spoken to this. I believe we are unanimous in agreement on this. This is about the safety of our people who have to go on our highways to enforce the law, to make repairs, or to assist others who may be out on the highway for one reason or another. It is about providing a safe place for them on our roads. I can tell you, all drivers, we have to act appropriately; we have to slow down and drive safely for all the conditions that exist at the time.

Again, I thank the minister and I thank you for the opportunity to discuss this bill this afternoon.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

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

MS DEMPSTER: Thank you, Mr. Speaker.

I am very pleased this afternoon to be able to get up and to also speak to Bill 6, this pull-over legislation. It is a very important piece of legislation. Any time that we are voting on an act where safety is involved, Mr. Speaker, it certainly is a good thing.

Some of the members across the way last week referenced the Member for Cartwright – L'Anse au Clair a number of times and when she gets up speaking to the doom and gloom in her district. Mr. Speaker, merely what I am doing is bringing the issues of my district forward. In my district, many of the situations we live with are unique to that piece of the Province, and the challenges are unique.

I want to talk for a couple of minutes about why this legislation is so important in my district. Safety has to be paramount in every area that we work in. I come from a large family heavily involved in aviation and some public servants, and safety is important in all of those areas. We know firsthand. I also come from a family where we know all too well that you cannot put a price tag on the cost of a life, the value of a life; very, very important. Any time you have a tragedy in your family it is very, very difficult to work through that but when you know that tragedy could have been prevented, if somebody had just taken some precaution, Mr. Speaker, it makes it that much more difficult to work with.

Mr. Speaker, in my district at least half or more is gravel road. If we have an emergency on the side of the road and somebody is pulled over addressing that, if the oncoming drivers do not slow down we will end up with another accident where there already is an accident.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS DEMPSTER: Mr. Speaker, when you have a gravel road, any time there is traffic going by at a high speed you have rocks that are flying up, windshields are able to be easily broken. We live in an area where weather conditions are very, very extreme, heavy fog in The Straits area, all things that make this piece of legislation to have people slow down when they see lights are very, very necessary.

Mr. Speaker, I am also really happy to see there are a number of vehicles that are included under this piece of legislation like a tow truck; a search and rescue vehicle; a public utility vehicle; a municipal, provincial or federal enforcement or service vehicle; a vehicle used by a volunteer fire fighter or emergency medical responder; a vehicle operated under the authority of a government emergency organization in the course of responding to an emergency. I am very happy to see that, Mr. Speaker.

In my home there is a public servant who gets up every morning and leaves my house at about

4:00 o'clock, lots of times in very extreme winter conditions, going out to check on the roads to ensure that the roads are safe for the public. A lot of times he is called out to deal with various situations in the night. Yes, we do worry about him a lot of times when he is pulled over and he is called into different situations.

So I am very happy to see this legislation being addressed and voted on here in the House. I am not sure, I did notice when I was doing some research that our Province is the last Province to come on-board with that. Safety should be paramount, no matter what area we work in. I am not sure why we are last, lagging behind again in the country to bring in such an important piece of legislation.

Also, the fines and the penalties are a very, very positive thing. If we are going to get people to obey there have to be implications, otherwise people are not going to be motivated to obey. However, the education piece is absolutely necessary. People need to be educated. People need to know why this is being brought in. They need to know they are able to lose points on their driver's licences, and that they will have to pay fines.

Also, Mr. Speaker, not only should they be receiving fines for this, but it is very necessary. If we are going to make the positive change and ensure the safety of our public, our emergency responders, and our travelling public, I believe we have to ramp up the necessity for people to pay for their fines. We cannot have people being pulled over like we saw just recently in the news, that are being pulled over, charged, and they already have outstanding bills up to \$45,000. Mr. Speaker, that has to change.

Again, I am very happy to support Bill 6. I believe that certainly it was a long time coming. I am glad to see it is here now because our emergency responders do play such a key role to safety in our Province. It is important for us here in the House of Assembly to let them know that we value the work they do, that we value their lives, and that we will support them in passing bills, like Bill 6, which will amend the Highway Traffic Act and call on vehicles to

slow down when they are approaching an emergency vehicle or a designated vehicle that is stopped in a lane or on the edge or along the shoulder of the roadway to assist someone; that the driver will reduce speed and, if necessary, stop.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

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

MR. KIRBY: Thank you, Mr. Speaker.

I have a bunch of things on my desk here. I am just trying to make sure I can see the light and whether it is on or not.

It is a pleasure for me to get up and say a few words about Bill 6, An Act To Amend The Highway Traffic Act. I will be brief. I do not want to drag this out, delay it, or belabour, or repeat things that have been already said. I will try to make a few substantive comments, or certainly give it a good shot.

This is certainly a welcome amendment to the Highway Traffic Act. Our government, our Province is now finally catching up with other North American jurisdictions that have seen fit to introduce specific rules and penalties respecting parked emergency vehicles with emergency lights activated. Common sense would dictate, you would think, that drivers need to slow down, change lanes, or stop when emergency vehicles, emergency workers are out there performing their duties throughout the Province.

Like a number of things, like seatbelt usage, which we have talked about here in the House before, like smoking in establishments, government often has to take the lead and legislate when common sense or education is not sufficient. So that is pretty important. Some of us, I think, are surprised you would have to actually introduce legislation in order to curb the

sort of dangerous behaviour you see exhibited by drivers, but that is the case.

When this comes into force, drivers, as others have said, will have to reduce their speed or stop when flashing or rotational lights are in use by emergency or designated vehicles. We are certainly well aware that dozens of emergency service workers have been injured or killed on the job across Canada in carrying out their duties on the job, on our nation's highways. So, this is important.

The maximum fine for failing to follow the new rules will be \$900, the minimum is \$300. I would just like some clarification at some point on the number of demerit points that are going to be lost, because my understanding was that it was two. I think the Member for Mount Pearl South said four demerit points would be lost.

AN HON. MEMBER: Four.

MR. KIRBY: My understanding was two, but if it is four, then I do not have any problem with that.

I looked at the other provinces to see what the penalties are in other provinces, because there are a number. I do not think this has been phased in to the extent that it has been suggested here. I am not sure which number we are, but I do believe maybe British Columbia, Saskatchewan, and New Brunswick actually do not have this rule right now. Somebody can double-check that.

In Prince Edward Island the minimum fine is \$100. There is a maximum of \$2,000 and a loss of three demerit points in the Province of Ontario, and subsequent offences in that province have a penalty of up to \$4,000 and a jail sentence. In Manitoba the maximum fine is \$2,000 and a possible suspension of driver's license. I think somebody mentioned that Quebec has \$200 to \$300 plus loss of four demerit points. So the rules are different across the country.

I am not sure that the maximum fine of \$900 and four demerit points, if that is what it is, is a

sufficient deterrent. There is an argument that could be made that the deterrent in this bill is not sufficient and that there should be a stronger penalty, but I can only assume that officials in the Department of Justice have had a good look at this, consulted with law enforcement and emergency workers across Newfoundland and Labrador, and sought some feedback on that.

The government is going to have three months to carry out a public awareness campaign prior to the implementation of the legislation. Other jurisdictions, as the Member for St. Barbe pointed out earlier, have implemented this and there has not really been a whole lot of impact on driver behaviour as a result. I know the member referenced a story about Nova Scotia. I am familiar with that particular story. The driving public is basically not aware of these changes, that the law has been changed in this way. It is very important, then, for us to make sure that everybody gets the message because you are not going to have people moving over and curbing their behaviour if they do not know the law has been changed. That is particularly important.

Perhaps the government could put forward a safe-drivers awareness campaign. I know the government just launched a feel-good campaign about business activity in the Province. Maybe government could launch an advertising campaign talking about this change in law and put that on the screens in Cineplex theatres across Newfoundland and Labrador.

MR. KENT: (Inaudible).

MR. KIRBY: It is just a suggestion, I say to the Minister of Municipal Affairs. You can mull it over.

The Province could put something on the radio. They could run a radio campaign maybe during Open Line. You could have Bill Rowe one moment and move over the next. That is another idea. The legislation will certainly go a long way towards dealing with reckless driving.

The other point I wanted to make, and I will just be brief, there are vacancies in policing positions

in Newfoundland and Labrador right now, positions that need to be filled. I think that is particularly important because I personally believe we need more traffic enforcement and highway enforcement in our Province.

I was driving just outside of Come By Chance this summer towing a 5,000 pound trailer and this gentleman, and I use the term lightly, cut me off. I had my family in the vehicle with me and I nearly had an accident. I immediately called the RCMP. They detached traffic enforcement officials from Clarenville. It is an interesting story because the person actually had the name of their business, the telephone number, and everything plastered on a decal on the back of the truck so he was pretty easy to find. Anyway, like I said, he put my family in danger more or less just because the person did not have enough patience.

There is an argument to be made for more highway traffic enforcement. Beyond that, we do know that law enforcement has a lot of frying pans in the fire right now. There are a lot of priorities that have been put on the shoulders of our law enforcement, if you look at, for example, government's initiative and its task force on basically guns, drugs, and gangs. There are all sorts of efforts to curb bullying, cyber-bullying, and child pornography. There are all sorts of priorities that law enforcement have.

The question becomes, then, where is this in the list of priorities that we as legislators have handed over to law enforcement in Newfoundland and Labrador? It is an important question. I think that is where the public education comes in. That is what government can do to more or less ease the burden on law enforcement. The more you educate people, the more at least the sensible ones out there will listen.

I will leave it at that, Mr. Speaker. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

If the hon. the Minister of Service Newfoundland and Labrador speaks now he will close the debate.

The hon. the Minister of Service Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

I would like to thank all those members who participated in the debate this afternoon. Obviously there is a great interest here, Mr. Speaker. It is good to see that there has been more or less a consensus here, I think more than less, and a couple of issues that were raised and concerns that were obvious. Actually, when I first took this position over a few weeks ago and this bill was in front of me, I asked the very same questions that were even asked in the House here today. So I do have some answers to some of those questions and I would just like to take a moment to go down that road.

With regard to the demerit points, it is four demerit points, Mr. Speaker. That will be legislated. With regard to the reason why we did not define exactly what the speeds should be when you do move over, there are a number of reasons. When we were asking the questions and we went out through consultations with police officers, other traffic enforcement people, and emergency workers who work in the industry, we received a number of different responses. We had to go back to the police officers, what they were telling us, and where enforcement comes into play.

We chose not to put any specific speed in either the act or regulations. Police did not want that, the specific speed. They wanted to leave it to the discretion of the officer and, Mr. Speaker, you will see this in other jurisdictions as well. The logic behind that is solid logic.

Enforcement is largely left to both the police forces in this Province, as it would be for speeding or any other Highway Traffic Act violation, Mr. Speaker. So if somebody is going over the speed limit of 110 kilometres an hour

and it is a 100-kilometre-an-hour zone, they are probably not going to get a speeding ticket on a normal roadway. It is up to the discretion of the officer if he is going to pull over that vehicle or not and it is the same in this instance.

There is also another concern that came into play. There were concerns around if we did something like they did in other jurisdictions, and when we investigated other jurisdictions we were finding this was a problem. If you had legislation in place where you went from 100 kilometres an hour to fifty kilometres an hour, Mr. Speaker, there was a concern that there could be a pile up. Somebody sees an accident in front of them, they slow down to fifty right away, and cars behind them pile into them. It is all about common sense; that is what we are talking about here.

Our enforcement officers who are going to be out there, our police officers who are going to be enforcing this –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. CRUMMELL: – they are going to be there on the scenes at times when they can make some decisions that they need to make. They will look at it at that point in time. If somebody is coming by in an unsafe manner, that is speeding by a zone where there is an emergency vehicle or other vehicles doing some work, they will determine at that point in time and they will lay the charges as appropriate, Mr. Speaker.

With regard to communications, I agree with what everybody said here, Mr. Speaker, when it came to education and awareness. There is going to be a communications plan. There will be an educational plan. It will be three months from the proclamation before this act is going to be enacted. During that time period we will be out there with a full-fledged campaign. We are working through that now with our communications people so rest assured that we will begin there, and for sure we will not end there. We will continue with more communication.

Mr. Speaker, the only other thing I would like to say before I close debate is that we all need to take it upon ourselves to affect positive change and put forward a culture of greater safety in our Province. It is everybody's responsibility. Safety is everybody's responsibility. We cannot be everywhere and our enforcement people cannot be everywhere at every point in time on our highways, in our cities, on our roadways, in our towns, and in our communities. It is impossible for that to happen.

We need to educate our young people and we need to educate everybody around us as to what are the right behaviours and what responsibilities you have when you have that right to drive a vehicle on the road. We need to drive this down. We need people to be talking to their friends, neighbours, and families about what is right and wrong when it comes to proper behaviour on the roadways.

This concept of culture encompasses every last detail and facet of our life. It is a safety culture that we need to ingrain into the very fabric of our society, Mr. Speaker, and that is what Service Newfoundland and Labrador does and will continue to do in as many facets as they deliver services to the people of the Province.

Mr. Speaker, I will close debate here now. I look forward to the vote on this in the next little while. Again, road safety is one area where safety consciousness can and does save lives. I cannot stress how important this piece of legislation is.

Thank you very much again to all of the speakers who were on their feet here today.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

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 Highway Traffic Act. (Bill 6)

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 To Amend The Highway Traffic Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 6)

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, I call from the Order Paper, Order 5, second reading of a bill, An Act Respecting Food Safety In Food Premises, Bill 22.

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

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to rise before this hon. House today to introduce a bill entitled An Act Respecting Food Safety In Food Premises. The short title of the bill, Mr. Speaker, is the Food Premises Act.

As a government, we have an obligation to conduct periodic reviews of the legislation in our Province to ensure it still reflects our needs, does not contain outdated provisions, and reflects modern legislative drafting principles. As part

of our ongoing work, we recently reviewed the Food and Drug Act. Bill 22, the Food Premises Act –

MR. SPEAKER: Order, please!

I will ask the minister if she could move and second the bill prior to –

MS SULLIVAN: Sorry.

MR. SPEAKER: – prior to getting too far into the text of it.

MS SULLIVAN: Thank you very much.

I move, seconded by the Minister of Advanced Education and Skills, that this bill now be a read a second time.

MR. SPEAKER: It is moved and seconded that Bill 22 be now read a second time.

The hon. the Minister of Health and Community Services.

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, I am just going to reintroduce.

I move, seconded by the Minister of Municipal Affairs, that this bill be read a second time.

MR. SPEAKER: Thank you.

It is moved and seconded that this bill be now read a second time.

Motion, second reading of a bill, "An Act Respecting Food Safety In Food Premises". (Bill 22)

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

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

The Food and Drug Act, which has one set of regulations, the Food Premises Regulations, is

the basis for the food safety standards that food premises in the Province are expected to meet. The act is the current legislative authority for the licensing and inspection of all of the food premises in the Province.

For the benefit of my hon. colleagues here in the House, and anyone who is watching the proceedings in the House this afternoon, the term food premises is defined in paragraph 2(d) of the bill as, "...a place where food is prepared, manufactured, handled, cut, processed, packaged, displayed, stored, offered for sale, sold or served and includes hotels, restaurants, catering vehicles, mobile preparation premises, temporary facilities, retail food stores, tents, booths, ships, tour boats, bakeries, breweries, wineries, bottling establishments, drinking establishments, dairies, creameries, pasteurizing plants and meat packing premises". This broad definition of food premises helps ensure that food in this Province is safe for human consumption wherever we happen to eat it.

The introduction of this new, modern legislation reflects our government's strong commitment to improving the health and well-being of Newfoundlanders and Labradorians. The bill will augment the high standards currently in place in the Province's 4,000 food premises, which include restaurants, grocery stores, convenience stores, and mobile food vendors.

The legislation also builds on having restaurant inspection reports available online for consumers to make informed decisions about where to eat. The new act will serve as the foundation for activities aimed at maintaining and enhancing food safety and preventing food-borne illness.

Food safety, Mr. Speaker, is a top priority for government as well as for food premises and consumers in all areas of this Province. Service NL conducts over 6,000 inspections annually to ensure food premises are in compliance with the act and regulations made under it. This will continue unchanged under the new Food Premises Act.

To enhance the food premises inspection program first in 2002-2003 and then again 2008, the Department of Health and Community Services developed a risk management framework for food premises inspections. This was done in co-operation with our partners, the regional health authorities, and of course Service NL.

Risk is determined based on an assessment of a number of factors: types of food and intended uses; extent of food preparation and processing; food safety knowledge of management and employees; food safety management systems that are in place; population served by the premises; and the inspection history of the premises.

The category in which a food premises falls is used to determine the inspection frequency: high-risk food premises are inspected four times a year; moderate-risk premises are inspected twice a year; and low-risk premises are inspected once every two years. As a result, we now have our provincial inspectors directing most of their efforts toward high- and moderate-risk food premises. Of course, Mr. Speaker, inspections may also be conducted in response to consumer complaints or under special circumstances such as food recall.

Mr. Speaker, the commitment to food safety and protection involves the collaboration of multiple departments, including the Departments of Health and Community Services, Natural Resources, Fisheries and Aquaculture, and Service NL through its inspection program. Each department has various pieces of legislation that impose obligations, which protect the safety of foods that people consume in our Province. Under Bill 22, the overall mandate for food safety continues to rest with the Department of Health and Community Services, while Environmental Health Officers from Service NL will continue to carry out inspections on an ongoing basis.

Like the legislation it will replace, the purposes of the Food Premises Act are to prevent food-borne illnesses by ensuring that practices within food premises, such as restaurants, grocery

stores, and takeouts, do not cause biological, chemical, and/or physical contamination of the food. The people who own, operate, and work in the Province's diverse food industry provide safe and nutritious food to all of us. They should be complimented, Mr. Speaker, for their extraordinary work.

We are fortunate that when we go to a restaurant or purchase food from any other type of food premises, we can feel confident that the food we eat will not make us ill. This confidence comes from the strong regulatory framework which we now have, and which will be set out in the new act, in addition to the diligent work done by food premises operators and their employees.

The new Food Premises Act contains a number of changes and improvements that I will outline for the hon. members and for those who are watching. The bill removes numerous sections that are outdated or simply not applicable, as they are addressed in other legislation. For example, the provisions in the Food and Drug Act relating to the slaughter of animals have never been used, as the applicable standards are contained in the Meat Inspection Act which is administered by the Department of Natural Resources.

The drug provisions in the existing act are obsolete. It is questionable whether the references to drugs in the legislation in fact were ever used. Drug safety, we all know in Canada, is the responsibility of the federal government. The licensure, inspection, and regulation of pharmacies in this Province are the responsibility of the Newfoundland and Labrador Pharmacy Board by virtue of the Pharmacy Act, 2012 and its predecessor legislation.

The bill clearly defines the powers of inspectors under the new act. These powers are now equivalent to the powers given to them under other pieces of health protection legislation. Mr. Speaker, while the current act references warrants, the new act in section 14 also outlines the circumstances under which inspectors may obtain a telewarrant. The powers of inspectors are clearly set out in Part III of the bill, the

Inspection and Compliance section, so that operators of food premises will know exactly what inspectors can and cannot do during inspections.

The responsibilities of operators of food premises are also set out in the bill. For example, Mr. Speaker, under section 8.(2) "A person shall not interfere with, obstruct, attempt to obstruct, or fail to cooperate with, an inspector while he or she is exercising powers or carrying out duties or functions under this Act or the regulations."

Should an operator fail to co-operate with an inspector, fail to comply with an order of an inspector, or contravene the act or regulations, the operator is guilty of an offence and liable on summary conviction to a fine or a term of imprisonment, or both.

A complaint that an offence of the act has occurred may be completed by way of a ticket issued by an inspector under the Provincial Offences Act, similar to the way tickets are issued under the other statutes such as the Tobacco Control Act and the Smoke-free Environment Act, 2005.

The bill increases the maximum fine permitted to be imposed on repeat offenders to \$25,000; however, as there has never been a complaint laid under the offences section in the current Food and Drug Act and recognizing the commitment to food safety by owners, operators and employees in food premises in this Province, and in keeping with the range of fines elsewhere in the country, the bill decreases the range of fines which may be imposed for first and second offences.

Mr. Speaker, it is important to remember that the purpose of Bill 22 is food safety. The goal of Bill 22 is not to punish owners, operators and employees of food premises; rather, with the enhanced powers of inspectors to make orders and if required, to protect the public, close food premises, the bill focuses on working with owners, operators and their employees to ensure the continued safety of food consumed in the Province.

The bill clearly sets the foundation for the requirements that must be met by establishments that prepare and sell food. The bill enhances the regulation-making authority to permit exemptions that currently exist only in regulations.

The legislation contains authority to make regulations for future enhancements to food safety, such as training requirements for food service workers. The bill also contains authority to make regulations regarding the control of pests on food premises. The bill clearly states that food shall not be sold or distributed if it is unfit for human consumption.

In order to operate a food premise, an operator must have a licence. Given the fundamental importance of licensing, the bill contains the licensing provisions which are currently contained only in the regulations.

This bill is good news for the Province's food industry, Mr. Speaker, and for the people of this Province. The legislation creates a solid foundation for the future of food safety in the Province.

Mr. Speaker, the basis for this new legislation is not related to any identified risk to consumers or illness outbreaks. Fortunately, we have not had an outbreak of food-borne illness in this Province in over ten years. These changes are focused solely on modernizing the Food and Drug Act.

This bill will not impose any new requirement upon the owners and operators of food premises. There will not be any financial or other implications for the food industry. Food safety is important to the people of the Province. The new act will be the foundation for activities aimed at enhancing food safety and preventing food-borne illness.

In closing, Mr. Speaker, I ask my hon. colleagues to support this bill to maintain and enhance food safety in Newfoundland and Labrador. I look forward to seeing this legislation passed.

Thank you for the opportunity, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I am happy to stand here today and speak to this particular piece of legislation. I appreciate the minister's comments and I also appreciate the minister making her staff available this morning to give us a briefing on this piece of legislation, which was certainly very informative. Again, that is necessary. Whenever you look at any piece of legislation, we have to have the people who drafted it trying to explain it to us – you can read it over, but to get the rationale behind why they are doing this.

One of the reasons we are doing this is that the last set of amendments on this was back in 1997. As one of the staff told me this morning, the last set of amendments prior to that was, I think, pre-Confederation. So the things you were talking about then, I think there were references to tuberculosis in that particular piece of legislation. Things change over the course of decades, which is why we have to update legislation.

We are basically repealing or getting rid of the Food and Drug Act and putting in this Food Premises Act. It is a good piece of legislation. It is something that needs to be done. I did find the session we had this morning very informative, and I will just talk about a few of the pieces I found interesting and some questions I may have. What I might do, actually, is put them on the record now, knowing that the minister, when we get to the Committee stage, will have the answers available and able to come back during that part.

I found it interesting, actually, and this is something that I think is noteworthy to the public, there are about 6,000 inspections per year. That is a significant number. We have about 4,000 establishments in this Province. I guess an establishment can go from anything to

a brewery, to a cafeteria, to your full-blown restaurant, or to your convenience store.

Obviously not every place gets inspected every year. That is quite obvious. How they do that is they have a priority system of low risk to high risk; low risk being, say, a convenience store where you have pre-packaged type of meals and high risk being your restaurant which is serving full-blown meals to large numbers of consumers.

This is something we hopefully do not want to see or to have to experience. When it does come out it is big news. We saw a situation here in the city a couple of years ago on Kenmount Road. It was just a bad scenario for everybody involved. It made the news, as it should have. That is what we need to do, is to make sure things like that do not happen.

I will say it was good when we saw the Department of Service Newfoundland and Labrador after calls for it for some time last year, it was brought forward that we were going to start posting these inspections online. Again, this is what we need to do to keep confidence in the consumers and the general public. So it is good to have that information out there.

MR. LANE: (Inaudible).

MR. A. PARSONS: I hear the Member for Mount Pearl South talking about accountability, but do you know what? I am in a good mood today so I am going to stick to the piece of legislation here. I am going to talk about this piece. We will take a rain check on that one.

I will say one of the big parts to this that will be important is the regulations, which I know will be coming at some other point. That is going to play a big role in this because the regulations carry a lot of weight. So we have to see what comes with that.

I have some notes that we made here. Obviously, the pharmacy provisions that were in this were obsolete; no point. I understand there were consultations with the Pharmacy Board. Again, it is not an issue. If the board was consulted and they are fine with this, than

obviously we are fine with this consultation being necessary; however, I was told there was no consultation with the food industry. I was told the reason for that was there would be no impact on the food industry; however, I had to ask the question. I still think there may have been some consultation. It is never a bad idea to have that, but I understand they have been placed on notice. They know this is coming now.

Some of the big points that were brought up in this; one of them when we go through this bill is health hazard. It is defined here now, where we talk about “a condition or circumstance in a food premises that has or is likely to have an adverse effect on the health of a person and includes the physical, chemical or biological contamination of food”. That is a good thing when we actually define what a health hazard is and we talk about unfit for human consumption which is a subsection and where it presents a risk to human health.

This goes right into what was told to me is the main point of the legislation. Section 3, under Part I, Food Safety: “A person shall not sell or distribute to a person any food which is unfit for human consumption.” It is very commonsensical, very necessary. It is good to see it here in very clear, plain language.

We did ask some questions here because when we go further into section 4, they talk about fresh fruit, vegetables and fish but it does not mention meat. The reason that being – again, I have no problem. I am just putting it on record because that is under a section that is covered by Natural Resources, the Meat Inspection Act. I might have the name wrong on it, but there is coverage there. These two really have to be read together. They have to be examined together.

I am just going to go through, I enjoyed this – actually, when we go further I do like this part. I think it is section 10 where an inspector can order the shutdown of an establishment, if I am right. Prior to this you had to go to the judge to get an order, which is fine, but we are cutting out red tape here.

We still have the provisions in here when we talk about the court and the need to go to court, but the fact is if an inspector, who is a duly trained employee, somebody who knows what they are doing, if they find cause for concern, boom, we are stopping it. I like that. I have no problem with that.

It is like anything, if they make a finding, if they have a reason to do that they will have to back that up down the road. I am hoping like anything, that when people make these decisions they will have a reason to do that. That is what we expect of anybody who makes a decision like that. We hate to see somebody do something – a food premises is harmed by this and they find out after there was no good cause, but I have a feeling that is not going to be the case.

If somebody places a stop order, there is going to be cause for that. The general public likes the fact that there will be protection there. It is like anything; if there was something done that was undue, if a government employee placed a stop order and it was found after that it should not have been done, then there will be repercussions after that, the same as there is for just about any industry.

The other part too, there is a section here; it is 14, where it talks about telewarrants. That is just an updating of the law that is used for everything else. We are just adding modern technology to the legislation to allow for the administration of this legislation. I have no issue with that.

The piece of legislation is not huge. In the grand scheme of things it is not a short little amendment. There is a substantial amount to this but a lot of it is just replacing what was already there. There were sections from the previous act that were taken out and deemed not necessary. Section 8 was food offered as prizes. That was the section that was deemed obsolete, taken out. Sampling is still there. There are some sections that are taken out, some that are kept, some are reworded.

The big thing to me is the regulation. Sometimes the regulations are the teeth behind

this, and that is what we are going to be keeping a close eye on to make sure that the regulations are up to par. We need that, because we are all here and I think everybody wants the same thing.

We are looking out to the best interests of the public. So we have to make sure we have good legislation with tough regulations which will have oversight, but at the same time we have to make sure that we are not – I cannot say the word too onerous. There is no such thing as too onerous when we talk about public safety, but there is a reasonable limit. I think this seems fine on its face.

Now I will say, and I will put it on the record now, one thing that should be considered in regulations is when we talk about a health hazard. Do we consider the use of pesticides, herbicides, and hormones in the development of our food? It is an issue that as consumers we are more aware of every day. We see more in the news about this. The act does not address these hazards specifically, even though we know they can be hazards.

That is something that should be looked at in the regulations because they are contemporary. There is stuff that might not have been considered a few years ago. It certainly was not, I do not think, considered in 1997, but now in 2013 this is something we have to look at. People are more aware of this. I think the general public sees this more. You see it more in the media and people are more conscious. So we have to look at that.

Another thing we could look at when it comes to regulations as well is when it comes to the packaging of food. There are a whole pile of issues that can come around that, but it is something I am hoping the department will consider, the various aspects when it comes to packaging.

I think I have addressed most of this. Now, I will tell you, and I have to say this because I find this interesting, and this will probably be my last commentary on this. When you go through this law or this piece of legislation,

when you get to Part IV General, at section 17, it is actually a form of whistle-blower legislation. So I applaud the government for living up to a promise and putting whistle-blower legislation in this piece.

I do look forward to seeing whistle-blower legislation as a whole brought forward as per the previous promises. I know the Minister of Justice wants to get it done. We have had two Blue Books where it has been in there. This is a step, it can be done. It should be done. Maybe the minister at some point will. I do not think he is going to disagree.

Again, I found that very interesting. I was actually sitting in the briefing, we were talking, and it was the staff said: This is a form of whistle-blower legislation. It was like my ears perked up. I heard whistle-blower, something that has long been promised and never been delivered, ever. So this is a start in the right direction.

Again, good on the Health Minister. You have been listening to what I have been saying. You have been listening to the Bluebooks that are out, so good on you. I am glad to see it.

Now, I may have questions in the Committee stage, but I think I have adequately addressed this piece of legislation. The minister also put out what is there. I think I have addressed my concerns, I am sure I will have another chance to speak to this, and I appreciate the opportunity to do, Mr. Speaker.

Thank you.

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

SOME HON. MEMBERS: Hear, hear!

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

It is a pleasure to stand and speak to this piece of legislation today. There are very thoughtful comments from across the way. I will say, aside from his thoughtful comments, I will

compliment him on his new hairdo as well, Mr. Speaker. When he said his ears perked up when he heard whistleblower, I would say his hair is just shorter, so his ears appear bigger. Whatever the case, Mr. Speaker, it is a fine piece of legislation, and again, very thoughtful comments from across the way – which I can appreciate way.

So, of course, we have to ask ourselves: Why is the Food and Drug Act being replaced? That, of course, is the crux of the issue here. The Food and Drug Act has not been significantly amended for over seventeen years now and there are actually sections of the act that have not been amended in decades. Any piece of legislation has to be reviewed from time to time, and that is what this is.

The officials with Health and Community Services, in collaboration with officials from other government departments with food safety responsibilities – and of course, they include Natural Resources, Fisheries and Aquaculture, and Service NL – they reviewed this act and recommended revisions.

The Food and Drug Act will be repealed and the recommended revisions will be in the new Food Premises Act – and, of course, that is what we are speaking to here today. The Food Premises Act will replace the current Food and Drug Act and continue government's commitment to improving population health by developing modern legislation that provides the basis for health protection programs, such as the food premises inspection program.

Now, the minister touched on a few of these there. The new Food Premises Act contains a number of improvements. So I will just go over a couple of these. As I said, the minister had touched on a number of these – I just had four listed here myself. The act makes it clear that food that is unfit for human consumption must not be sold or distributed in the Province, and unfit for human consumption has been defined.

To tell you the truth, Mr. Speaker, when I read this I quickly thought to myself: What is my mother-in-law going to do? Because a lot of

what she bakes on a daily basis is not fit for human consumption. So, when I read that, Mr. Speaker, my mind automatically went to my mother-in-law, which is not a good thing, but it is what it is. She does not own a restaurant, so she should be fine.

Another one, the powers of inspectors has been strengthened and they are now clear and equivalent to the powers given to the same group of inspectors under other health promotion legislation, which is also very important. In order for legislation to be effective, you have to have teeth, and I think this is what this does.

Another one, outdated sections such as those related to drugs have been eliminated. Again, drug safety is the responsibility of the federal government, and pharmacies in the Province are licensed and inspected under the authority of the Pharmacy Act, 2012.

Finally, Mr. Speaker, sections that are not applicable, such as those related to the slaughter of animals, which has been brought up a couple of times here, have been removed, given that they are governed by specific other departments – Natural Resources, in particular.

This new act will not impose new requirements upon owners or operators of food premises. That was an issue that was brought up by the Member for Burgeo – La Poile and it is something very important in this, that it will not affect. We recognize the people who operate and work in the Province's food industry provides safe and nutritious food to all of us on a daily basis. We are not taking that for granted, but again it is very important legislation that we are talking about here today.

In addition to the diligent work done by food premises owners and staff, the act, regulations, and inspection program play a significant role in protecting the health of the public who purchase and consume food on a daily basis.

Will government's inspection activities change as a result of this new act? No, they will not, Mr. Speaker. Government has a comprehensive

food premises inspection program that is delivered by inspectors with Service NL and the program will continue unchanged. It was mentioned by someone earlier; there are approximately 4,000 food premises in the Province and there are more than 6,000 food premises inspections annually. That is a huge number. It is a quite a bit of work being done and very important work I would argue.

Service NL makes inspection results available to the public on its Web site. That is something that I think was passed by the former Minister of Service Newfoundland and Labrador last year I believe, a very interesting piece of legislation as well. It is all about being transparent and putting those results on the Web. Anyone can go in and look at it. You can look where you are going to eat, whether it be your favourite restaurant, whatever the case is. All those inspections will be online for everyone to see. That was also great in itself.

Some more good news, Mr. Speaker, is that government does have plans to do other things related to food safety. Government will begin an initiative in the very near future to review the food safety standards that are currently in the Food Premises Regulations. That work may start as early as spring 2014. I certainly look forward to that. There is going to be more information on that initiative available in the next year.

Mr. Speaker, it all comes down with us as a government obviously being concerned with safety of food being provided to consumers. It brings me back to thinking because before I was involved in government after finishing university, I did quite a bit of travelling. I lived in Korea for a couple of years. While I was in Korea, I went to a couple of different countries. I remember one trip in particular – because we take it for granted in Canada when we go to a restaurant it will be clean, that food will be provided to us in a healthy manner.

I became really sick when I visited Indonesia because I caught E. coli. That was a direct result of uncooked beef I found out later. You do not think about these things when you go to a

restaurant here. You always take it for granted because we live in a society that puts so much weight and emphasis on food preparation. I can tell you it is not like that in other places around the world. It is something that is very important. We take it for granted, but we have to make sure that we pay particular attention to it.

In Canada, food safety is both a federal and provincial responsibility. Food that is distributed between provinces or that is from international sources is regulated by the Canadian Food Inspection Agency under federal food safety legislation. Food that is produced in the province for the provincial market only is regulated by the provincial food safety legislation. When food-borne illness outbreak occurs with people ill in multiple provinces or territories, the investigations are led by officials from the Public Health Agency of Canada with input, of course, from their province and territories, their public health officials.

When outbreaks occur solely within provinces, our public officials, led by the Medical Officer of Health, investigate illnesses in which food is a potential source of the illness. Fortunately, Mr. Speaker, and I say that fortunately in our Province we have not seen an outbreak of food-borne illness for some time. We have had sporadic causes of different things like salmonella poisoning and whatnot, but generally there has not been widespread outbreaks, so that is also a very important thing and something we should be very thankful for.

Again, people expect to have a level of comfort in this Province, in this country, when you eat at a restaurant where food is prepared. Again, this is what this legislation speaks to. As the minister said, food safety is our goal. It is not meant as a punitive measure towards businesses or whatever the case is, and we have already spoken directly to that, that it will not have an ill effect on business operators and whatnot. It is all about public safety. I think everyone can appreciate that, us, as well as business owners.

With that, I will take my seat and I appreciate the opportunity to speak to it.

Thank you.

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

MR. MURPHY: Thank you, Mr. Speaker.

It is good to get on my feet again and have a few words to say about this particular piece of legislation because I know that this is a piece everybody can deal with it. If there is any one thing that I know about, it is food. I will leave that one at that.

I just wanted to thank the people who gave us the briefing this morning on this particular piece of legislation. It was pretty thorough and there really was not too much there that you could ask about as regards to where they were going with it. We kind of got the idea, and I think that it is more important now that we deal with the food safety issues right now, considering that the federal government particularly, I think it was in their last budget, if not the year before, we saw some job losses when it came to food inspections.

I wanted to bring that point out, that it is more important now for the Province to be stepping in like it is now in dealing with this matter than what it was before. I think the second matter that really comes of note to people in the Province was the incident with the restaurant up on Kenmount Road, the reason why they also had to address this matter. I think sometimes you can go to a point where you are taking things for granted. I think that the Province has that responsibility as well to make sure that they do not take things for granted, particularly with a busy economy like we do.

In that particular case with the restaurant, it dealt with a particular section that the minister has already talked about and it was already mentioned, the section that is dealing with pests in restaurant areas. The only thing I really wanted to bring out is about the fact of the inspections they were talking about. They mentioned about the frequency of inspections in the legislation, if I can find the section in the legislation that deals with that. They were

talking about the aspect of what would be considered low priority versus high priority.

I think everything should be considered a high priority when it comes to food. I do not think there should be any defined line there as regards to that. That would be a little bit concerning. So perhaps in committee we will ask more questions about that low and high priority end of things and exactly how they come about setting that particular standard when it comes to low and high priority.

Do we need more inspections? Well, of course we do. Of course, when it comes to food, you know that we do. Are the regulations geared to what we are going to be looking for? It certainly seems like. According to the briefings this morning, government is on the right end of that.

I do particularly like the simple fact of the whistle-blower protection, as well as the other member who had mentioned it earlier in his speech. I like the simple fact that now government has another way of outreaching to find out about what is happening in some of these restaurants. If something is going wrong, somebody is not going to end up paying the price for that by losing their job if government has to go in and do a subsequent inspection that ends up with someone else losing their job. I like that particular aspect of it.

I am a little bit concerned about the ticketing aspect of it. Not the simple fact that somebody is being convicted of a violation, but the simple fact that when you are moving towards ticketing it is fine and dandy that somebody goes ahead and gets a ticket, but the first concern for me would be as regards to the payment of that particular ticket, number one.

Number two, I find when you ticket somebody, rather than send them off to court, I think there is a – how shall I put it? I know it would be serious for somebody to get that ticket at the same time, but you do not get as much disclosure as what you would, for example, in a courtroom if you go ahead, you bring a person in towards a court, and then levy a fine, if that makes sense.

I do not know if I am being exactly clear on that, but in my mind whenever you put that bar and make it a little bit easier for somebody to pay a ticket, it kind of allows them to brush it off a little bit more and perhaps sets them up at the same time for leaving themselves open for a future violation. I do not know if it says that. I do not know if it has that punch to it in order to give somebody a warning.

I will have a little bit more about that when it comes to committee, but I think at the same time, while I think ticketing can be effective, nothing has a full impact quite like having to face that judge and jury, if you will, when an offence arises. I have some question as regards to that.

When it comes to streamlining; I do not know this is just a personal opinion. I have yet to research this a little bit more, but my understanding is the whole industry of the slaughter house, for example, chickens, cows, that sort of thing, when they go for slaughter it is under the purview of Natural Resources. I understand food inspections, of course, come under Health.

I am wondering at the same time, and perhaps the minister can answer this question. While we are dealing with food still, when it comes to beef or chicken, that sort of thing: How come it is still in with Natural Resources and why isn't it under the purview of Health? Perhaps government might be able to streamline operations a little bit by taking all that matters when it comes to food and bringing it under one wing so that we know what everybody is doing when it comes to our food resources.

The other thing, Mr. Speaker, when I was doing a little bit of research on this one; I just wanted to bring an awareness too, at the same time, because I think there is a heavy awareness when it comes to food safety issues. Nothing is more evident, I do not think, about that particular issue than what is happening right now in schools.

On that particular end, I just wanted to kind of wave the hand, if you will, and pat these schools

on the back for bringing out some of the food safety programs like they have been. We have Food Service Management Training now that is happening; Food Service Worker Training; and Food Premises Inspection History.

We have recognized courses in food safety as well. We have BASICS; ADVANCED; FoodSafe Level 1; FoodSafe Level 2; FoodWise, which is Canadian Council of Grocery Distributors; the National Food Safety Training Program; and SERVSAFE, which is the US National Restaurant Association.

Everywhere it seems like there is more importance on food safety. Of course, every day, Mr. Speaker, you can turn on the news now, which is the other concern of mine as regards to when it comes to the Canadian government participation in things, particularly when it comes to food safety. If there is indeed enough evidence that it is actually happening when it comes to food inspections, that sort of thing, too.

I keep coming back to the simple fact that I think while some things are done and done very well here with this particular piece of legislation, I keep wondering if we can be doing more. Hopefully, in committee perhaps the minister will be able to rise and give us a little bit more when it comes to that end.

Mr. Speaker, I think that is probably about it. When it comes to food service establishments and everything, we did have some sort of a concern, for example, if a free kitchen scenario would be also covered under this act. For example, if somebody were giving away free food, a food kitchen, if you will, if that sort of thing was going to be covered, but I think it is under this particular piece of legislation. I see the minister is nodding yes over there.

So, Mr. Speaker, I think that is pretty much about all of the concerns. If we have any other questions as regards to this, we will bring it up in committee.

Thank you very much.

MR. SPEAKER (Wiseman): The hon. the Minister of Service NL.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, I am certainly happy today to speak on Bill 22 from Service NL's perspective. The health and well-being of Newfoundlanders and Labradorians is a top priority for this government. This bill demonstrates our commitment to the safe manufacture and processing and sale of food in the Province. As we all know, Bill 22 will introduce a new Food Premises Act, will replace the previous Food and Drug Act.

Mr. Speaker, I am well-acquainted with the food and beverage industry. I spent many years engaged in the industry and know the good work and the great quality products that the people of the Province prepare in their restaurants, in their establishments, Mr. Speaker, but we do need some checks and balances. At Service Newfoundland and Labrador we bring this to the table. We have a full group of inspection officers who make sure that we get in there on a regular basis and certainly give advice and correct anything that is not in compliance with legislation or regulations.

Mr. Speaker, I will now take my seat, since I am looking at the clock on the wall there. I think we are going to get ready to –

MR. SPEAKER: Are you adjourning debate at this point?

MR. CRUMMELL: I will adjourn debate, Mr. Speaker. Could I move a motion to adjourn debate? Would that be correct for me to do so?

AN HON. MEMBER: (Inaudible).

MR. CRUMMELL: Okay.

Excuse me, Mr. Speaker; I am just making sure I get this straight. I can continue on for a couple of more minutes. I just want to make sure we do

not go over our time allotted for this afternoon.
I can adjourn debate at any time.

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

MR. SPEAKER: Maybe just by way of direction, as you are wrapping up, as you are near the end, you can adjourn debate and then you can pick up your time at a later date. Then we will entertain another motion to adjourn the House at 5:30.

MR. CRUMMELL: Thank you, Mr. Speaker. That is exactly what I would like to do.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: I would like to move a motion to adjourn debate, seconded by the Minister of Municipal Affairs.

MR. SPEAKER: It has been moved and seconded that the debate do now adjourn.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Debate adjourned.

The hon. the Deputy Government House Leader.

MS SHEA: Thank you.

Mr. Speaker, I move, seconded by the Minister of Advanced Education and Skills, that the House do now adjourn.

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

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

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