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Speaker: Honourable Tom Osborne, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Osborne): Order, please!

Admit strangers.

Today we welcome to the public gallery Joshua Power, who will be the subject of a Member's statement this afternoon.

Statements by Members

MR. SPEAKER: For Members' statements today we have the Member for the District of Harbour Grace – Port de Grave; the District of Fortune Bay – Cape La Hune; Conception Bay South; St. George's – Humber; St. John's Centre; and Baie Verte – Green Bay.

The hon. the Member for Harbour Grace – Port de Grave.

MS. P. PARSONS: Thank you, Mr. Speaker.

It is with great pride that I rise in this hon. House to pay tribute to World War II veteran, William John Pauls, originally of Fortune Bay.

At age 15, in 1939, John left his hometown to join the Merchant Navy. He first set sail on a cargo ship called the *Elizabeth Rivers*. He started as an assistant to the cook before becoming a marine engineer.

During the war his friends knew him as Johnny. And like so many others, Johnny saw the world: Greece, Holland, Belgium, the West Indies and Germany. His fondest war memory is of a time when he and his crew arrived at a port in Belgium. The crew helped distribute food and supplies to orphaned children left with nothing. John remembers the children were very hungry and frightened.

In 1948, John married Violet Chipman of Spaniard's Bay. They built a home there and raised two children.

John Pauls is 92 now and still a member of the Royal Canadian Legion, Branch 9, in Spaniard's Bay.

I ask all Members to join me in thanking Mr. Pauls for his service in the cause of freedom and his lifetime of dedication to our province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Thank you, Mr. Speaker.

I rise in this hon. House today to deliver the highest of accolades and thanks to the many individuals who worked tirelessly to keep us safe and meet the challenges caused by the devastating impact of Hurricane Matthew.

During this storm, historical rainfall amounts produced multiple states of emergency across the province. Rainfall amounts of over 200 millimetres in our region battered roads, isolated our communities and destroyed many residents' homes.

Today, I thank all those volunteers and officials who worked tirelessly to make sure residents remained safe and secure throughout the response and recovery effort to reconnect communities and have access to basic essentials. We also thank you for your continued hard work as we move towards full recovery.

I ask all Members of this hon. House to join me in thanking and congratulating those who epitomize our true spirit of South Coast strong, which was clearly evident throughout the district as we commenced the rebuilding effort together.

Hats off to our volunteer fire departments, our mayors and town staff, emergency responders, local volunteers, the aquaculture companies who provided boats for freight delivery so we could have food, the mayor who rode a dory to transfer doctors and nurses from one side of the bay to the other, our road crews and everyone involved in the relief effort. We are so very proud of you all.

Thank you so much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

Mr. Speaker, from August 13 to 21, more than 1,500 young athletes from across the province attended the 2016 Newfoundland and Labrador Summer Games in the beautiful Town of Conception Bay South. I'm proud to say that for the first time in Newfoundland games history, Aboriginal teams participated, along with eight regions in the province.

Both the SportNL trophy for the team showing the most improvement from one summer game to the next and the Lieutenant Governor's award celebrating sportsmanship and spirit were presented to the host region: CBS. These games are a great opportunity for our young athletes to compete, develop skills, meet new friends and also learn the values of sportsmanship, skill and development.

I honestly enjoyed every aspect of the games, and it was obvious that teamwork and community spirit was evident throughout the entire week.

Congratulations to the organizing committee led by games chair, Eric Schibler, and the hundreds of volunteers who have made these games possible. I also commend the Town of Conception Bay South for their support and, once again, demonstrating its outstanding ability to host first-class sporting events.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for St. George's – Humber.

MR. REID: Thank you, Mr. Speaker.

I rise today to recognize the accomplishments of Flat Bay native Gordon Patrick White. Gordon was recently named as a cast member for the largest theatre company in Canada: the renowned Stratford Festival.

Gordon takes great pride in his Mi'kmaq heritage, which is not surprising given that his

parents are Elder Calvin White Sr. and Francis White. Gordon's involvement with theatre started while he was at high school in St. George's. It was there that he got the acting bug and he never looked back.

After high school, he pursued his craft by graduating from the fine arts program at Grenfell campus of Memorial University. His work from there took him everywhere. He's been involved with the Stephenville festival, Theatre Newfoundland Labrador, Neptune Theatre group, the National Arts Centre, amongst many more.

This last September, this rising talent was invited to audition for the Stratford Festival in Stratford, Ontario. While this was his first visit to Stratford, it won't be his last. Gordon was asked to join the cast for the festival for 2017.

I ask hon. Members to join me in congratulating Gordon Patrick White, a rising star in Canadian theatre.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

I am so pleased to honour the amazing Joshua Power, winner of 4-H Club of Canada's Leadership, Excellence Awards of Distinction. The coveted LEAD award is given to only four outstanding young people across Canada, and Joshua is one.

Josh is an active leader in his community and school. He's the secretary of Calvert's local service community, his hometown, and was on student council at Baltimore School. Among his many, many activities, Josh is particularly proud of having helped start a gender-sexuality alliance at his school.

It's no surprise that 4-H Canada would select Josh from across Canada as this year's winner in the Community Engagement & Communications category. CN sponsors the award, which includes a four-year university cash scholarship and the opportunity for Josh to select a mentor for the four years.

Josh is studying geography at Memorial University to be an urban planner and has done me the honour of asking me to be his mentor. Of course I'm thrilled by this honour and I look forward to working with and learning alongside Josh over the next four years.

I ask all hon. Members to join me in congratulating Joshua Power, LEAD award winner, geography student and future world changer.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. WARR: I rise in this hon. House to pay tribute to Ms. Brooke Blanchard, an outstanding young lady from King's Point. Last week at the Miss Achievement Newfoundland and Labrador Scholarship Awards Program, Brooke came in first runner-up and captured a \$750 scholarship.

Brooke is an outstanding athlete and a tremendous student. She has been named Athlete of the Year, Student of the Year and you can guess her grade point average. Brooke spent a portion of this past summer at the University of New Brunswick's SHAD program, where high school students get the chance to be immersed in science, technology, engineering and math.

In her younger days, way back in 2014, she attended Encounters with Canada and travelled to Ottawa where she interacted with teenagers from all across this country. Brooke was recently awarded the Johnson HORIZONS leadership scholarship, which was presented by Memorial University to students who show leadership qualities in school and in their community.

Brooke is a dedicated volunteer. She tutors at school, teaches piano, volunteers at her church and for all kinds of town functions.

I ask all hon. Members to join me in congratulating this outstanding young woman on her amazing showing at this year's Miss Achievement Newfoundland and Labrador Scholarship Awards.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: It gives me great pleasure today to distribute to each Member of the Legislature a special edition of Hansard in commemoration of the First World War and the Battle of Beaumont-Hamel.

As Members recall, and for the benefit of those listening at home, each Member of the Legislature read out some 40 names in alphabetical order to remember the 1,600-and-odd brave men and women who gave up their lives during the First World War from the Dominion of Newfoundland, now Newfoundland and Labrador.

We are signing a copy of this. It's in my office. I ask all Members to sign it to be kept at the Legislative Library. There's going to be a copy provided to The Rooms which houses the permanent Royal Newfoundland Regiment exhibit, and a copy to the Royal Newfoundland Regiment.

We're also sending out a copy to each of the Royal Canadian Legions throughout the province. There will be other copies as well, in the event that people wish to have a copy. It's a great piece for – all names of those are listed in alphabetical order for anybody doing research, and to remember those men and women who gave their lives.

I'm very, very pleased to present a copy of this to each of the Members today.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

MS. COADY: Mr. Speaker, I'm pleased to report that the response to the recent Calls for Bids in the province's offshore was one of the most successful in the world in 2016 and shows significant exploration opportunity for Newfoundland and Labrador.

The Calls for Bids by the Canada – Newfoundland and Labrador Offshore Petroleum Board consisted of 16 parcels of land totalling 3.3 million hectares and resulted in a total work commitment of approximately \$758 million.

We are pleased to see that three of these bidders are new to our offshore: Hess Canada Oil and Gas, Noble Energy Canada, and Delek Group. Of the eight parcels awarded, four are in the newly identified West Orphan Basin, while two are in the Flemish Pass Basin and two are in the Jeanne D'Arc Basin.

A group led by BP Canada Energy Group, Hess Canada Oil and Gas and Noble Energy Canada was awarded licences in the area of the newly discovered play trend in the West Orphan Basin. In August, the hon. Premier and I announced that an independent resource assessment covering the area of the West Orphan Basin identified 25.5 billion barrels of oil potential.

The results of the Calls for Bids are impressive in the current global environment and we look forward to continued exploration and development in our offshore for decades to come.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I thank the minister for the advance copy of her statement. Through Nalcor, our administration strategically invested over \$30 million in geoscience programs through the Energy Plan to drive economic activity by ensuring that seismic data would be available for oil and gas investors around the world. This investment recognizes significant reserves we have in the offshore in our province and resulted in providing information to the oil and gas industry which allowed investors to put forward these significant bids.

Mr. Speaker, we are encouraged to see that our investments – which some who were in the

Opposition at the time questioned – along with our long-term economic strategic plan are now benefiting our economy, both today and into the future. Our party has always been a strong believer in the commodity markets, including oil and gas. We are proud of our past investments and certainly see this as a positive return on the people's investment.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I, too, thank the minister for the advance copy of her statement. The bids are in, but what do they really mean. I hope this interest in exploration will lead to production.

I remind the minister that while the offshore oil industry provides revenue, it provides relatively few jobs and any new development is years away. I remain concerned that government has no real plan for creating employment in meaningful numbers for the people of the province here and now.

Thank you, Mr. Speaker.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister Responsible for the Status of Women.

MS. C. BENNETT: Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to commend the Newfoundland and Labrador Organization of Women Entrepreneurs, commonly referred to as NLOWE, for their Women's Economic Forum. The forum, entitled Drivers of Growth – Unleashing the Economic Power of Women, which includes a number of sessions being held across the province, provides an opportunity for women in business to explore the challenges and the successes of advancing in business.

Mr. Speaker, I had the pleasure of addressing the forum that took place in St. John's this morning. It was a great opportunity for business leaders to come together and share their knowledge and expertise. It is important that we can collectively identify the barriers for women in business and the opportunities so that everyone can learn from each other.

I commend NLOWE for the important role they are playing in supporting women entrepreneurs. As NLOWE points out, we all need to work together to tap into the economic potential of the fastest growing economic force in the world – the untapped potential of the female population.

Our government takes gender equity and diversity very seriously, and we encourage women, and all Newfoundlanders and Labradorians, to actively participate and seek out leadership roles and to work together to support each other as we support continued economic growth for our province.

Our government is supportive of NLOWE in hosting these sessions. We look forward to working with them on the outcomes of the *Drivers of Growth* forums through the resulting Action Plan being released in January.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Thank you, Mr. Speaker.

I thank the minister for an advance copy of her statement. The Official Opposition joins with government in recognizing the efforts of the Newfoundland and Labrador Organization of Women Entrepreneurs, which we all finally know as NLOWE.

I, too, attended the forum held in St. John's this morning and was very inspired and very encouraged by what I witnessed. Exercises such as this that bring together various stakeholders and community leaders are so extremely valuable. However, we understand that much work remains. One only needs to look at the evidence.

A recent study showed that Canada has slipped from 10th to 36th in terms of economic opportunities for women. Another reality check tells us that at the current rate, it will take 151 years before the proportion of men and women in management are equal – that's far too long. So it's painfully obvious that we must remain diligent to address this inequity. It is through organizations –

MR. SPEAKER: Order, please!

MS. PERRY: – such as NLOWE who have been supporting and encouraging women entrepreneurs that we can do just that.

Thank you so much, 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 her statement. Congratulations to NLOWE for their courageous leadership in advancing women in business and bravo for their great forum.

The minister said her government takes gender equity and diversity very seriously, yet refused to use a gender analysis on her budget that disproportionately negatively affects the women of our province. And she refused to press government to include a mandatory gender balance provision in legislation for the Independent Appointments Committee, leaving it to chance and –

MR. SPEAKER: Order, please!

MS. ROGERS: – goodwill.

Thank you very much, Mr. Speaker. Her words are hollow.

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Mr. Speaker, I rise in this hon. House today to highlight November 14-20 as Global Entrepreneurship Week.

Global Entrepreneurship Week is a celebration of the innovators and job creators who launch start-ups that bring ideas to life, drive economic growth and contributes to the advancement in human welfare. The week inspires people everywhere through local, national and global activities designed to explore their potential as self-starters and innovators.

We are pleased that Futurpreneur Canada – an organization that has fuelled the entrepreneurial passions of young enterprise for two decades – is hosting Global Entrepreneurship Week for the eighth consecutive year. Over the past two years in Newfoundland and Labrador alone, they have funded 35 young business owners.

There are some great events planned to take place in the province this week, including a pitch event, a branding session, an entrepreneurial networking breakfast and a women's economic forum. These activities connect participants to potential collaborators, mentors and even investors, introducing them to new possibilities and exciting opportunities.

Mr. Speaker, the provincial government is very engaged in innovation and entrepreneurship and the important role both play in the economic future of our province. Last week, the hon. Premier launched *The Way Forward*, a vision which emphasizes the importance of support for entrepreneurship and innovation – from the introduction of a new procurement act and the development of a Business Innovation Agenda.

I am pleased to say that in the very near future, the provincial government will be launching the engagement process for the development of a new Business Innovation Agenda – one that is focused on building the pool and capacity of the province's innovation and growth-driven businesses. We look forward to this process and seeing continued growth in innovation and small business in Newfoundland and Labrador and applaud our entrepreneurs for their tenacity, their commitment and the success they have and continue to achieve.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: Thank you, Mr. Speaker.

I thank the minister for the advance copy of his statement today. We, too, would like to recognize November 14-20 as Global Entrepreneurship Week and would like to recognize all those involved.

Small business is the foundation of our province's economy. But there's a great deal of irony, Mr. Speaker, to hear the minister state that his government celebrates entrepreneurs and that the Liberal government will be developing an engagement process – more consultation I guess – for entrepreneurs in the province. These hard-working small-business owners are the same individuals who have overwhelmingly expressed their displeasure regarding the actions this government has taken with regard to our economy.

Entrepreneurs are some of the hardest working people in our province. They deserve a government that fosters growth and innovation, instead of the present government which is stifling growth and smothering the economy.

In spite of this, Mr. Speaker, I wish to recognize Futurpreneur for hosting Global Entrepreneurship Week and all those involved. I especially wish all entrepreneurs the very best in their endeavours. We fully commend their efforts.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I, too, thank the minister for the advance copy of his statement. I am pleased to hear about the activities during Global Entrepreneurship Week. Small businesses are very important to our economy and are creating much-needed jobs.

While it is good to hear about plans for new initiatives, small businesses still need resources on the ground to get established. I ask: What are government's plans for getting more working capital into the hands of small business owners in all sectors? Let's get a venture capital fund going for these businesses.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

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

When launching the Liberal vision, the Premier took some time to be critical of our approach of developing targeted strategies.

I ask the Premier: Have you scrapped the Poverty Reduction Strategy? What specific actions are you taking to address poverty?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

If the Leader of the Opposition had listened to the comments around the strategy of strategies, we actually said and actually gave the former administration some credit on some of the things that have been done around the Poverty Reduction Strategy as an example.

These are things that we see, ongoing programs that are actually providing benefit to our province and said no, we would not be scrapping those programs. But there are many incidents where the previous administration, based on a level of response to a particular program, what they said was we would set up a new office. What we saw was government working in silo.

When you look at what we did with *The Way Forward* program it is to reduce some layers within government right now that would create a more effective and a more efficient government.

Mr. Speaker, our way forward vision comes with many targets. We talked about agriculture. We talked about targeting in health care. We talked about targeting in immigration. There are a number of different targets and we will meet those targets.

SOME HON. MEMBERS: Hear, hear!

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

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

We just heard from a minister opposite who talked about engaging to consult to develop a plan. That's what we hear from Members opposite quite often.

In the vision, it also identified reducing the province's obesity rate by 5 per cent by 2025, and that's a good thing, Mr. Speaker.

I ask the Premier: What specific actions or initiatives have you identified to support that goal?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

We all know the obesity rates in our province are very high compared to other provinces within Canada, many other jurisdictions. Number one, it will come down to education. The education will start with our very young. It includes making investments in areas where we will increase participation amongst our young people.

Mr. Speaker, there are a number of initiatives that will be able to take place, working with our education system, working with our communities, working with the Department of Health, as an example, lots of good examples and initiatives that we put in place to help reduce the obesity rates within our province.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

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

Education and participation but no specifics. The Liberal vision also identified increasing the province's rate of physical activity by 7 per cent by 2025.

I'll ask the Premier: How did you arrive at 7 per cent?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

What we know is there is a lot of information when it comes to benchmarking. We also said that based on the guiding principles that when we make the decisions for this government it would be the fact that number one, we will challenge ourselves. That is the reason why we've put in those specific targets.

As a matter of fact, if you listen to the forum, through the Leader of the Opposition, his response on that day to some media was, well, this was just a plan and not really much into it, only to find out later that there were some very specific targets in place and they were mentioned. That is the reason why as a government we will challenge ourselves by putting those targets in place, working with leaders in our communities, working with various departments because many of those policies are just not stuck in silos.

That was the approach that the previous administration took in their level of government. We are breaking down those walls so it becomes a culture throughout this government.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

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

I appreciate the response from the Premier. However, Premier, what we are looking for is how are you going to arrive at those goals? What's the plan to get to those goals? That's what my question was just about a few minutes ago when I asked you what specific goals and initiatives, what actions and initiatives, to address your obesity targets.

As well, we know that you've already taken some action on physical activity. You've cut support for Sport NL programs. You've cut the Jumpstart – very popular, very beneficial, a very good program, the Jumpstart program.

I ask you, Premier: What specific programs – you say you have specific programs if you read the document – will be introduced in support of the goal to improve physical activity?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: I thank the Member for the question.

We've put in place numerous programs. In actual fact, the Veggie and Fruit program that was just recently put in place for parents of young children, the Healthy School Planner. There are a number of programs that are identified to meet these goals and objectives.

SOME HON. MEMBERS: Hear, hear!

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

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

So the Veggie and Fruit program is going to increase physical activity.

I'll ask the minister again – you cut the Jumpstart program, a nationally recognized, good program for engaging young people in regular physical activity – what programs are directly related to increasing physical activity?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Mr. Speaker, just last week I introduced a new program in schools to help school sports with travel. Again, I said the Healthy School Planner, which is an online tool for all schools to assist them with physical activity.

SOME HON. MEMBERS: Hear, hear!

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

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

There is not much detail there. Assisting students with travel is going to improve physical activity.

I'll try this, Mr. Speaker, with the Premier. I'll try this.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. P. DAVIS: In the vision document you identified increasing fruit and vegetable consumption by 5 per cent by 2025. Again, that's a good thing.

I ask the Premier again: What specific actions will your government undertake to accomplish that goal?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

It's too bad the Leader of the Opposition is really not paying attention to some of the things that we've been saying about this. We recognize that in order to get to where we need to be when it comes to healthy eating and so on, there's a lot of work that we can do within our agriculture initiative. I can assure every person in this province that have heard me talk at great length of our ability now not to be able to feed ourselves in this province. So we're saying that we're going to more than double that?

Mr. Speaker, we know now by the research we've done that we can actually grow more of our own vegetables, fruits and so on within our own province. What the agriculture industry is telling us, Mr. Speaker, is they need access to Crown lands, as an example. They need access to federal programs. So one thing that we did do, which was in the budget, was actually put a person in place right in the federation of agriculture. And, by the way, they support those initiatives.

SOME HON. MEMBERS: Hear, hear!

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

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

We listen very well to what the Member's opposite say. It's hard sometimes to cut through the rhetoric but we do listen to what they have to say, and we're glad. I say it's a good thing they want to reduce obesity, increase physical activity and increase the consumption of fruit and vegetables. But, I tell you, there are ways they do all of this that could be specifically done in programs. We don't hear many specifics from Members opposite.

I'll ask the Premier: Are you reconsidering or will you reconsider introducing a sugar or junk food tax?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, when you look at taxation in our province – what I'm hearing here is the Leader of the Opposition wants to tax more, which really goes against what Members of the Opposition have been saying for quite some time.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER BALL: As the Leader of the Opposition would know taxation sources of revenue are really something that becomes part of a budget process. Right now, this is not something that we are considering at this point

but it will go through a budget consultation process.

What we do is when we talk and engage with people, we actually listen to what they are saying. The previous administration actually held, on many occasions, budget consultations but it meant nothing. Lots of people that showed up to their consultations actually said that.

SOME HON. MEMBERS: Hear, hear!

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

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

I think the Premier completely missed the point. The point was about reducing obesity, increasing physical activity and about improving the consumption of fruit and vegetables. It's not about a revenue generation. It's about benefiting Newfoundlanders and Labradorians and the health of Newfoundlanders and Labradorians.

Yesterday we asked the Premier, and we didn't receive an answer. The Premier was asked – teachers want to know, the people of the province want to know – do you think that the Minister of Education has shown integrity in his work as a minister? Yes or no?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

When I was asked a question, similar to that yesterday, I did answer the question. And it went something like this: When mandate letters were given to all ministers, in this particular case the Minister of Education and Early Childhood Development, part of what I asked him to do was to put in place full-day kindergarten. It also explored many of the Premier's task force on improving educational outcomes and also about school board elections, Mr. Speaker. These were all requests that I put in that I asked the minister to do.

Now, the minister is working. He is working quite well with many members of our communities and many members of the

education system I would say, Mr. Speaker. So when I speak and say that I have confidence in my minister, I do have confidence in my minister.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: The Premier may have confidence, but for the second day in a row he won't simply state whether he believes that his Education Minister has acted with integrity.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Unbelievable, Mr. Speaker.

I ask the Minister of Business, Tourism, Culture and Rural Development: Do you agree with the decision to headquarter the new Atlantic provinces ocean technology institute in Nova Scotia rather than in Newfoundland and Labrador?

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I had the pleasure of being at Memorial University when a joint announcement was being held between Nova Scotia and Newfoundland and Labrador to bring over \$90 million into oceans research to lead the way for ocean technology in a very collaborative way looking at our Atlantic growth strategy here in the province, that we're committed to working with our Atlantic counterparts and the federal government to make sure that oceans is a key piece of our technology.

Our province, Newfoundland and Labrador, Memorial University is a key partner in that and is going to get a big chunk of all of the investment that is happening. There will be office space, and there is a significant amount happening at the Marine Institute and at Memorial University that is going to bring in high value, research, technology and we're

going to see the benefits in Newfoundland and Labrador from this investment.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: Mr. Speaker, the minister's comments fly in the face of our Northern Gateway strategy, our ocean technology strategy. We've made huge progress in this province over the last decade.

I want the minister to confirm for this hon. House: Does he agree with the decision to headquarter the Atlantic provinces ocean technology institute in Nova Scotia instead of here? It sounds like he does.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Thank you, Mr. Speaker.

This was a collaborative effort by a number of universities. Actually, the University of Prince Edward Island is also involved in this process. The provincial government and Memorial University will see a tremendous benefit, somewhere in the range of about \$40 million of this \$90 million investment based on the Ocean Frontier initiative.

We have the best assets, when it comes to Newfoundland and Labrador, that's drawing significant investment. We hosted the international Arctic Technology Conference, which is an international conference showcasing our simulation, showcasing our research and the companies. We have over 600 companies that are based in dealing with oceans.

So we're doing and we're continuing to collaborate, to grow the ocean tech sector and the pathway to the Arctic right here in Newfoundland and Labrador, working with our

Atlantic counterparts. That's how it should be done.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I remind all hon. Members again today that when a Member is recognized to speak, that's the only Member that I wish to hear. It's oftentimes difficult for the Speaker to hear. This will not be tolerated.

The hon. the Member for Mount Pearl North.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, we shouldn't sell out our industries in this province for \$40 million. The minister just outlined all the reasons why that centre should be located right here in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Our ocean technology strategy was working. Why did the Liberal government allow the Atlantic provinces ocean technology institute to go to Nova Scotia instead of being here where it belongs in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Mr. Speaker, I would like to remind the Member opposite, who is a former minister in the past administration, that under their track record if they looked at the footprint of federal government services that happened under their leadership, we saw the closure of the marine sub-centre which is now being reopened by the federal government through hard work by the minister and the Premier. We also see that Coast Guard has expanded their footprint. There's a lot being done. The Veterans Affairs office in Corner Brook has been reopened.

We've had tremendous success working with the federal government on a number of initiatives to

expand the footprint of federal government presence in Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, I know how much they love the federal government, but I would point out that we have been leaders because of our investments in the Marine Institute and RDC and Memorial University. All that could be undone by this government. Ocean technology is important to economic development.

I'm going to ask the minister: How many jobs are going to be lost as a result of the decision to headquarter the ocean technology institute in Nova Scotia instead of here in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Mr. Speaker, the answer is simple: There will be zero jobs lost. There will actually be jobs created due to the post-secondary –

SOME HON. MEMBERS: Hear, hear!

MR. MITCHELMORE: – a significant investment. So we're very pleased to see the number of high-value jobs that will be created at the Marine Institute.

I would suggest to the Member opposite to maybe go to the Marine Institute, talk to the people there, and find out exactly all the positive things that's happening based on this investment on the Ocean Frontier Institute that's happening right here in Newfoundland and Labrador.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: So, Mr. Speaker, exactly how many jobs will be created here at Marine Institute and how many jobs will be created at the new ocean technology institute in Nova Scotia?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Business, Tourism, Culture and Rural Development.

MR. MITCHELMORE: Mr. Speaker, there will be a tremendous amount of jobs and benefits that will be created based on this investment. If we look at the research that's going to be taking place, the Ph.D. students that will come along with this, these are high-value, high-resource jobs to be connected with the Research & Development Corporation, with Memorial University and with the Marine Institute.

Certainly we can endeavour to go reach out to the Marine Institute and also Memorial University, which is an autonomous organization – if he wants to achieve that information, he can. Myself, as minister, I don't particularly have those numbers directly on hand. But I will certainly go do the work for him if he's unable to do so, and get that information and table it in the House.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: Mr. Speaker, I'm happy to do my research, but he should know, he's the Minister of Business, Tourism, Culture and Rural Development.

SOME HON. MEMBERS: Hear, hear!

MR. KENT: So he was prepared to support this outrageous decision without even knowing the facts, and he doesn't know them today. He may not want to talk about job numbers, but I do. Newfoundland and Labrador has lost 6,100 jobs over the past 12 months – quite the economic

legacy for the Liberal's first year in office. The minister provided no details yesterday.

I ask the minister: When can people expect the economic growth plan – not the fancy vision document – that your Premier promised?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

Well, I'm glad and not surprised at all that the Member is talking about the last year. What he is not talking about is that we have seen in the last 38 months, 35 months of decline. Now, I say to Members that are in this, and people that are watching home, do we need to remind them once again that for nearly 35 of those 38 months they were the party that was in power where we saw consistent job losses within this province.

Also, to provide some context in this, is when you look at the three provinces, Alberta, Saskatchewan, and Newfoundland and Labrador, primarily related to oil and gas, Alberta's down 25 per cent, Saskatchewan's down 10 per cent, Newfoundland and Labrador – even though it's down – is down just over 6 per cent.

So, Mr. Speaker, in context, remember, 35 of the last 38 months during their administration it was a decline and loss of jobs.

SOME HON. MEMBERS: Hear, hear!

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

MR. KENT: Mr. Speaker, they wouldn't answer the question yesterday and they won't answer it again today.

The Premier's government has been in office for a year, a quarter of his mandate has passed – thankfully. I ask him again, and maybe his minister will respond if he doesn't want to give specifics: What specific actions has your administration taken to address projected job loss in the province? It seems like after a year in office, there's still no plan.

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: Thank you, Mr. Speaker.

Well, he asked for a specific answer to the question before, I thought I gave him a lot of detail. I'm going to continue on that detail now, Mr. Speaker.

Based on our last budget, \$570 million in infrastructure spending, that will create 3,860 person years of employment. That is creating jobs. Not only did we put \$570 million into the infrastructure plan, we've leveraged that with communities, with private sector and, in some cases, the federal government.

Mr. Speaker, to answer his question specifically: 3,860 person years of employment based on our infrastructure investment.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

I ask the Minister of Education: What did the review of the library system cost the taxpayers of Newfoundland and Labrador?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. KIRBY: Mr. Speaker, as Members of the House of Assembly will remember, last January all agencies, boards, commissions and departments of government were requested to try and find a certain amount of savings over a number of years. The provincial libraries board, in collaboration with the Department of Education and Early Childhood Development, came up with a plan. In fact, they exceeded the goal, some might argue, in terms of finding savings.

There were five proposals that were worked on. There was one that was accepted. That was incorporated into the budget. Following that, there was significant amount of public feedback about the need to have further consultation with

the public about those decisions and also there was an interest in having a consultant review the system.

So that's what we did. If I have additional time, I'll continue, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The minister didn't answer, so I'll answer it for him. It was \$187,000 for the contract, but that didn't include travel, it didn't include taxes, associated fees, stakeholder agreements and third-party surveys.

So can the minister tell me – I'm assuming a quarter of a million dollars to this point – exactly what it cost the taxpayers of Newfoundland and Labrador to have consultations around libraries after you determined that you were going to cut 54 of those in this province?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. KIRBY: Thank you, Mr. Speaker.

I appreciate the opportunity to continue. I don't know why the Member is asking me questions if he thinks he already knows the answer to them.

After we listened to what people had to say, the feedback that they had provided, we used the consultant that was basically the agency of record to go out and do some work. It was a major undertaking that was done. There were 10 consultations that were held around the province; two in St. John's. Those concluded on November 8.

There was a significant amount of opportunity for people to provide feedback. There was also an online form that people could provide feedback through. There was also a survey that people could provide feedback to. All that feedback is now going to be included into a final report, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

The minister is correct, there were 10 consultations. I was glad to see that his colleagues on that side of the House, along with some on this side, had attended them.

I ask the minister: How many consultations did he attend to get feedback from the general public about the libraries that he slated to close?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. KIRBY: Mr. Speaker, again, I'm happy to provide answers to questions that the Member already knows the answer to.

As I said multiple times in interviews with the media, I didn't attend any of those sessions, Mr. Speaker. I felt that it would basically influence what people might have to say. Maybe people would feel more guarded in what they might feel about the issue. I didn't want it to become a we-versus-they conversation. We are genuinely interested in what people have to – the information people have to provide about the sorts of library services that we need to have in our communities going forward.

So with that in mind, we allowed those consultations to take place without me being present. In some instances our MHAs attended, in others they didn't.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: That's another example of how the minister doesn't consult or listen to stakeholders.

Did any of the 54 communities with proposed library closures host consultations? Can you tell

me the process that was used to determine where the consultations would take place?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development.

MR. KIRBY: Thank you, Mr. Speaker.

I'm pleased to be able to continue to explain the process that was undertaken. After the consultant was contracted to do this, a steering committee was struck. There were representatives from the Department of Education, Early Childhood Development and the provincial public libraries board. There was an individual from that board who was specifically there to represent rural Newfoundland and to represent their interests.

The public libraries board had a majority, basically, on the committee. They selected a number of communities on the premise that people would be able to come from surrounding areas in order to be able to attend. For example, there was one held in Clarendville with the interest of people from the surrounding areas being able to attend and that sort of thing.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Conception Bay East – Bell Island, for a quick question.

MR. BRAZIL: Did the minister direct Ernst & Young to not have consultations in communities where the libraries were about to be closed?

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development, for a quick response.

MR. KIRBY: No, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

As of October 1, low-income earners in our province have the dubious distinction of having

the lowest minimum wage in Canada. Meanwhile, a minimum wage review as required by the *Labour Standards Act* is well overdue.

I ask the Premier: When will his government live up to its statutory obligations and conduct a review of our minimum wage, including public hearings?

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

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

I was delighted to engage in consultations with union leaders, with labour leaders, with employers, with faith community, with a number of different organizations concerning minimum wage requirements as a statutory requirement in minimum wage for our province. We are committed to this review. We'll be announcing our decisions on this matter in the very near future.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Mr. Speaker, I have to ask for clarification from the minister. Is he saying the review has taken place and we're going to be getting a report of these private meetings?

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

MR. BYRNE: Mr. Speaker, I'm not sure if the hon. Member opposite considers meetings with the union leaders to be private. She's always free to embrace and to have discussions with members from the labour council, with members from the employers' council, from others.

We have engaged in consultations. We are always open to new ideas, to new points of view. This process is ongoing; but, yes, we have actually engaged in key stakeholders, and anyone who wants to come forward, including the Member opposite, to provide a view point – which I have not yet heard. If she would like to come forward and provide a brief to this government, we would be happy to receive it.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Thank you, Mr. Speaker.

I'm asking the minister to be clear. There has been no public announcement that I'm aware of, unless I was in the ground somewhere, of a review having taken place.

When is the minister going to make a public announcement so that people know they can come forward and talk about the horrible situation we have with regard to the minimum wage in this province. If he doesn't know what I think, he's been in the ground somewhere.

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

MR. BYRNE: Mr. Speaker, there is a point of view that's being expressed here about being in the ground. I know that I've been on the ground talking to stakeholders, talking to people who have a particular point of view about this. There are a range of different points of view.

Consultation is always welcome. This government prides itself on consultation. That will not end. There is a new era that is overtaking this government compared to the last government, which is about engagement and actually receiving points of view. And it's not just with the federal government but with stakeholders generally.

So, yes, Mr. Speaker, there will be consultations. We will put forward our plan and we will have a very effective policy that provides a minimum wage for Newfoundland and Labradorians.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

Thirty-eight per cent of provincial minimum wage earners mostly work for large chains that employ more than 500 people. Many of these workers need government help through social

programs because their employers don't pay them enough money to live on. This, in fact, becomes a corporate subsidy.

I ask the Premier: Has he done an analysis of how much government is spending to subsidize corporations' low-wage practices on the workers of Newfoundland and Labrador?

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

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

We, in Newfoundland and Labrador, have a very progressive labour standards policy and act. We also have very, very specific programs to be able to assist underemployed people gain full-time employment. The question here is really about how do we get a very high-functioning, highly effective, highly skilled workforce to be able to participate in a modern-day workforce.

I've been Minister of Labour for a relatively short period of time, but I have been a Member of this House since approximately 10 months. I'm delighted that the NDP is finally engaging on this particular issue.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: It's interesting, Mr. Speaker. There hasn't been any answer about minimum wage.

Mr. Speaker, 66 per cent of minimum wage workers in this province are women. Working full time and year-round, their earnings are around the poverty line.

I ask the Minister of Finance and Responsible for the Status of Women: What is she going to do to address this issue?

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

MR. BYRNE: Mr. Speaker, we always take a very deliberate and definitive view, making sure there's equality in the workplace, and our

Labour Standards Act is a part of that instrument. Part of the process of ensuring that we have equity in the workplace is we engage employers, we engage labour, we engage every stakeholder to come forward with ideas to allow this to happen. We're blessed in this province with a very effective counsel in terms of other agencies and institutions that provide us with that advice. That is the process we'll always be engaging in, and that will produce results.

So as we go forward, as we initiate a consultation on this, if this Member or any member of the public would like to come forward, we'd be happy to receive that information.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

MR. JOYCE: Mr. Speaker, I give notice that I shall ask leave to introduce a bill entitled, An Act To Amend The Municipalities Act, 1999, Bill 44.

MR. SPEAKER: Further notices of motion?

Yesterday I gave notice that I would be presenting this notice of motion today. In accordance with subsection 85(6) of the *Access to Information and Protection of Privacy Act, 2015* – I apologize to Members; I need (inaudible) for the Government House Leader to give me –

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

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

Petitions.

Petitions

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

MS. PERRY: Thank you, 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 residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the expansion of the aquaculture industry is important to economic diversification of Newfoundland and Labrador; and

WHEREAS any developments must implement measures to ensure safe cohabitation between wild species and farmed stocks;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to perform due diligence to ensure the appropriate environmental assessment – full environmental impact statement – and existing policies are adhered to as it relates to proposed developments on the Burin Peninsula and Placentia Bay.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, today's petition is three pages long and it's signed by people from all across the province, and particularly on the East Coast of the Island. As I stated yesterday when I spoke to Address in Reply, I'm certainly a strong proponent of aquaculture, but I'm also a very strong proponent that aquaculture development must be done right.

We've lived through the growing pains in the Coast of Bays region and we still encounter them from time to time. But what is absolutely critical in all of this, in order for aquaculture to work, aquaculturists have to take extreme care of the environment. And I'm confident that they are absolutely wonderful stewards of the environment, but in order to grow fish you really

have to understand the environment in which they are grown.

Mr. Speaker, certainly a full environmental impact statement is something that I think would lend confidence to others in the province about this venture. And we've seen recently the Environment Minister is certainly paying attention with respect to other issues to the call of the people, and the people really do want to see a full environmental impact statement.

Mr. Speaker, it's of critical importance that this industry is developed properly because any negative impacts to a new area will certainly be a negative impact to an existing industry that provides over \$200 million in revenue. So we must move forward and do it right, I guess, is the issue here.

I certainly support the call for a full environmental impact statement and support the full development of aquaculture across the Province of Newfoundland and Labrador, but no cutting corners, no bypassing regular processes. Let's ensure that we do this, do it right so that everyone has confidence in the initiative when it goes forward, that it is in the best interest of everyone and there are minimal worries.

Certainly, I know there are other companies looking to invest in Placentia Bay. Thermograph data showed it was below 1.6 which is lethal temperatures for finfish. So these things need to be studied.

Thank you.

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

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

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

WHEREAS Newfoundland and Labrador has the greatest percentage of the workforce earning the provincial minimum wage in Canada, with women, youth and those from rural areas

making up a disproportionate number of those workers; and

WHEREAS the minimum wage does not provide enough money for the necessities of life because a person earning minimum wage working 40 hours a week will make between \$21,300 and \$21,800 in 2015 – that's what they made – which is barely above the low-income cut-off of \$20,065 for St. John's, and a working couple on minimum wage with two children will also make close to low income; and

WHEREAS in 2012 the minimum wage review committee recommended an increase in the minimum wage in 2013 to reflect the loss of purchasing power since 2010 and an annual adjustment beginning in 2014 to reflect the Consumer Price Index; and

WHEREAS government instead legislated two 25 cent increases, one in October 2014 and one in October 2015 with no annual adjustment; and

WHEREAS eight provinces and territories will have a higher minimum wage than Newfoundland and Labrador by October 2015;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to legislate an immediate increase in the minimum wage to restore the loss of purchasing power since 2010, and an annual adjustment to the minimum wage beginning in 2016 to reflect the Consumer Price Index.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, this minimum wage petition has been signed by thousands over the past couple of years in this province. We have continually brought this voice into the House of Assembly, as is our responsibility as a party.

The minimum wage has not kept up with the cost of living. A series of increases brought it up to \$10 an hour in 2010, but it has fallen behind inflation ever since. So by now, as the petition recognizes, we are the lowest minimum wage rate in all of Canada. In the six years since 2010, we went from having one of the higher minimum wages in Canada to having the lowest

on October 1 when Saskatchewan raised its minimum wage to \$10.72.

We're not anti-small business in supporting minimum wage, as some opponents like to say. Along with economists in Canada, 85 of whom put out a report just last year, along with economists in the United States, where in 2006 there were 650 economists who came together, we agree that as the economists in the United States said, "... minimum wage increases 'can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed'"

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, 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 residents humbly sheweth:

WHEREAS many students within our province depend on school busing for transportation to and from school each day; and

WHEREAS there have been a number of buses removed from service over the past few weeks for safety reasons, calling into question the current inspection and enforcement protocols for school buses in this province; and

WHEREAS there have been concerns raised by members of the busing industry regarding government's tendering practices as it relates to the provision of school bus services in the province; and

WHEREAS there are many parents throughout our province who have raised both scheduling as well as safety concerns regarding the English School District's 1.6-kilometre policy, courtesy-seating policy, new double bus run schedule, as well as overcrowding on school buses;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to strike an all-

party committee on school busing to consult with stakeholders and make recommendations to government for the improvement to the school busing system in our province.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, I raise this petition again today. I will continue to do so each and every day until we get some action here. There are a number of issues around school busing, as has been indicated here. They cross the Department of Education and they also cross the Department of Service NL.

The safety of our children has to be of the utmost importance, and that's what parents are calling for. That's what people in the community are calling for. Whether it be the actual safety of the bus itself or whether it be the safety issues associated to children having to walk – in a lot of cases, they have to walk in areas where there are no sidewalks, walking in the dark, especially with this new double bus run and the staggered times.

There are so many issues around this. I think that the best option for us is to form an all-party committee to look at all of these issues and make some recommendations for improvement.

Thank you, Mr. Speaker.

MR. SPEAKER: Further petitions?

The hon. the Member for Cape St. Francis.

MR. K. PARSONS: 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 there are families who face scheduling challenges to get their children to and from school each day; and

WHEREAS because of these challenges these children are required to go to child providers before and/or after school each day; and

WHEREAS the current policy and practices does not allow children to be dropped off via school bus to their child care provider;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to allow children to avail of courtesy busing and to enable parents to indicate an additional drop-off location in addition to their own.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, this is a very important issue in a lot of areas in Newfoundland and Labrador. Today it seems like times have changed when it comes to our children. I know when I was growing up and when school got out, I could go to an aunt or I could go to my grandparents, or I could go to somebody in the neighbourhood. My parents felt it was great that they saw that person taking care of me or watching over me until they got home, and the same thing when my children went to school. I was fortunate to be living next to my parents' house and the next-door neighbours were my babysitters and they had a chance to go there.

Today, in the Northeast Avalon there are a lot of things changing. There are a lot of parents out there now that both parents are working. It's a real issue for them for their young children, where they go to after school. In most cases, they don't have a family member or they don't have a relative or they don't have a person in their neighbourhood, so they need to go to different daycares.

In Torbay right now, there are three different child providers in the area. That's where most of the children go and there are some people that do it from their homes. But the problem is busing in our area only allows you to use your civic address. That means come 3:30 in the evening, unless you can get a seat on the buses – and the buses in the Holy Trinity area this year, at least four of them were cut and there are no courtesy seats anymore.

What I'd like to see is for government, even if they don't allow to do additional drop-offs, even if they let the parents say this is where my primary area is – and it could be the daycare.

That evening they would be assured, while they're working, that the child can be dropped off to a certain area, in the area that they want the person. They could arrange somehow in the morning, whether they do it themselves to drop off the child at the school. So it wouldn't be the home address; it could be the address of the child provider.

So I just think government has to look at this and understand the circumstances that people are in. It's a huge problem for them because right now there's a buddy system in Torbay that's costing people to get a bus to go to these child providers.

Thank you, Mr. Speaker.

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

MR. BRAZIL: 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 *Budget 2016* closed the Advanced Education and Skills office in Bonavista; and

WHEREAS the residents of Bonavista and the surrounding communities require and deserve an appropriate level of service;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reconsider its decision to close the Bonavista Advanced Education and Skills office.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, as the critic for Advanced Education and Skills, the last couple of weeks I've started to get emails again from some of the people who had some real concerns when the announcements were made, and still echo the same concerns that not only people in Bonavista and surrounding areas, but in the other offices that were closed around the loss of a very valued service.

The minister has talked about the ability to integrate and dialogue with individuals and stakeholders – these offices played that key role. It was the stop-in centre for not only the clients themselves, but it was the stop-in centre for the potential partners. The business community, the not-for-profit sector, the municipalities in those areas, to have a dialogue around how they could partner in providing various services, in being a pillar of strength and support for clients who were trying to get on their feet and trying to find ways to be gainfully employed, and to look at what kind of services or what kind of skill set they would need – be it around assessments for adult basic education, be it around particular other skill sets, be it around post-secondary education needs that they would have. They served that particular need.

But they also served the need for those people who have to rely on income support and all the services that are attached to that. So this was a stepping stone for people to identify services they need, and for the very good qualified staff to be able to counsel and provide those services and direct where there may be other supportive services so that people could get – as the minister noted – to a point where they're gainfully employed. But taking away a very valuable service and a very valuable first step, particularly in rural and remote communities, is a detriment to people being able to do that. That's why this is still a very pertinent issue for people who particularly have lost that service.

You can see in a lot of areas now as the economy turns people need other supports; they need other directions. And taking away valued services that are always part and parcel of what people understood and to develop partnerships in these communities is a detriment. That's what we're finding here.

So, Mr. Speaker, there's no doubt, over the next number of weeks, I'll be presenting other petitions relevant to this, because it started again with these communities now realizing the impact. We were lucky to get through the summer when things are a little bit more positive and things move at a different rate and it wasn't as noticeable. Now we're back into the fall sitting and people now realize how detrimental these cuts have been.

Mr. Speaker, I'll have an opportunity to speak to this and the other cuts that have been made in the near future.

Thank you, Mr. Speaker.

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

MR. A. PARSONS: I call Orders of the Day.

Orders of the Day

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

MR. A. PARSONS: Mr. Speaker, Order 2, second reading of Bill 39.

Mr. Speaker, I move, seconded by the Minister of Education and Early Childhood Development, that Bill 39, An Act To Amend The Judicature Act, be now read the second time.

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

Motion, second reading of a bill, "An Act To Amend The Judicature Act." (Bill 39)

MR. SPEAKER: The hon. the Government House Leader and Minister of Justice.

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

I'm very happy today to stand here in this House of Assembly again and speak to the first piece of legislation for this fall sitting of the House of Assembly. The act that we are debating today, Bill 39, is An Act to Amend the Judicature Act.

Before I get going, I'd just like to thank some people before we get started because I had an appreciation when I was in Opposition, obviously, getting briefings and reading legislation and having some obscure idea of how this happens, but now being on this side and having this opportunity to see what actually goes into it, I'd like to thank all the staff that are necessary and are responsible for helping get all this legislation done. I'm sure Members on the other side know; they've been through this.

There's a tremendous amount of work that happens behind the scenes. The finished product shows up here, it gets debated, we go back and forth. In many cases if it's especially simple, it gets dealt with very quickly, but even for the smallest piece of legislation there is a tremendous amount of work that gets done. Legislative drafting, there's policy work, there are solicitors looking at it, departments looking at it. So in this case, given that this is a piece of legislation emanating from the Department of Justice and Public Safety I'd like to thank the staff within the department who have been working on this for some time.

This is a bill that came from the last session that we've gotten ready to move this session, so thank you to all those who have done it. Then, secondly, to taking the time – having been on both sides, I realize the value in having briefings, and I know that staff have had a briefing with Members of the Opposition to discuss this act. They've been willing to answer questions. It's good to see there are briefings happening, and there are times when there are follow-up questions that happen after.

I guess regardless of stripe or politics, at the end of the day one of the biggest functions that we do here, the one that doesn't often get covered is the drafting and the moving of legislation, the laws and the statutory pieces that govern our province. I'm really happy to see that process is going – I think we're trying to take steps to improve that process and provide more time. Hopefully, that worked.

Now speaking to this particular piece of legislation specifically, what we want to do here – obviously, the *Judicature Act* governs basically our Supreme Court of Newfoundland and Labrador. There are three specific sections to this when you look at the Explanatory Notes. There are three things that we're trying to achieve with this piece of legislation: one, we are increasing the judicial complement of the Trial Division of our province; two, we are creating a position of associate chief justice; and, three, we are clarifying a provision respecting judicial areas and expanded service areas and the manner in which those areas may be designated and modified.

Just to go back and provide some background and context, obviously, we have the three levels of court. You have your Provincial Court, you have your Supreme Court and you have Supreme Court, Court of Appeal. Again, you have the Supreme Court of Canada as your ultimate level.

In this province alone we have the Provincial Court which has a number of centres across the province, and we have the Supreme Court Trial Division which has centres across the province in bigger centres. Then we have the Supreme Court, Court of Appeal, which is in St. John's. So this particular piece of legislation – and what we're doing here today deals with the Supreme Court Trial Division.

Now it's funny, the judges themselves, their salaries and everything, they are federally appointed and federally paid. The salaries for these individuals are not paid by the Provincial Treasury; however, it is our Legislature and our *Judicature Act* that governs the staffing and the model that is used.

Previously, we've had a complement of 21 judges which would encompass the chief justice of the Trial Division. Over the last year I've had a number of conversations with the chief justice, both of our Trial Division, as well as the chief justice of the Court of Appeal. We've talked about any number of issues affecting our justice system and looking to work together to find ways to improve the system.

One of the issues that we discussed – and it's not just a conversation that I have with the chiefs, I've had it with a number of judges, practitioners and people, just regular citizens – is regarding family law. Now, just so people understand in our province, family law has actually a couple of different jurisdictions. On the West Coast and in the Avalon area, unified family court or the Supreme Court governs family law totally.

So if you're in Port aux Basques, for instance, and you have a family matter, you make application to the Supreme Court. Now that changed sometime – I'm going to say in the last decade. When I first started out sometimes, depending on what the matter was, if it was child support or depending on if it was custody, you might apply to a different court. But since

that time there's a uniformity there, and now everything goes to the Supreme Court Trial Division which is based in Corner Brook. The same thing in St. John's, we have the unified family court over on – I forget the name of the street because I'm not from here.

MS. ROGERS: King's Bridge Road.

MR. A. PARSONS: King's Bridge Road; unified family court. Thank you to the Member for St. John's Centre.

So we have the unified family court, which I've had an opportunity to be in on a number of occasions. In fact, I just visited there two weeks ago and met with a number of justices to discuss family law, access to family law and some of the issues they face, both when it comes to infrastructure, when it comes to procedure, just any number of things. I felt it was important to hear from them directly.

AN HON. MEMBER: What a minister.

MR. A. PARSONS: I say thank you to the Opposition House Leader. He's complimenting me, so thank you for that. I don't hear it very often, so I'm blushing here now.

Anyways, we have 21 justices right now. The difference: judges in Provincial Court; justices in Supreme Court. One of the things that we want to do is to increase that complement to 24. Now, that has been done in consultation with the chief justice of the Trial Division.

One of the reasons we want to do that, going back to what I had discussed, is that we have in this province – and you know what, this is an issue facing every other province. Family law is one area that there is actually an increasing number of cases. There is a backlog of those cases. So one of the things that increasing this complement will do, it's going to increase in many ways access to justice. It's going to reduce the caseload. It's going to normalize the caseload for these justices. The thing that I think is most important, and I really hope to see, is it's going to improve the wait times when it comes to accessing our court. That's what we want to see.

Now, anybody who has ever dealt with family law, whether it's from using it themselves, whether it's practicing, whether it's justices, whether it's staff, family law is a trying section of law. It can be devastating to many people, just the range of emotions in many cases. It can be very difficult to be in. It's difficult for everybody.

It's made that much more difficult when things are slowed down, when you have difficulty getting in, when you have difficulty in getting your matter heard. So that's one the reasons that after consultations with our chief justice and after meeting with our other justices – in fact, today I actually sat down with the members of the Canadian Bar Association, Newfoundland and Labrador branch, and they didn't know about this law being brought in. They asked what were we doing and we told them. They are actually very happy about this step being taken because it's one of the things their members, the members of the bar for this province are advocating for as well. We think this is going to improve that access. So we want to increase it to 24.

I don't decide where the justices go. That is determined by the chief justice, but I'm confident that we will see improvements to the complement of family justices that are taking care of them. In many cases they're moving justices from the Trial Division over. They're moving around. That's one of the areas we need to see some work in and I'm happy to work with our chief justice on that. So we'll see that complement increase.

One of the questions at first might have been: Well, what's the cost of this? The fact is this is a cost that is borne by the federal government.

One of the questions following up that might be: Well, is this going to happen? The fact is this is not a guarantee, but I can say that in my 11 months in this position, I've had a number of conversations with our federal Minister of Justice, Jody Wilson-Raybould. I've talked to her in person. I've met with her in a number of places, in Halifax recently. In fact, it's been really good knowing – I don't know what previous experience is like – knowing that you can reach out to the federal minister and have that conversations.

You're not always going to agree on everything. That's not the nature of how this works, but we can actually have a conversation. This is one of the things that we've expressed to them is that we have this issue and we're looking to them to work with us on this. The good news is that one of the areas that Minister Wilson-Raybould has as one of her priorities is access to family law. They have reached out to us, independently, and said we want to talk about a unified family court across the country. We want to see a situation – we're going back to what I discussed previously, where we have, even in this province, a difference. If you go to court, for instance, in Grand Falls-Windsor or if you go to court in Gander, you can go to Provincial or you can go to Supreme, and that can cause a bit of a difference there. There are many reasons I don't think that that's the system that we need to move forward in.

This was something that has been identified as a priority for the federal government. It is the same thing in Labrador as well. So we'd like to see it. Now, obviously there are challenges with that. But I think that is something that we're working on and I'm doing that by talking to justices. I've been talking to judges, talking to practitioners. Just recently actually I was out in Grand Falls-Windsor and met with people working, even just staff working in the office to talk about what are the challenges that they face and what are some of the things that we can do.

Some of these, when you're talking to a staffer that's been working 30 years and they've been through a number of changes and differences, it's really good to be able to have them tell you what the issues they face are but have that context and have that history of 30 years to tell you about how things were done, some changes that were made, did those changes succeed or did they have to go back.

That is one of things, when you make change, you hope for the best, do all the planning that's necessary, do the research; but, in many cases, it doesn't have the desired effect. But, in this case, I have no doubt that the desired effect, which is to normalize the workload for our justices, which is to increase access to justice, which is to decrease wait-lists, will succeed. That's one of the things that we are doing with this piece of legislation.

Secondly, we want to have the position of an associate chief justice. Now, for some reason, that's never been done. It's unusual. In fact, other provinces have, in many cases, more than one; they have two. I think Nova Scotia might have two, but I might be mistaken there. This is a normal position in many other provinces. In fact, here in this province in our Provincial Court, we have a chief judge and we also have an associate chief judge.

That can help many things, even when the fact is that our judges and justices are like any of us, they might be gone away for work reasons, business reasons, personal reasons, vacation, whatever – they are like all of us; you have to have someone there that can help run that organization while they're gone. That's just one of the reasons, to have somebody to delegate to. To me, this just makes sense to have this position, to have an associate there, and will help improve the quality of our court system.

Again, court is one of those things where it is not often praised in many ways because if you're involved in court, it is usually for a negative reason. But I tend to think that we have a very, very strong bench here in this province whether it's our Supreme Court or whether it's our Provincial Court. I would just go off on an aside and say that was obviously recognized recently with the appointment of one of our own justices, Justice Malcolm Rowe, to the Supreme Court of Canada.

So the quality of our justices has been recognized at the highest level for the first time in the history of our province. That was done based on merit and based on looking at the fact that, you know what, that was one justice there, but I also think we have a number of great justices and great judges on our bench that are serving the people of this province, and we thank them for that. So again, in putting the associate chief judge in there, we think this is only going to improve the administration of justice and improve the administration of the court.

Now, the last step here we want to discuss the provision respecting judicial areas, expanded service areas and the manner in which those areas may be designated and modified. So, in many cases, what we're doing here – and the

good news is that we did have a briefing; there were concerns expressed at that briefing and questions asked. And that's the whole point of this briefing. Again, another aside here, hopefully down the road, we're also going to be moving to things like legislative committees; the whole point being that legislation that comes into this House of Assembly allowing for better debate and better legislation is allowing for these debates to happen and questions to happen. So I appreciate the fact that we're having these briefings.

So one thing I wanted to clarify for everybody is that there's nothing with respect to actual family law, jurisdictional boundaries, that is being altered in this legislation. The boundaries are presently remaining the same. Now, the federal government has told us that they do have plans to implement more unified family courts, as I discussed earlier. We're not at that stage.

The *Judicature Act* has always allowed for us to amend judicial areas by using the legislation. That's always been there. But the legislation aims to treat all areas in a consistent manner such that expanded service area can also be altered by way of regulation. Again, thankfully I have very intelligent people that help go over this. What we have right now is a legislative status quo. So one of the things that we're trying to fix is some of these legislative anomalies that exist, and this one was identified and we're trying to fix this.

So under the status quo when referring to section 43.5, when we talk about expanded service areas, one has led to the *Unified Family Court Act*. But that legislation was actually repealed. So the legislation before the House today, this amendment to the *Judicature Act* will put everything in one place under the regulations for the act. So we're actually just simplifying what is currently a piecemeal approach to referring to other legislation. So in many ways, even though this is substantive, this piece, when we talk about increasing the complement, we're also cleaning up old legislation. There is a housekeeping component to it in many ways.

So right now the presently enforced legislation, we shouldn't be referring to old repealed legislation that is no longer of any force or effect. That's one of the things that's going on

here, but we need to have that authority. The same way that while there is no agreement in place now to increase the complement of judges from 21 to 24, it is better to have that in place knowing that that is the appropriate number for this province. We do need more. If you look at the judicial complement across the country right now with the caseload that we have, 24 is the appropriate number, it is better for us to have the legislative change to allow for that happen and for the appointment of more justices rather than to wait for legislation to be changed and then if there was the justice to be appointed depending on how this were all to work out if it was in between sessions, you could be waiting months for us to have a justice appointed. It is better for us to change the complement and this has been done in the past.

So the same thing here, we need to have the flexibility and the ability to change judicial areas, expand the service areas in the hopes and in the promise that it may change down the road. If it were to change, it's for the purposes of uniformity and allowing a similar standard across our province, the same as what they are trying to achieve in other provinces.

Right now, in our province, we have different standards in different regions. What is going on in Central is not the same as what's going on in Western. What's going on in Labrador is not the same as what's going on in the Avalon, and we want to have uniformity and I think that will allow for better service.

Again, I would put out here now to anybody who is watching – and I know that Members from the Opposition will rise now and speak to this and they may have questions, and I endeavour during this part or during the Committee phase to answer any questions that are put forward. That is the purpose of this. And I'll certainly try my best to answer those.

Just looking through some of the notes that I have here, just to make sure that I haven't glossed over or moved over anything, I think this is a positive piece of legislation. I think that this is legislation that will improve the administration of justice in this province. Again, I would note that this was done in consultation with our chief justice. It's the chief justice of the Trial Division that has actually spoken to me on

a number of occasions saying this is one of the things that we need to do.

We need to have this done and, in fact, right now in this province we have empty positions. Obviously with the ascension of Justice Rowe, there's an empty position there and there's another one coming up as well and there will be more in the future, but we need extra positions to deal with the family law caseload that we have.

One of the things that justices talk about is workload; just like us all, everybody talks about workload. Well, when you go over and meet, especially with members of the judiciary who are dealing with family cases, these are trying cases. That number of cases is not going down. That number of cases is going up.

We're trying to do what we can and I think that allows for better decisions when we have justices that have time to do the work. They're like anybody: if you heap the work on somebody, it makes it harder and increases that burden on them. And we need the best decisions coming out. Knowing how we have a system based on precedent, the better decision now will allow for better decisions down the road.

Additional judges will mean additional judicial resources for the Supreme Court General Division. Now this is some of the information that's been passed on to me by our Supreme Court. For the last three years, two judges from the General Division in St. John's have been assigned to the Family Division, so the remaining 10 justices have been handling the work of what should have been 12 justices. What this means then – so you put them over in the family system, what you have then is you have delays in the civil system. That's one thing that we want to – obviously, we want to alleviate that situation.

The other thing – and this has come up on a number of levels but primarily in Provincial Court, but it's also coming up in the Supreme Court level as well – is we have the Jordan case. This case, as we know, has put in place a hard and fixed ceiling on dealing with criminal matters. The Supreme Court also handles these. So by adding these we hope to – again, this is just one of the many ways that we're taking to

alleviate that burden that's being felt not just here in this province, this is a burden that is national in scope. It's being felt absolutely everywhere. This is just one of the ways.

I think everybody in the system has a role to play here – whether it's Crowns, whether it's defence, whether it's our judiciary – in dealing with these situations in the hopes that, as we move forward, we do not have cases that are waiting too long to be heard, whether it's the 18 months or the 30 months. We want to avoid unreasonable delay; we want to avoid Charter applications and having matters thrown out for the reason that the person didn't have a right to have their trial within a reasonable period of time. This change in this legislation, if we support it, will allow for that.

I've already mentioned the associate chief justice position. There's a lot of administration, obviously, that comes to handling this. There's dealing with justices and courthouses all across the province, there's dealing with staff, dealing with caseloads. This will help in that provision. This will help the chief justice do this. Again, we already have it in our Provincial Court. It's already happening in the superior court levels across this country. It's something that should happen here as well.

Finally, we're talking about the judicial area or expanded service area. I'll answer questions as they arise here, but depending on where you are there's a difference in where your family matter can be heard. This allows us to have the possibility of an expanded service area, depending on the type of application.

Section 43.5 of this act currently provides the Lieutenant Governor in Council to make regulations after consultation with the chief justice to designate or expand or contract the judicial area of the Supreme Court Family Division. There is no corresponding authority for the Lieutenant Governor in Council to make regulations. This will change this. It's set out in three separate enactments of the unified family court.

The exclusive judicial area from the Supreme Court, just so we know, East Coast right now is the Avalon Peninsula as far as Holyrood, including St. John's metro area and Bell Island.

That's Schedule A. On the West Coast, the area from Grey River west along the South Coast to Channel-Port aux Basques, then north to include the whole of the Great Northern Peninsula, west to the turnoff of the TCH to Jackson's Arm and the Beaches. So those are the two areas now that are exclusive jurisdiction of the Supreme Court. The expanded service area would include communities from Holyrood to Port Blandford, including the Bonavista Peninsula.

These amendments don't change the boundaries. The status quo will continue with respect to matters before the family court. What it allows is the possibility for the Lieutenant Governor in Council to make regulations to designate these expanded areas for the Family Division, in addition to the existing authority to designate judicial areas. So it allows for us to change that, if there is the talk of the Family Division operating in one area, and for allowing this uniformity that we've discussed.

In conclusion, Mr. Speaker, I've had a number of consultations with our federal minister on this. We've made our position known on a number of occasions. We've had, I think, very beneficial, very positive conversations on this need. This is something that's a priority area for them as well.

I think this piece of legislation is going to be beneficial to absolutely everyone, whether it's an individual who wants to avail of our Supreme Court, avail of our unified family court, to avail of the court system for the Supreme Court across this entire province. I think it's going to be of benefit to our judiciary to help with the burden of the workload that is on them. In turn, that's going to allow for better decisions which are good for absolutely everybody using the system. We need to do what we can to ensure the administration of justice proceeds properly, properly resourced and to allow us to have the justices necessary to make sure that cases are heard on a timely manner.

On that note, Mr. Speaker, I will sit down. I look forward to the commentary by my colleagues across the way and to answer any questions during the Committee phase.

Thank you.

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

SOME HON. MEMBERS: Hear, hear!

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

I appreciate the comments from the minister in presenting the bill. I think he was very clear and understanding, and took a fair bit of his time today, that he had an opportunity to do so, to explain the bill and the rationale and the reason for the bill and how it came to be. We certainly appreciate that.

My understanding is that the chief justice of the Trial Division had asked and requested a change in the current legislation, a change in the number of Supreme Court justices that exist in our province and also that a new associate chief judge be appointed. Also, as there was some housekeeping component, as referenced and explained by the minister as well.

Now, the minister took some time to reference *R. v. Jordan*. *R. v. Jordan* was a case in the Supreme Court of Canada. I believe it was July – I think the minister might confirm – in early July I think this year when the Supreme Court of Canada ruled on whether or not an accused person had been tried within a reasonable time as allowed under the Charter. Our Charter says that a person who's accused has a right to a trial in a reasonable period of time. It's about access to justice, and timely justice is one of the hallmarks of a free democratic society as referenced by the *Jordan* decision and discussed in the *Jordan* decision.

It was a very important one because this is not new to justice, not only in Newfoundland and Labrador but throughout Canada. For decades there have been discussions and cases presented and arguments presented before courts to say there had been an unreasonable delay to an accused person to be provided their access to a trial. Because every person accused of a crime in Canada has a right, first of all, to be presumed innocent until proven guilty, but also have a right to have their day in court and have a reasonable time to have their day in court.

R. v. Jordan took the opportunity to deal with this in a more critical way than had been done in

the past. In cases in the past, there are numerous cases over the years that have been dealt on a one-off basis or on that particular case.

This case, *R. v. Jordan*, the Supreme Court, what they've done here is they've set benchmarks for a time period when cases should be heard in court. For the case of Provincial Court, they've set it at 18 months. So that's 18 months from the time a charge is laid against an accused individual to the time that the trial has been completed. They set 18 months as the time period.

It's not a hard and fast rule because *Jordan* – when I say *Jordan*, meaning the Supreme Court on *Jordan* – also said there may be circumstances where the conclusion of the trial goes beyond 18 months. Maybe there was an extensive amount of evidence, a much larger amount of evidence than you would normally see in cases, way beyond what's normal. There may be some other reasonable explanation of why the delay went beyond 18 months but unless there was a critical reason for going beyond 18 months, 18 months would be the new rule.

If a person is charged, they are given their day in court. They are given access to a trial and, if the trial is not completed within 18 months, there has to be a very, very good reason why, and *R. v. Jordan* talked about that.

Similarly, when a person goes through a preliminary inquiry, which is when the Provincial Court hears, it's almost like a mini trial, on status of facts to determine is it worthy to take this matter and send it to the Supreme Court. What *Jordan* has done is said, well, from the time the lower court determines, yes, we should use the time of the Supreme Court to have a trial. Then there's a 30-month window in which the Supreme Court should finish the matter as well. Similarly, *Jordan* talks about – the Supreme Court talked about in *Jordan*, but *Jordan* also talked about when there may be exceptions to that rule. Very rare – we'd be very clear – very, very rare.

The standard has been set for justice systems throughout Canada, not only Newfoundland and Labrador, that trials essentially for Provincial Court, have to be completed in 18 months and

Supreme Court for 30 months. I believe it is an important factor in what the Supreme Court justice has requested from the government to add justices – currently 21, and this will increase justices to 24 in the province.

Trial Division will consist of 24 justices, which would include the chief justice and also the new associate chief justice. I think it's an important thing to do. I think it's a very important thing to do. People are entitled to their day in court. They're entitled to have their matters heard, and cases are more complex than they've ever been before. Complexities have increased.

In an article I read in *The Telegram* just recently, the president of the Crown Attorney's Association here in Newfoundland and Labrador expressed concern about heavy caseloads. He referenced that cases now – he said, even shoplifting, every shoplifting case now has a video, which has to be entered into evidence, and that makes the case more complex. It requires the technical expertise to review the video to ensure that it's authentic and so on. There may be challenges about the authenticity of what the video is, the clarity of the video and so on.

All that has to be considered now in a matter of a shoplifting – and I say shoplifting, which is a theft. Of course, theft is a criminal offence, but it's very common to see those types of offences in our courts, in our Provincial Courts, lower courts, but they do add – the president of the Crown Attorney's Association for the province, Mr. Sheldon Steeves, did reference it and talk about videos in shoplifting cases because it adds time necessary in the courts. Also, there's broader evidence of other areas that are available today, quite often technical or electronically-based and so on.

There's also a great growth in forensic evidence and scientific evidence. I know – and I'm sure the minister can reference it when he speaks again – I'm sure he's heard concerns about the length of time it takes for evidence to be processed scientifically. And that causes delays. So there may be a charge laid today by a person, there may be scientific evidence available that gets sent out of province for forensic examination, and in many cases it can take many, many months for that evidence to be

properly assessed, to be examined and a report back or a decision on that particular piece of evidence.

So those types of changes in the justice system add to those types of complexities, add to the burden and the workload of our justices in the Supreme Court, our judges in the Provincial Court, but all aspects of our judicial system. From law enforcement right through to the judiciary and the support staff that work with them, and then other aspects such as, as I mentioned, forensic laboratories as an example, who now have a greater burden to process and produce the results of forensic examinations in a much timelier manner because of R. v. Jordan.

All of that is good for our justice system and it's good for any person who's accused in an offence. I think, overall, it's good for society, for our province and, of course, for Canada because this impacts all of Canada.

That particular aspect – just considering those particular thresholds, those particular aspects of greater pressure will require more justices. Madam Speaker, I'd be remiss if I didn't point out the irony in some of this. I respect the fact that the salaries and the costs for those additional judges are a responsibility of the federal government, not the provincial government; however, the provincial government does have many aspects and costs associated with operating our courts, Provincial Court, Supreme Courts and so on. There is going to be an extra burden on the province as well here, I'm sure, with extra court staff, with extra court security as an example, Sheriff's officers and so on. But it will speed the process of justice which needs to be improved upon.

The irony here is I have to go back for a minute just to reference what happened earlier this year. It was only a few months ago when the minister stood here in the House and advocated for the closures of Supreme Courts and Provincial Courts in our province, which really kind of is ironic, as I said, compared to what the Supreme Court justice is asking for now.

It was back in April on budget day when the Supreme Courts in Grand Bank and Grand Falls-Windsor were planned to be closed, reducing Supreme Courts from six to four. Provincial

Courts in Harbour Grace and Wabush were closed, reducing Provincial Courts from 10 to eight. There was a reduction in staff in the Department of Justice and Public Safety, 27 positions announced at that point in time, about a \$6 million savings.

Our own minister said at the time that they were very difficult decisions, and I have no doubt. I fully understand; very, very difficult decisions but it was necessary to find efficiencies. I agree with that. There is a necessity to find efficiencies. I fully respect that. The government has a responsibility –

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER (Dempster): Order, please!

I ask Members to keep their conversations down or take them outside.

Thank you for your co-operation.

MR. P. DAVIS: Thank you, Madam Speaker.

The government does have a responsibility to find those efficiencies and create a climate where we can afford the services that we need. I would say, and with all respect to the minister, he's standing here today saying we need to do this for our justice system, and I agree.

They also made cuts; earlier this year they cancelled the hiring of 10 additional RNC police officers. They removed four vacant constable positions as well.

So there are a number of things the minister had done back in the budget which was reducing resources; but, thankfully, many of those decisions were reversed in June. The minister reversed the decision of Grand Falls-Windsor and Grand Bank. He explained at the time that the chief justice of the Supreme Court had presented a proposal identifying savings. I'm glad that happened. I'm glad they were able to resolve that and keep the courts open. I'm glad they're increasing the number of justices in the Supreme Court because they're really needed for a number of reasons. Of course, R. v. Jordan has really drawn the line in the sand on that as well.

Then later in July, the minister also reversed the decisions on Harbour Grace and Wabush courts. I'd spent some time in Harbour Grace consulting with municipalities and a number of stakeholders who were very interested in the implications of closing the Harbour Grace court, but I'm glad the minister changed that.

He also referenced *R. v. Jordan* back at that point in time as well, and talked about the need to ensure a speedy trial and that people have timely access to justice. So *R. v. Jordan* is making impacts. That's not unique to Newfoundland and Labrador, Madam Speaker. It's impacting across the country. The government is required to follow the rules established by the Supreme Court of Canada. He found that using *R. v. Jordan* and reversing that decision was the right thing to do.

There may be other reasons why they changed those decisions, but I certainly respect the decision and appreciate the decision, and the reconsideration of those decisions to keep those courts open. He did so, and it's consistent with what's being presented today.

What's presented today, which is now known as Bill 39 which is going to amend the *Judicature Act*, will increase that judicial complement in the Trial Division. It will increase the number of justices here in Newfoundland and Labrador from one to 24.

It will also create a position of an associate chief judge. An interesting position and I fully respect the judiciary. Certainly, the chief justice has many years of experience, very learned in the operations of the court and the operations of justice, requirements and so on. I understand the chief justice, as well, has advocated for the appointment of an associate chief judge.

An associate chief judge in many ways will assist and accept some of the responsibilities of the chief justice and will also act on behalf of the chief justice at times when the chief justice is not available. I'm just looking for it in the act what it refers to – he's not available or can't conduct the duty as required and so on, and then the associate chief judge can assist with those responsibilities and share those with the chief justice.

As well, the third part of this *Judicature Act* is to clarify a provision respecting the judicial areas and expanded service areas. The manner of those areas may be designated and modified. Again, the minister has outlined some of those.

I referenced a little bit earlier in my comments, Madam Speaker, an article in *The Telegram* in which the president of the crown attorneys' association – and he referenced how prosecutors will have too heavy a workload trying to meet the demands of *R. v. Jordan*. He also talked about how they work a lot of uncompensated overtime. I'm sure that the minister is aware of that and that's not new, either, in Justice. I'm aware that those circumstances have existed for some time. For a long period of time there's been adjustments and improvements made, but they continue to be the case.

Also though, it's interesting to note that the chief Crown prosecutor for the province also commented in the article. She indicated – Ms. Knickle – that government was looking for options to reduce delays. I'm glad to see that as well. So I expect to see more from the government other than just the increase in justices in the Supreme Court. I would expect that the minister will bring it forward for announcing other changes in how justice is delivered to reduce delays.

One of the things that the Crown prosecutor talked about was – she questioned whether preliminary inquiries were still necessary as they have been in the past. We have new disclosure laws in Canada where files and disclosure are accessible to accused persons and their legal counsel; great improvements over the last decade or so. She questioned that and I think it's a worthy question and worthy discussion to have.

She also referenced that government is aware of the obligations under *Jordan* and is exploring the possibilities of additional resources – according to this article was the comment from the chief Crown prosecutor for the province. I'm glad to hear that as well, because the delivery of justice has to be sound, it has to be timely. It has to be done in a way that protects the interest of all parties. It respects the presumption of innocence and provides an accused person with fair access to justice and a trial in a timely manner.

Madam Speaker, I'm not going to go through all of the sections in the act, the minister has done that quite well. But we will be supporting the movement of the *Judicature Act*. There are some more specific questions we may have for the minister after we've heard all the debate and we get to the Committee stage. We may have some more questions for him.

Those are my comments for today. I thank the minister, again, for this bill, for bringing it forward. Of course, we support the addition of more justices in the Trial Division and also the associate chief judge.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The Speaker recognizes the hon. Member for St. John's Centre.

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

I'm very happy to stand and to speak to Bill 39, An Act to Amend the *Judicature Act*. I would like to thank all the folks within the Department of Justice –

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

It is the second time the Speaker has asked for co-operation. If you have business you want to conduct, I ask you to step outside. The next time I will name Members.

Thank you.

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

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

Again, I would like to thank the members from the Department of Justice, the staff in the Department of Justice who provided a very thorough and clear briefing for us. Also, I would like to thank all those in the public service who work in the justice system. It's not the easiest department or system to work in. Oftentimes, when people go to court it's because there's a

big problem. They go to court to plead their case, to have resolution and to have justice and fairness.

We know that our Crown prosecutors, we know that our legal aid lawyers, we know that our judges and all their support staff are very qualified, are very committed, are working hard, often under very difficult circumstances. So I would also like to take a moment to thank those people who have dedicated their lives to the pursuit of justice, again, working sometimes really long hours and who have expertise. Most people who work in the justice system – whether they be the police officer on the street, whether they be a stenographer who's taking notes in court – are all well qualified. Some people have had to spend years and years and years in formalized education to be able to do the work that they do. I would like to thank them on behalf of the people of Newfoundland and Labrador.

Again, I believe that we have excellent workers. We have people who are well trained, who are well qualified, who are both passionate and compassionate about the work that they do. One thing we sure need in our justice system is that commitment, that passion, but also the compassion. When people enter the justice system, whether they have been wronged or they may have been the person who have wronged, that compassion is really needed and understanding. So I would like to take the time, once again, to thank them on behalf of the people of Newfoundland and Labrador.

At first, when we were briefed on this act I thought, whoa, this is great; we're going to get three new justices. But in fact, Madam Speaker, that's not the case. We are amending legislation to prepare ourselves for the event that in fact we may get three new justices. I believe that there is a need for that, so I think it's really important to clarify for folks at home that in fact we're not getting these. There's no actual arrival time. The stork isn't on its way to deliver us three justices, but –

MR. A. PARSONS: How do you know?

MS. ROGERS: The Minister of Justice has just said: How do you know? Well, I don't know, but I sure am looking forward to that announcement.

We will all be ready with a shower to welcome them all. So we don't know if or when this is going to happen, but we live in hope that it will happen because we know that there is a need.

I would also strongly, strongly encourage everyone, if they've not yet had the opportunity, to read the special feature this past Saturday in *The Telegram*. It was a fantastic special feature on the state of the art of our justice systems right now in Newfoundland and Labrador. It was written by Rosie Mullaley. I strongly encourage people to take a look at that because that's a thumbnail sketch, really, of what kinds of things we are dealing with in our justice system.

We know that our justice system in the past few years, under the previous administration, has been chronically underfunded. We know with our current administration, there were some cutbacks in Justice. A number of courthouses were to be closed, but some of those decisions have been reversed. I applaud the current government for reversing those decisions because it was proven that those decisions, even though we may be in a really tough economic time, there are some things that simply cannot be tied to the price of a barrel of oil. That, for sure, is our justice system.

I'm not going to go into great detail about the parameters of this bill. I believe the Minister of Justice has done a great job and the Leader of the Official Opposition has done a great job in really laying out what this bill is intended to do, what the effects will be. It just goes to show that our justice system is a living, breathing system that has to be flexible and has to respond to the needs of our current realities.

Thirty-seven years ago – I date myself – I was hired to assist in a process in an impact evaluation of the Unified Family Court, which was when it first started on King's Bridge Road here in St. John's. It was a wonderful time because it was the first Unified Family Court in the Province of Newfoundland and Labrador, and one of the few across the country. We knew how important family law was and that it needed to be updated and that we needed to update our judicial procedures around the area of family law. So it was an exciting time to be on the ground floor when we had a new Unified Family Court to look at how justice could better respond

to the needs of the changing lives of the families of Newfoundland and Labrador and also we saw that happening across the province.

I have some concerns, not so specifically about the potential of three additional judges, but specifically what that might mean for our province in terms of if we have more judges, the hope is that we will be able to see a more nimble and a quicker response to the cases that come before the courts. However, we know there are some problems in our court system right now. For instance, there are 14 murder cases that are before the courts.

One of our problems we have is quite simple in some ways, and that's space, but in other ways it's extremely complicated. We know that the courts presently aren't doing concurrent murder trials, although we need that to happen. The reason being, although we have three or four courtrooms that have jury boxes – because murder trials always are required to have a jury trial in the province. So we have courtrooms that, in fact, have jury boxes so that jury trials can happen, but we only have one jury room, which means there is no place for the juries to retreat, to deliberate, to eat their lunch, to do the business that juries have to do when they're not in the courtroom. So that presents a bottleneck.

We also know that we have Crown prosecutors who have sometimes over 200 cases. We know that one of the most important things in the pursuit of justice is to ensure that people have a fair trial, which means whether it's the Crown prosecutor or whether it's the legal aid lawyer or a private lawyer that the amount of time that is needed to give a thorough, accurate, fair trial is so very important. It is one of the bases of how our justice system is executed.

From the Lamer Inquiry, the Lamer Inquiry pointed out that there was a problem in the adequate resources in order to give Crown prosecutors and legal aid lawyers the time needed in order to be able to prosecute but also to defend folks who are before the courts. So we do have some problems that will require money. Again, our justice system cannot be solely tied to the price of a barrel of oil.

How government and how the Minister of Justice is going to step up and deal with these

problems, I believe that they are in his capable hands, and how he's going to respond to that, hopefully, we'll see in the next while. But again just adding judges is not enough to deal with the bottlenecks that we are experiencing in our justice system in the province.

Again, these bottlenecks are very important; they are critical. Because of the Jordan decision that says that provincial matters must be resolved within 18 months of charges laid, and Supreme Court, federal matters, trial matters, criminal matters must be resolved within 30 months of charges initially being laid. If not, we can see that the cases collapse, that they do not go to trial.

We've seen that just recently now in the past month in the province of two particular cases that were thrown out of court due to delays, and one of them, the Myles-Leger case, in fact, affects every single person in Newfoundland and Labrador who buys a house because of what happened in that particular instance.

So I do believe that we have some really difficult challenges ahead of us, challenges that are going to require additional resources. One of the things that have been flagged as well is the fact that we have a high turnover in the Crown prosecutor's office. What does that mean for us?

Well, maybe those positions can be filled, but what happens then is you lose more and more senior people who have more experience. So that affects the depth of knowledge and the depth of experience in the Crown prosecutor's office. Again, our Crown prosecutors are well-trained, they are committed, but a high turnover is not necessarily a good thing. As a matter of fact, I believe it's not a good thing in our Crown prosecutor's office.

Also, I was notified today that an email was sent out to lawyers across the province encouraging them to once again put their names forth to do legal aid work. We know that the research has shown that it's far more economical to have staff lawyers doing work on behalf of legal aid, rather than going to private lawyers; however, because there is such a demand on our legal aid and our lawyers in the legal aid department that, in fact, they're having to reach out once again to the private bar.

I believe that indicates again a bottleneck there, that there is a problem. And again, it's a problem that will require resources. The appropriate resources have to be given to our justice system in order for it to do the work that it needs to do.

The Law society has notified its members of government's return to contracting out legal aid work to private lawyers. So we'll see what happens there. I think it will be interesting to hear from the Minister of Justice why that is. Is it because there is a shortage of legal aid lawyers? Is it because there are an unusual high number of cases? I'll look forward to hearing from the Minister of Justice on that.

Madam Speaker, I've basically raised some of the issues that I think are really important around this particular issue. I thank the members of the Department of Justice and the staff at the Department of Justice for the excellent briefing that they've given us.

I look forward to the possibility of the arrival of some new Supreme Court judges. I believe that the whole legal community would look forward to that. Also, I would like to highlight again the concerns of the stresses on our justice system, on our court system that desperately need to be addressed in order to ensure that all the people of Newfoundland and Labrador have access to fair and equitable justice.

Thank you.

MADAM SPEAKER: The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Madam Speaker.

It's a pleasure to stand in this House and say a few words about the *Judicature Act*. It's a bit of a tongue twister. Madam Speaker, I'm going to keep my comments fairly brief and relevant – would be – and in the spirit of co-operation. Because I believe we should be in this House of Assembly, we should be co-operating, just like the Minister of Service NL would be looking for my co-operation when he looks for leave on a bill that will be coming up. I'm going to co-operate with him and I hope he's going to co-operate with me.

Anyway, Madam Speaker, in terms of this particular bill, obviously if we're going to add more judges to our court system, that's a positive thing. There's nobody who's going to be against that. I'm certainly not against it. I'm glad that the Minister of Justice did clarify, though, that this is just to enable more judges because I actually had the impression that we were actually going to hire more judges, that it was kind of a done deal. I didn't realize that.

I'm also very glad to hear that it's going to be paid for by the federal government, given our financial circumstances. That would be positive. I certainly hope and anticipate that we're going to hear some more news and MP Foote is going to come down again, as she's done so many times in the last little while, and announce some of these judges that are going to be appointed. I kind of have a feeling that we're doing this in anticipation of good news to come and I hope that's the case. I'm sure we all do.

The only concern I have with it – I'm going to call it a concern or concern that some people might have with it. I suppose depending on what part of the province you're from and so on it might be more relevant to some people than others. I don't see any concern for people in my district as it relates to this bill. I think it's a positive thing to add more judges, as I said.

The only area where I can see where it could possibly be a concern – and maybe the minister will address that when he speaks again and, if not, we can certainly get to Committee and I can ask the question, but the expanded service area is the only thing that I see as a potential issue. Right now, as I understand it at least, and I'm just going to use this area as an example, this area goes to Holyrood. So basically anybody that would have any issue with family court, that would require family court, they would go to unified family court here in St. John's, from Holyrood in.

If you were in Bonavista, I'll just use as an example – because I think it goes to the Bonavista Peninsula, is the expanded area. If you're in Bonavista, right now if you had a family court matter, the individual has the choice to say I don't want to travel all the way to St. John's. So that individual has the ability, for example, to go to Clarenville, I believe.

I stand to be corrected, if that's the area, but I'm going to say Clarenville is Provincial Court. So they could say I want to go to Clarenville and that's their choice to do so. In bringing all these things consistent around the province because I know, for example, if you're on the West Coast I believe the minister said, let's say if you're up in St. Anthony you are forced to drive from St. Anthony to Corner Brook to go to family court, whereas in Bonavista you have the option to go to Clarenville.

If we make this change in the name of consistency and it would be consistent, then certainly for that area – I'm not sure about the Central zone, but certainly for that area the Cabinet basically would have the option under regulation to be able to say to someone in Bonavista, we're going to take away that choice and now you're going to be forced to drive to St. John's in the same way that someone is forced to drive from St. Anthony to Corner Brook. They could do it.

By passing this it doesn't actually make it automatic, but it gives the Cabinet the ability at some point in time, whether it's the plan now or it could be the plan, I don't know – but if they wanted to at some point in time to say, do you know what, you now have to come to St. John's. If that happened, there would be no ability for that to be debated, because it would be a regulation which means they could just do it on their own without approval of the House of Assembly and so on.

Now, whether that's a good thing or a bad thing, whether it makes sense or it doesn't make sense, I guess that depends on the individual. I'm sure the chief justice has been consulted, I understand. So obviously the courts, the justice thinks it makes sense. Certainly it is consistent with what's happening on the West Coast, nobody can argue that.

Like I said, in terms of my particular district, it's going to have no impact on me because people in Mount Pearl are going to unified family court anyway. The only point I think we need to understand is that in passing this as is there will be certain areas, as I understand it, whereby somebody who today has choice to go to a court closer to their area, they stand the risk of losing that if Cabinet decides to take that away, and

that ability is there to do that. That's the only thing I would see there as a potential issue for certain people. That's the only thing I can say, for certain people that could have an impact.

Other than that, the fact that we're going to make things consistent, the fact that we're going to have potentially more judges, all that is very positive. So from an overall perspective, and based on the people I represent, I would certainly support this particular bill.

As I say, I throw that out there. Like I said, maybe the minister can comment or confirm. If I'm wrong, that's perfect. That's happened lots of times. He can set me straight, set us all straight on it, but I see that as a potential that could happen, and it would have a potential negative effect – maybe not on the court system, but on the individual citizen who would now have to travel further to get court services.

Thank you, Madam Speaker.

MADAM SPEAKER: If the hon. the Minister of Justice and Public Safety speaks now he will close debate.

The hon. the Minister of Justice and Public Safety.

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

I'm very happy to stand here and conclude debate on this piece of legislation. I thank my colleagues opposite for speaking to this and for being what I would consider generally supportive, but raising some concerns, whether they're specific or general. Certainly, the floor of the House is always a place to do that and I'll endeavour right now to answer those points in the order they were raised and in the appropriate fashion.

I want to speak to the comments by the Leader of the Opposition. I thank him. I think he hit the nail on the head when he said that the Jordan case was transformative because it certainly was. He wanted to make a point of talking about the very difficult decision that we had to do before, which was close courts, and then the fact that we changed it. The Jordan case was one of the significant reasons, especially on the Provincial

Court level, for doing that. I've got these written. I'll try to stay in the order of the comments because I was writing them down.

He talked about unreasonable delay – completely. Given the fact the Jordan case came after the decision we had made, that was one of the reasons that certainly me, as a minister – I didn't mind changing my decision because it was the right thing to do. That's one thing we're willing to do as a government. We're willing to listen to the facts that are presented, to things that change and make the appropriate decision. But I'm also going to get into some other facts that help make that.

One of the things the Member noted was the complexities have increased in cases. You better believe they are. And they're complexities for everybody, whether it's the police work that goes into it, whether it's the Crowns, whether it's the defence, whether it's the judges considering it. Court work, police work; everything has gotten more advanced. Certainly, it's a more difficult job and it does require the resources. That's sort of foreshadowing to a comment that I'll make in response to the Member for St. John's Centre when she talked about funding the system, because you know what, that is a challenge. It always has been.

When he talked about the Crown attorneys, the Member opposite noted – and I think this is where he started talking about the ironies. Do you know what? I've met with the Crown attorneys. I've met with Mr. Steeves. Actually, it's funny, I ran into him at the grocery store on Sunday night. I met with him on another occasion up in my office. In fact, I took the opportunity to go speak to the Crown attorneys' annual general meeting. The last minister to do so was back in the mid-1990s. So I actually went and spoke to them. That was one of the decisions the previous administration made, and that's one that we're trying to deal with because it comes down to funding.

It was only in 2013 that I sat on the other side when the previous government over here cut Crown attorneys and made that decision. Being on this side now, I realize the challenges they faced. They've reversed that decision in many ways. Not completely, but there were changes made. They went ahead and did that. In our case,

we didn't touch the Crown attorneys because we know how important they are, the work that they do.

We still have to find different ways to do the work, though. That's one of the things the Member opposite noted. Are we just getting new justices and new judges to take care of this? No, there is a challenge on everybody. In fact, there's been two cases here in this province where there were matters dismissed because of what was called the Jordan case. There was actually one the other day. There was a Jordan application made that was turned down because there was a defence obligation to make application within a reasonable period of time.

So this rests on everybody. Ms. Knickle, who I'm going to talk about now in a second, has talked about this. I think she spoke on a number of occasions, especially in the publication. Preliminary inquiries are something that was done from a different period of time. Maybe we need to start going to more direct indictments.

I can remember back when I was practising. A Crown would come in, I could ask for a postponement and I would get it like that. The Crown was always agreeable to that because that's the relationship that you had if we felt that was needed. Obviously, that's changed. So we have to change practice, we have to change procedure and the Crowns have done that. They're doing what they have to, but everybody plays a role in this. Justices, judges, defence, Crown, whether they're private or legal aid defence counsels: we need to all play a role in this to make sure that people are having these matters heard.

The Member said the irony about getting these and there might be an extra burden; I have correspondence now I've received from judges. There is no additional burden on us to get this. If it becomes fruitful, this will be a federal expenditure as all Supreme Court justices are. There will not be an increased request for funding because of this, so that's good to hear. I'm glad the Member brought that up so I can address that.

One of the things – I have to disagree with the use of the word. The Member opposite said I stood over here and I advocated for closures. I

take offence to that because I didn't advocate for that.

AN HON. MEMBER: What Member?

MR. A. PARSONS: The Leader of the Opposition said advocated. What I did was respond to the God awful mess that was left to us from his reign over there, his colleague's reign over there and the people before him. We were forced to make tough decisions based on the fact that the Leader of the Opposition, when he was there, made announcements and didn't have the money to pay for it.

So I disagree with the use – and I'm sorry to get animated, but when you say you advocated for closures, that offends me as somebody that's worked in this role now, and I've been in this system. I didn't like that. I hated it but we did it. It's the same way we had to make a number of decisions because we came in and inherited the worst financial mess in the history of this province.

Now, I'm going to move to a positive note. The positive note is that because of the decision we made, the fact is that we also went back – I wish we had the information before, but the four courts, two Supreme and two Provincial, they've all been reinstated. Just using Harbour Grace, for instance, we saved a million dollars just on the lease costs after. We did that by working with the mayor of Harbour Grace, the community. We worked with the landlord. One would hope that you could avoid this.

There was the financial component to it, obviously. Everything you do is financial. The Jordan case sort of overrode some of that because there's a huge cost to not having matters heard within a reasonable period of time, but we worked with them.

We worked with the Supreme Court and we got a significant savings there. In fact, I think the total savings – not only did we have the opportunity to reinstate the courts so that the services are still there, there's going to be a savings, over a period I think of five years, of \$2.1 million.

So did I want to do that? No. Did we have to do it? Yes. Can I stand here today and say that

because of the fact that we were willing to change our position, based on facts and evidence that were presented to us, we've ended up in the situation where we still have the service and we still have savings to go back into the Treasury to pay for all the services, and going towards that deficit that was left to us by the Leader of the Opposition and his colleagues and his predecessors.

I want to go further here. I have to thank – we worked with a number of people when it came to that decision; one that I was happy to make once we could work together. Worked with Terry Barnes out in Harbour Grace, I was working with people out in Grand Falls-Windsor, working down in Grand Bank. We got stuff done. Working with the MHAs here who constantly, during this process, worked with the stakeholders, worked with the people on the ground to make this happen.

I'm very happy that my colleagues could advocate and be a part of this knowing the situation we were in. And at the end of the day, I think we've been left with what I would call a positive response or positive result. That's what you get when you work together.

The other thing he mentioned was Crown attorneys. That is a good opportunity for me because he mentioned Ms. Knickle. I want to go back first and recognize the fact that we did – our former director of Public Prosecutions was a gentleman named Donovan Molloy. As many know now, there's a resolution here for him to officially be proclaimed as the Privacy Commissioner. He did a fantastic job as our director of Public Prosecutions. He was great to work with; he was great for the people of this province. The fact is he did his job. He worked hard, he worked diligently and he worked in the best interests of the administration of justice.

Being the director of Public Prosecutions, they're sort of off there. It's quasi, not a part of the department, even though it is a part of the department. I don't provide them; they make their decisions based on a whole different standard. It falls under the Attorney General, and I'm finding it a little bit hard to explain, but he did a great job. It was excellent and he's moved on.

So justice was in good hands and now we have Ms. Frances Knickle who's come in and has done an admirable job, a tremendous job. She stepped in and, in fact, the article that is referenced by the Member for St. John's Centre – she did a fantastic job in that because she talked about the fact that, you know what, we do have challenges. We do have challenges in the justice system but those challenges have always been there.

To go forward to something that the Member said where she talked about the underfunding of the system; one thing I'd say, actually, the budget for Justice went up last year, which was the amazing thing, due to a whole number of areas that came out. So the budget wasn't cut last year for Justice due to other things that we inherited, in many cases due to other issues we had to deal with. There was no cut last year per se, overall, but if you go back 10 years ago, the same thing. There's always been the feeling that Justice – and I would agree with it. Justice has always deemed itself as underfunded, whether it's the '90s, whether it's the '80s, whether you go back a hundred years.

That's one of the issues that we deal with in Justice. In many ways it's a system that nobody wants to be a part of. Nobody wants to have to go into court because if you're going in for a family matter, if you're going in for a crime, that's just – it's a necessary part of the system that we live in.

Going back to what I was talking about, Ms. Knickle has come in as our new director of Public Prosecutions. She is doing a bang-up job. We're very happy to have her and not just her, but all Crowns, including Mr. Steeves, who is the leader of their association.

The work they do and to have an opportunity to go down and sit and listen to them, that's a trying job. It's easy to suffer burnout when you're dealing with the facts of some of the matters that they deal with, just seeing the case files that they deal with, the facts – it's easily a job that's amongst the toughest, certainly, within the Justice Department and in many departments. It's very difficult. So, again, I want to thank both of them, both Mr. Molloy and Ms. Knickle for the great job they're doing for our department and for the people of this province.

I want to talk to the Member for St. John's Centre. No, there are no three justices already arriving, but this is an example of being prepared. We could have been in a situation where justices are appointed and we don't have the legislation ready to take them because our complement is not done. If that was the case, we might get criticized for not being ready.

In this case, we're getting ready and I'll continue to advocate and hopefully make the case. I know that the need is there. I think that we can show that it's there and, again, I'll continue to have the conversations with my colleague, the federal minister of Justice.

We can only hope. There is nothing guaranteed that it's for sure, but I think the need has been demonstrated and we'll continue to work. I know that Minister Wilson-Raybould actually, even as recently as today, is talking about the fact that there's change needed for our criminal justice system. We need to change certain things, and she's also talked about the fact that we need to work on our family system as well. There's always improvement that we can do. It's an ever-evolving system and we need to work together to make that better.

Now, some of the issues that the Member raised are not specifically a part of this, but I acknowledge them. When we talk about our infrastructure, we do have issues. We do have issues there when it comes to space. And those are issues that we've inherited and that we're working on.

I don't mind saying it's tough. It's tough when you come in and inherit the fiscal situation that we have, inherit announcements that were made when there was no real planning that went into how you're actually going to pay for it. And it's not just here in St. John's. There was a need – Stephenville, for instance. There was an announcement made out there. That's an area that desperately needs a new courtroom facility – desperately needing. I could talk more about that, the fact that it actually was talked about 10 years ago but a previous Member of the former administration scuttled that. But that's a conversation for another day.

Again, I appreciate the fact that I think she knows that I am working here, and she plays a

role in this too because she's always advocated for justice, and we need that. One of the things that I can guarantee that I'm doing is I'm actually going out and talking to these people, whether it's the clerks in Fines Admin, whether it's the chief justice of the province, whether it's the legal aid lawyer out in Corner Brook, whether it's the victim services worker up on the North coast. I have literally been out and visited them all, and that's what I need to do. Because the only way we can work on this is have these conversations, but have everybody come together and figure it out. Because everybody plays a role in this, everybody is a spoke to this wheel, and we can't just have people operating in isolation or in silos. So I do appreciate the comments and the support from the Member for St. John's Centre.

The Member for Mount Pearl – Southlands, I appreciate his comments, and I think he's alluding to the fact that our federal minister and MP, Judy Foote, we're going to ask for Ms. Foote to deliver. But you know what? We're very lucky in this province that over on this side we know we have not just Minister Foote, but we have seven MPs up in Ottawa that we have a great relationship with.

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: I'm not going to say their riding names, but I can say Gudie, Scott, Ken, Yvonne, Seamus, Nick and Judy. Every one of them is doing a great job, and the fact is we have a relationship with the federal government that hasn't been seen in years –

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: That relationship, the co-operation, between the provincial and the federal government, only in a year, we've already seen tangible benefits delivered here to this province in virtually every department. The minister today talked about the investment being made. Well, I tell you what, there have been investments made in the justice system by our federal minister. So not only do we have great MPs here that we're lucky to have and we get to work with, we continue to work with them and that allows us to work with the other federal ministers as well.

I can't say it enough, I don't know what the previous relationship was like, but my ability to speak to Minister Wilson-Raybould – now there's a difference between getting everything you want. That's never going to happen, but the fact is that when we talk about an issue like this, I can have that conversation with her and her staff and she can have that conversation with us and we can hopefully achieve, what I would call, a positive resolution for all people involved. Because what benefits Newfoundland and Labrador benefits Canada as well and benefits that federal minister.

When it comes to the specifics here, what I would say is that I understand the concern that the Member is raising. I think it may be raising fears that don't necessarily exist. I understand what he's trying to say; theoretically this could happen. Theoretically this already could have happened. It's already been there. This was already in the legislation; this is just changing regulations.

Judicial area could always be changed. Expanded service area is now being added to the regulations, but this was something already there that could have been changed. What we're doing now is we're eliminating the need to go to repealed legislation to deal with this. This is a bit of housekeeping.

There are procedures in place to change those areas, but what I would say – and, again, I have no say in how the courts operate or where they hold circuits, but I know –

MADAM SPEAKER: Order, please!

I remind the speaker to direct his –

MR. A. PARSONS: Oh, sorry, Madam Speaker.

What I would say is that the courts have always been willing to discuss access to justice and the need that if there are changes to provide for uniformity and consistency that we'll make sure that we take the steps necessary. And I've seen that done with the provision of circuit courts to ensure these things happens, to ensure the use of technology to avoid travel. I've been there myself and I've done it.

I recognize the concern the Member is raising. There's actually nothing changing right now, except allowing for this to be cleaned up and to allow for this change to happen. It allows for the possibility of having what the feds want and what I would like to see, which is having some kind of uniformity there. But I think it is point taken; I understand.

On that note, Madam Speaker, I look forward to having this bill in Committee and to answering any further questions that may arise.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Order, please!

Is the House ready for the question?

The motion is that Bill 39, An Act To Amend The Judicature Act, be now read a second time. Is it the pleasure of the House to adopt the motion?

All those in favour?

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against?

Carried.

CLERK (Ms. Murphy): An Act To Amend The Judicature Act. (Bill 39)

MADAM SPEAKER: The bill has now been read a second time. When shall this bill be referred to the Committee of the Whole House?

MR. A. PARSONS: Now.

On motion, a bill, "An Act To Amend The Judicature Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 39)

MR. A. PARSONS: I move, seconded by the Minister of Education, that the House resolve itself into a Committee of the Whole to consider Bill 39.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 39, An Act to Amend The Judicature Act.

A bill, "An Act To Amend The Judicature Act." (Bill 39)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Chair.

I'm not going to take long. I just wanted to respond to the Minister of Justice. Just for the record, I wanted to make the point that raising the concern I did about the areas was not an intent, by any means, to throw anything out there or fear monger; it absolutely was not.

The minister says that nothing has changed in regard to that. I just wanted to say, for the record, I did attend the briefing. I asked specific questions. I gave an example, the same one I gave here, about Bonavista just as an example. I was told today that if somebody was in Bonavista, they could opt to go to Clarendville; but once this is changed, the Cabinet could

change the expanded area and they could be forced to go to St. John's.

If that's not the case, then I was given the wrong information in the briefing. So I just wanted to go on record as saying that is what I was told, that is why I put it out there, raised it and that's fine.

As far as the commentary about the federal government coming through, they've come through with a lot of stuff. Again, it's not being critical; it's not being sarcastic. They've done a great job as far as I'm concerned. Judy Foote and my MP, Seamus O'Regan, have delivered on a number of things. I'm pleased with the representation I've received. I hope they continue. I hope we get the judges.

Thank you.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Opposed?

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Carried.

On motion, clause 2 carried.

CLERK: Clauses 3 to 7 inclusive.

CHAIR: Clauses 3 to 7 inclusive.

Shall they carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Opposed?

Carried.

On motion, clauses 3 through 7 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Against?

Carried.

On motion, enacting clause carried.

CLERK: A bill, An Act To Amend The Judicature Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Opposed?

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: Opposed?

Carried.

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

CHAIR: The Chair recognizes the hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: I move, Mr. Chair, that the Committee rise and report Bill 39.

CHAIR: It's been moved and seconded by the Minister of Justice and Public Safety that Bill 39 be carried.

The House will just recess for two to five.

Recess

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

MADAM SPEAKER: (Inaudible) matters to them referred and have directed him to report Bill 39 carried without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

On motion, report received and adopted.

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Yes, before proceeding, Madam Speaker, we have two pieces of legislation under first reading. So before the Minister of Transportation and Works rises, I'm asking if the Opposition will provide leave to do first reading and then second reading of Bill 40. If there is leave provided.

AN HON. MEMBER: Leave.

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

MR. HAWKINS: Thank you, Madam Speaker.

Madam Speaker, I move, seconded by the Minister of Fisheries, Forestry and Agrifoods, for leave to introduce a bill entitled, An Act To Amend The Works, Services And Transportation Act, Bill 40, and I further move that the said bill be read now the first time.

MADAM SPEAKER: It is moved and seconded that the hon. the Minister of Transportation and Works shall have leave to introduce a bill entitled, An Act To Amend The

Works, Services And Transportation Act, Bill 40, and that the said bill be now read a first time.

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

All those in favour?

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against?

Carried.

Motion, the hon. the Minister of Transportation and Works to introduce a bill, "An Act To Amend The Works, Services And Transportation Act," carried. (Bill 40)

CLERK: A bill, An Act To Amend The Works, Services And Transportation Act. (Bill 40)

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

When shall the bill be read a second time?

MR. A. PARSONS: Now.

On motion, Bill 40 read a first time, ordered read a second time presently, by leave.

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

MR. HAWKINS: Thank you, Madam Speaker.

I move, seconded by the Minister of Health and Community Services, that Bill 40, An Act To Amend The Works, Services And Transportation Act, be read the second time.

MADAM SPEAKER: It is moved and seconded that Bill 40, An Act To Amend The Works, Services And Transportation Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Works, Services And Transportation Act." (Bill 40)

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

SOME HON. MEMBERS: Hear, hear!

MR. HAWKINS: Thank you, Madam Speaker.

It's certainly a pleasure for me today to stand to make a change to this Bill 40. Not a significant change, I might add, but certainly it's an amendment that is necessary for us to put before the House today.

The proposed bill that we have today, Madam Speaker, actually enables – the act will enable us to facilitate a cost recovery for issuing residential and commercial highway access permits. As you know, for quite a number of years now we have been actually doing the service and it's required a fair amount of work on behalf of our staff. We've never been able to recover any of the cost. So the changes that we're requesting today will enable us to have a cost recovery when we have people that want to have access to our highways.

Madam Speaker, the permit will be required for any access to any of our provincially maintained roads. The permit will allow residents or commercial people, landowners, to construct roads or driveways from any provincially owned road or highway.

Madam Speaker, I think it's important for us to understand that there are two classes within this act today, both residential and commercial. The residential will be applicable to any group of less than four residents. Anything over four would be categorized as commercial. So today there will be a different fee structure for residential versus the commercial.

On the average, Madam Speaker, we have roughly about 800 highway access permits that are given out every year. Roughly about 750 of those are for residential permits and 50 would be categorized as commercial. As I mentioned, there's a fair amount of work that's required in order for these permits to be issued.

What we have found is that a lot of our staff is engaged in site preparation, getting out and looking at the access, the sightlines on the highways, looking at safety issues, determining whether access to the highway would create safety concerns or safety issues. They have to compile all of that information, have to compile

all of that data and come back and look at the policies that we have and see whether it's applicable and see if they're able to accommodate in giving the permit for access to the highways.

As you know, Mr. Speaker, none of this can be done free of charge anymore because we know that we are in a very difficult fiscal situation. We know that a lot of our staff, a lot of our resources are maxed out and it's necessary for us to really look at how we're providing the services and at what cost.

I might add, Mr. Speaker, this is in no way a revenue generator for the province. It's merely looking at a way that we can recover a part of the cost that's incurred in providing the access and providing those permits. I might add, Mr. Speaker, even with the fees that we will be charging there is no way, at this point in time, that we can have full recovery with the cost.

I just wanted to point that out because I think it's important for us to understand that when we do about 800 permits a year right now, it's costing us somewhere in the vicinity of \$70,000 to \$80,000, in that range, for us to make sure all those permits are properly processed. Making sure that we have taken all of the information that we have, making sure that we have a clear understanding that, number one, safety measures are being adhered to and making sure that we have a clear understanding that by giving the permit that it's safe and it will be reliable. It does take a fair amount of administrative cost when we actually get into actually issuing those permits.

Mr. Speaker, as I said, it's somewhere between \$70,000 and \$80,000 for us to be able to process these permits on a yearly basis. So we've looked at that and said that's a significant cost that if we're able to find ways in which we can reduce that by charging the fees to recover some of the cost that we are incurring in issuing these permits, then, certainly, it will give us a little bit more maneuverability in providing services to some other areas.

Mr. Speaker, when we looked at making those changes in the act to permit that, it was necessary for us to put in what we felt to be a fair and equitable fee structure that would not in

any way, shape or form have a negative impact on either residential or on commercial development, because obviously that's not the intent of what we're doing.

So when we looked at the fee structure we were able to come up with what we felt would be a fair fee, considering the amount of time, amount of effort and amount of work that had to go into making these decisions. We calculated that and determined how best to put in a fee structure that we felt would be fair.

I think that, Mr. Speaker, we have done that. Again, one of the things I want to say and want to emphasize is that it's important for us. If we are going to be providing services, if we are going to be providing advice and if we are going to be providing information, then obviously it will incur a cost for us as a government and for our staff. So I think it's important for us to have some sort of a recovery mechanism in place so that we can recover some of those costs, which is what we're doing.

Mr. Speaker, effective January 1, 2017, with the small changes to this act, we will be putting in place a fee structure that I think will be fair. It will enable us to recover some of our costs. The new fee structure will be \$50 for a residence. So if there's an individual that needs access, a connection to our maintained highways, effective on January 1 they will pay a \$50 fee. Again, that \$50 fee, as I said before, is certainly in no way, shape or form going to cover all of the costs that's incurred in providing those permits, but at least it's a little bit of an offset that will go towards that.

So we're looking at a \$50 residential permit fee. For a commercial fee, Mr. Speaker, we're looking at \$500 that would be for a commercial development, which could include a residential development area, or it can be commercial in some sort of retail sector or whatever in that sense. So we're looking at a \$500 fee.

Again, these fees, while they may seem to be high when you look at a \$500 fee, when you look at the amount of work that goes in, it's really a token amount that we are recovering some of the costs that will be incurred as we provide those permits.

Again, as I said, what we have also done is in determining these costs and determining putting these fees in place, we would not have done this without a jurisdictional scan. We found that we were probably one of the only provinces that were providing these services without any cost incurred. So it's not something new that you would find. You would find this in other provinces.

It is something that we felt was important for us to do before we made the change to the act, before we decided to make these changes, to do a jurisdictional scan to make sure that we were somewhat in line with other provinces and that we were not doing something that other provinces weren't doing. In doing that scan, Mr. Speaker, we found that we were probably one of the few that did not, in fact, have a cost recovery in providing giving those permits.

Mr. Speaker, a couple of other comments that I wanted to make is that when this is enacted, there will be a procedure and part of that is working with Service NL. We will go through and do the site inspection. We will go through looking at the site line. We will look at whether there are any safety issues. When all of that information is done and when we have completed the analysis of that, then we will make a recommendation that the permit will be granted.

Before that process happens, the resident or commercial company will have to pay their fee upfront to Service NL. Once that's been completed and all the work has been done and Service NL has been able to sign off on that, then we will actually provide the permit.

Mr. Speaker, it's certainly a proper procedure to follow in making sure that we do, in fact, follow the right procedure in making sure that we do engage Service NL into the actual permitting of access to our highways.

Mr. Speaker, I guess, too, one of the things that we're looking at, obviously whenever we grant permits, whether it's the Trans-Canada Highway, whether it's some of our trunk roads or some of the smaller highways, there's always an issue and concern with making sure that safety is number one, and that certainly is important for us.

As we work through this particular piece of legislation, we know that there are some other policy issues that we're also dealing with when we talk about access to the highway. I know the previous administration has had some criteria in with regard to access to highway, which we are continuing to work with, and making sure we're trying to modify it so that we do give a fair amount of flexibility. That is a process we're still working on, trying to determine whether it's 30 metres, 60 metres and that sort of thing.

So that is something outside of this particular legislation, but I just wanted to let my hon. Members know that it is a piece of work that we're continuing to work on and when we're finished, we're hoping to have the right piece of policy so that we will not inhibit people from having access, but taking safety as number one, we're trying to find ways in which we can work through the process.

I know that there have been some challenges when we're looking at access to any of our highways, and I know since I've been minister I've dealt with a number of files already where we've tried to work with somewhat outdated, in my estimation, outdated policy, and I know that I have worked on several files now that, for many years, developers were looking at access to these highways.

So I've done a fair amount of work in researching and going back and looking at the rationale of why decisions were made in the past, how we can improve that, how we can make the changes. With new models and new traffic studies and new criteria that's being put in place pretty much on a daily basis a lot of the times, these change, we will work with that to make sure we have the best access policy and legislation that will enable our province and the people that are using and accessing our highways within safety to be able to do so.

So, Mr. Speaker, I think this piece of legislation that we have today, there's not significant changes in the legislation other than the fact that we are making accommodation now for the changes to the legislation which will enable us to be able to charge the fees.

I think, more specifically, the changes happen in subsection 9(1) whereby it gives us the ability to

determine the payment of a prescribed fee for the permits, and I think the other section, also in subsection 9(3), also gives us the authority to enact the fees that we're looking at today. And the section that is the immediate section would be 59(1), which specifically talks about us as a government prescribing within the legislation a new fee structure that will enable us to have some sort of a cost recovery when we're dealing with putting those permits in place.

So, Mr. Speaker, again, as I said, I don't think there's a whole lot of issues with that. I know back in 2012 there was a subsection in the act at that time that proposed an enactment for the government at that time to be able to impose fees in 2012. It is my understanding that piece of legislation was never enacted. So today, the legislation that we're putting forward will give us the ability to make those changes.

I think that the fees that we included into this particular piece of legislation that will become effective on January 1 will be the best interest of those that are using our highways and certainly will be safety measures that will be in place and will give us an opportunity to recover some of the costs.

Mr. Speaker, I think I'm probably going to finish up my time on this and if there are any other questions, I'll certainly try to answer them.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. PETTEN: Thank you, Mr. Speaker.

It's a pleasure to be able to get up and speak on this piece of legislation today. As we said, as the minister pointed out, it's kind of housekeeping. It's to do with a fee for highway access policy that, I guess, on a personal note is kind of been a pet project that I've argued and debated for a number of years now, and I guess I can still continue on.

One thing I'd point out, though, the fees are – I just did the quick math as the minister was speaking there, you're looking at probably \$62,000 in revenue. So there's no doubt, it's not a big revenue generator but it is a fee. It fits into the category. It's another fee that was announced in the recent budget. It's one of them, no one sees it coming. Until you go and look for an access permit that you discover there's a fee attached, at one time there wasn't. I understand the reason for having a fee. Like I said, it's not going to balance the books on that amount of money, but no doubt it's still another cost to the taxpayers.

Mr. Speaker, on this piece of legislation with the fee, a couple of things I'd like to point out. As recently as last week, I contacted the minister's department. This policy is being revised, it's being reviewed. There are revisions being made which I'm glad to hear that, but it seems kind of – we're a month, probably six weeks away from January 1, so I guess my hope is that the revisions are done in time, which no doubt they probably will be.

The thing with this policy in general, there has always been opposing forces on this one. Personally, I've had many debates with officials within the department. A lot of MHAs, not only me but throughout the Northeast Avalon, especially where development is progressing at a much higher pace probably than other areas, this policy has become somewhat of a cumbersome thing for the residents in our areas. I know in CBS, especially.

I know my colleagues for Cape St. Francis and Conception Bay East – Bell Island have issues. My colleague for Ferryland is talking about issues. We can go to Topsail and Paradise. All of these areas are faced with this. There are a lot of rural MHAs that are faced with some of it but I don't think to the same degree.

We're charging this fee. Okay, that's part of it, but the bottom line is the fee structure to pay for an access permit as a result of a policy that doesn't really fit the mold of provincial roads that are running through municipalities. This has been something that I've argued, and I think it's important for me to bring it up here again today. Is that this policy and this fee – you're bringing in a policy that's really great for trunk roads,

Trans-Canada Highway. You're not bringing in a policy that's suited to municipalities, roads that run through municipalities.

These amounts, that \$62,000 could be a lot more because I know most everyone up on Route 60 in CBS; the majority are getting denied because the road is being filled. It's a busy area. It's a development area. With the 30 and 30 and 60 and 60 metres on each side, there's more not being approved than being approved. No doubt, there's a scattered one. I've had daycares, I've had subdivisions, I've had general businesses, I've had homeowners, all been denied. Again, you're facing a policy.

I know my colleague, when he was Minister of Transportation and Works, I happened to work with him. We were pushing to have the policy, not rescinded but we were looking to make major changes. That was last year just prior to the election and we never got it completed.

My biggest message or my hope is that the minister – and I've spoken to him several times on this. It's fine to put in a fee structure for a policy but I don't know if this policy is really still being developed. What are you paying for? No doubt, staff will go and do their measurements and they'll check on the site lines and whatnot. I understand the staff costs. The fee part is separate to the policy, and that's what I have a problem with. It's a policy that's not fair to all residents is my issue.

I've argued that we need to have two – I know you can't have two separate policies, but I think the guidelines need to be changed when you're dealing with municipalities, either consult with the towns, and that's another problem I found with this policy. The towns were not engaged a lot. It was more like a – I think it was taken from a TAC manual, Transportation Association of Canada guideline, that this had to be the new rule.

This issue will be a lot bigger as development increases in certain areas. CBS is a growing town. We have a lot of the Northeast Avalon that are faced with the same issue. On provincial roads that are running through municipalities, the issue is huge.

When I saw this bill coming – I knew it was a fee structure and part of the implementation of policy – two things jumped out at me. This policy is not fully developed, it's not reviewed. It's developed and it's gone back to the drawing board and they're making revisions.

As recently as last week I asked a question for people in my district, and they can't give me an answer of when these changes are going to be implemented. So then we're following up with a fee structure for a policy that's still in the draft stage. It's going to come into effect in six weeks.

I have every faith in the minister and people in that department. I know them personally. They're good – but I have fears of that. Again, I want to reemphasize this policy in general, that I believe there are a lot of flaws within it. It's not a one-shoe-fits-all. This is not a cookie-cutter approach. This policy shouldn't be which is being applied that way.

I think along the way when they're doing their final review, before they start charging fees in the New Year, I do encourage the minister with his officials to give some serious consideration to that, because I really believe it's unfair. It's an unfair policy that doesn't meet – it's not conducive to larger growing, faster growing municipalities we deal with on a daily basis, a lot of us do – I know I have several up there – on these access policy issues.

It's a hard sell when you got – I'll just give a couple of quick examples. You've got people who have property, that's their nest egg. That was their retirement plan. When they go to sell it and a person comes to buy it, they're sent off to get an access permit and they're denied; therefore, their retirement nest egg is basically of no value to them. That's a bigger issue than what I can even – those words said, you've got to talk to those people. That's devastating to a lot of those people.

You have other people that are setting up their future, their businesses. I dealt with recently a daycare, and these people were all hyped about getting their daycare, but when they went up they were five metres short of getting access to that, and there was no wiggle room. There was no nothing; that was it. Now, a sightline was not a problem. They were five metres short. So it's a

policy that is not fair. It's not fair across the board.

I have no problem; this policy is great, like I say, on your main roads, your trunk roads, no problem, but not through municipalities. I can stress that and I could go on for a long time on it, but I won't. I want to emphasize to the minister with this opportunity, the fees are only part of the problem. The bigger issue we're faced with here is having a policy that's fair to the larger, faster growing areas within the Northeast Avalon.

So I do encourage the minister to take that into consideration when they finalize this policy. As for the cost, well, it's another fee and that's never good, but I do also on the flip side, I do acknowledge staff does put a lot of work into doing site visits and getting the measurements and what have you. I guess that's understandable as well.

Mr. Speaker, on that note, I'll take my seat, but I just hope the minister takes that into consideration.

Thank you.

MR. SPEAKER (Osborne): The hon. the Member for St. John's East – Quidi Vidi.

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

I'm happy to stand and speak to Bill 40. I won't have a whole lot to say. Obviously, in terms of my own constituents it's not a bill that affects the life of people in St. John's East – Quidi Vidi; however, as one of the Opposition parties, I think that we should stand and say where we are positioned with regard to the bill.

The minister has certainly taken the time to clearly explain what the bill is about, which imposes a fee on people and businesses requiring access to provincial highways. So it is definitely a bill that affects more people in rural or semi-rural areas than it does people in the City of St. John's, for example, or parts of the City of St. John's. I guess there are some parts in the city now where it would affect people.

In some ways it's a housekeeping bill, but basically it is a bill which is put in place to levy a fee. That's basically what the bill is about. We could have a big discussion here today about the way in which this government has tried to deal with what they call the fiscal situation by levying fees, because there were a lot of fees levied in the budget that was brought down in the spring, and there's no doubt about that.

I don't mean this in a heavily negative way, and I hope the minister won't take it that way. He said that it isn't a revenue generator. Well, yes, it is. It may not be a profit generator, but it is a revenue generator. It may not cover all the administrative costs that he has spoken to, the \$70,000 to \$80,000 to process permits now for which people pay no fees, but it is a revenue generator to try to help recover some costs related to that administrative act.

So let's name it for what it is. If the government wants to use fees as part of their revenue generation, then own up to the fact that is what they're doing. They're putting fees on people in places where there were no fees before. They've increased fees in places where there were fees, but fees have been increased. All of that, in budgetary terms, as far as I know, is called revenue generation. So just name it as it is.

Do we need to put fees in this situation? Well, I guess that just becomes a political decision, what it is that we charge people fees for. For example, in our health care right now there are some things that one did not have to pay a fee for at some point. I'm thinking about, for example, if you have to get a letter from a doctor now that's related to having a medical done for a job opportunity, then you have to pay for that now. There was a time when you didn't have to.

We are continually having in our public service sector fees being levied where fees weren't levied before. Is this a legitimate one? Well, I guess the question is: Is any fee a legitimate fee? It's not a matter of legitimate or illegitimate, I don't think. It is a fee that's going to affect a certain group of people and not others. It's a fairly small group of people who are going to be paying for access to a provincial highway. Whether we're talking about residential or business, it's still a small group of people.

It's a one-time fee, I understand. Is that one-time fee going to bankrupt the people who need to pay it? No, it won't. Whether you're talking about the \$50 residential or the \$500 business, that certainly isn't the case.

For those reasons, we will support the bill. We're not going to vote against it. There's no reason to vote against it, per se, but let's name it for what it is. It is a revenue-generating bill. It is a bill that now puts a fee where no fee existed before.

One could say: Is it really that expensive to get a permit done? Well, you have to determine the work time it takes to put a permit in place. Then you determine that by the cost of the labour; basically, that would be the only cost. The minister has told us – I think I've already said this – that it's between \$70,000 and \$80,000 now that gets spent on the administration of these permits.

So \$70,000 to \$80,000 is a pittance. Was it necessary to levy this particular one? Well, I don't have constituents I have to answer to with regard to this. So I'll leave it to other MHAs who have constituents to answer to with regard to whether or not they think it's fair.

A lot of us pay fees and you pay for the service. Not everybody always has to get the service but when you get the service, you pay for it. That's the way it is. So I guess government has added something else to the list of what people now have to pay for.

There are many levies that government brought down – one of them was the levy – in the budget that I was absolutely opposed to because I really believed the new taxes or the new fees or the new levy was really going to be difficult for the average person and, in some cases, for seniors and, in some cases, for low-income people. I do believe in this particular situation we are dealing with a fee that is not going to be particularly harmful for the group of people whom it covers.

And from that perspective then, we're willing to support the bill. But I do encourage the minister not to downplay what it is. It is a revenue generator; it is a fee where a fee didn't exist before. But is it overbearing and is it going to cause real suffering for people? I don't think it's

going to do that and, for that reason, we'll support it.

Thank you very much, Mr. Speaker.

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I'll take a few minutes to stand and speak to Bill 40. On an issue in my district, from the Bay Bulls region to St. Shott's, along the main highway, Route 10, from time to time there are people who obviously have property, private, Crown land that they applied for, that they looked to build a residence on the property and, first and foremost, need access to that property through TW, basically through what we're talking about here, road access. The issue here is in regard to another fee that's been implemented in this year, related to government services.

As I said, I've experienced a lot in the past number of years in terms of dealing with this. As my colleague for CBS mentioned there's been challenges in terms of clear guidelines and policy in regard to this. So if we're going to charge a fee I think it's important – and the minister maybe can comment on this when he gets up later, when he gets up in Committee – of how that is going to work, and it's going to be clean and clear that if someone is getting charged a fee that, that service is ready and available, and there's clarity to it on what the requirements are for that in the outline of the policy.

As well, I know this from cost perspective, if someone in a municipality goes and looks for a building permit that may cost them \$400 or \$500 in a rural community and as well now you have another \$50 fee that is going to go on top of that, so it certainly goes to the whole issue of fee structure and paying for that service.

I also note the minister – in his discussion in introducing the bill – referenced the fact of cost recovery. I'd like if you could give some information later on in regard to what percentage of cost recovery we're talking about here because he indicated somewhere in the range of, I think, \$60,000 to \$80,000 that would be raised through this. So I ask the question, when you

look at the administration of that, when you look at the billing of that, when you look at follow-up, people not paying it, what cost is included in that? There may be a very small cost recovery on one side, but on the other side, in regard to the administration of this, is it really, at the end of the day, a net return or a net benefit to the province in regard to that?

He indicated as well about how the introduction of this as of January 1, of the coming year, it would define commercial and residential in regard to the fee structures that would be incorporated into this proposal. So as we go through this, as we get into Committee, I think it's good to have a full discussion on the application of this.

While it's referenced as minor, I think it's significant. It's significant for those in rural communities that deal with this and, as I said, from a fee structure, it's added on to other fees that are there and it's incumbent as well that the service is provided. So right now my understanding is someone in a TW depot in a region that would be part of their work anyway to go out and do this assessment and provide the input.

The other question the minister maybe can speak to when he gets up is I know, at times, there are forestry permits that are issued and oftentimes they need access in regard to that, where a temporary road is put in. Would those fees be charged in that situation as well? And what would be the occurrence at that particular time?

So I certainly look forward to further debate as we go through and get into Committee and being able to ask the minister some questions as we move along in debate to this bill.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Speaker.

I'm just going to take a couple of minutes to speak to the bill, for the record, nothing more. Mr. Speaker, when I did the briefing on this and they talked about the permit process and we're now going to charge a fee, my first reaction was

I was surprised. I would have been under the impression that you would have had to pay a fee anyway. Certainly coming from the municipal side of things in the City of Mount Pearl, I'm sure in all municipalities when it comes to any kind of developments and so on fees are very common to recover the costs associated to it.

I don't really see this as any different.

Obviously, if you didn't have to pay a fee today and tomorrow if you should build a new house or start a new business and develop a lot, you're off a road that's maintained by the government, you'll now have to pay \$50 residentially, \$500 commercially. But in the big scheme of things, if someone's going to build a brand new house, for example, I don't think \$50 is going to stop them from doing so. I don't think it's going to be exorbitant. If someone's going to put up a building or something, some new business, I don't see that commercial rate as being exorbitant either. And if all we're going to be doing is recovering the costs associated to offering that service there are a lot of areas that I can think of that I would have concerns about, and this is certainly not one of them.

In terms of some of the comments being made by the Official Opposition, not being in a rural area, myself, I wouldn't know of all the issues they speak. But I would agree with them that it does make sense if we're going to be reviewing a particular bill and there are changes in that bill that could be made to improve it, then as opposed to simply going fees only, why wouldn't we at the same time we were doing the fees fix up the other things that needed to be cleaned up as well. I would certainly concur with that point.

Other than that, Mr. Speaker, there's nothing here that I see of any particular problem. I'll be supporting the bill.

Thank you.

MR. SPEAKER: The hon. the Member for Cape St. Francis.

MR. K. PARSONS: Thank you very much, Mr. Speaker.

I just want to be on record to speak on this bill. As the Minister of Transportation knows, I've

spoken to him several times on issues in my district that concerns access. We all spoke so far and I know that it's a huge issue and I know this is what they call bookkeeping today, but this issue is a major one in most of my towns.

I'd like to support it, but I really can't. The policy should be put in place before we address any fees that should be put here. In the area that I'm from, the provincial road runs in and out through some parts of the community and, other parts, it's a municipal road. A person that is going to build a house – for example, I'll give you my own hometown of Flatrock – they'd have to pay a \$50 fee, while a person that builds on a municipal road don't have to pay anything.

It's part of the work that Transportation and Works does; they come down and they inspect. So are we going to charge people for coming down and inspecting ditches, inspecting culverts, inspecting work that is obviously done by the Department of Transportation? This is part of the work that the Department of Transportation does, and I don't think the fee should be charged to people that are living on provincial roads and not charged to the people living on municipal roads. They all live and the cost is going to be – I know it's only \$50 and people may say it's only \$50 and it's not a lot of money but to people building houses, it is a lot of money. And \$50 is a fee that is out there to pay.

I'd like to see the policy put in place so that it can be – and I'm not only talking to the administration across the way; I spoke to our own ministers when I was in government and had major concerns with this because in some of my municipalities site distance is very hard because there are a lot of winding roads and it's a job to get 125 metres.

In a lot of parts of rural Newfoundland – not only rural Newfoundland and areas where I'm from – most of the land that people had in their families for years is behind their homes. What you'd see is the parents would leave land to their siblings behind. What happens is they have a driveway and the access to the piece of property behind, you don't have the distance, the 30 metres or 60 metres; you don't have the distance to put in adequate roads in places like that. I think that has to be put into consideration.

I spoke to the minister and I spoke to people over in the department about this. It is a major concern. They agreed that they were going to look at the policy. I'd like to see this policy be ironed out first before we charge people fees, I really would.

I'm sure that people who own property on provincial roads would probably have no problem paying it. Maybe most of them wouldn't have any problem, but I think the policy dealing with access should be straightened out long before we charge people fees.

Thank you very much.

MR. SPEAKER: If the hon. Minister of Transportation and Works speaks now, he shall close debate.

The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Mr. Speaker.

It's certainly a pleasure for me to close debate on this this afternoon. I'd just like to thank the hon. Member for pointing out to me about revenue generation. I fully appreciate her comments on that. I certainly understand fully what revenue is all about. I guess I should just rephrase and use it more as a cost recovery. I think that was the intent when we talked about the \$60,000 to \$70,000, it was a cost recovery.

Some of the other things on policy, and we're talking about having the policy in place, I'm a little bit concerned about that because, obviously, the previous administration had policies in place as well for quite some time. When I took over as Minister of Transportation and Works last December, there were a couple of files where – I'll just give you an example – there were two companies that had been trying to get access to a highway for several years and were continually turned down because they didn't fit into the policy they had, which was a left-hand turning.

When I looked at that file, I went to my staff and I said: I need to know the rationale. These are two developers who wanted to increase their development. One, I think, in my hon. Member's

district here and I think another one in the hon. Premier's district.

I looked at that and asked staff, I said, what is the rationale? Why have they not been able to have that development? Well, because of the fact they need a left-hand turning lane. So I said what is the policy and what are the criteria around left-hand turning lanes? And when we got into it, Mr. Speaker, and found out exactly how antiquated the numbers were in that previous policy, we looked at newer models. We went and developed, and did a jurisdictional scan and we took a model from Ontario.

I said, well, why don't we adapt that and put it into place and do a traffic study and see exactly how we can accommodate? Guess what, Mr. Speaker? We did that. We put that model in place and did a traffic study. It came back that they did not need a left-hand turning lane. We were able, as a government, to be proactive in taking that situation, being proactive and allowing that development to take place.

So when they say on the opposite side we have flaws in this legislation, I just want to point out that we are discovering some flaws in the previous policy. This policy today, Mr. Speaker, is very clearly looking at putting in a fee structure so we can have a cost recovery. We are looking at policy. We're looking at some of the policies that were in place before that really need to be addressed. These are policies we're looking at.

There are also, Mr. Speaker, policies that are coming in from TAC, the Transportation Association of Canada. They are bringing in regulations and policies that are really what I would consider to be up to date; policies for today, not policies for 20 years ago, but policies for today. So rather than us bringing in policies and looking at situations now, we are going to be listening to what the Transportation Association of Canada are recommending. They are putting in a road safety road map for years out, and they're looking at how to encompass all of the regulations we have and all the policies we have today that we'll be able to look at making our roads safer.

I think, Mr. Speaker, that's the bottom line. We want to make our roads safer. That's important

for us. Part of the policy and part of what we're looking at, we want to do it right. We want to do it right.

I understand fully what the hon. Member opposite said a few minutes ago about if you got a policy for 30 metres you end up having 25 metres. That is very, very difficult to be able to say to that Member or that person or that constituent that it does not fit into the policy, but we have to look at ways in which – well, maybe it doesn't fit into the policy as it exists now; however, there may be ways in which we'd accommodate.

There are some situations and policies where there are 10 per cent – you can use percentages – outside of policy or 15 per cent outside of policy. So we have situations that fit or fall into these categories, that every time get knocked off because of the fact they don't fit in the policy. There may be some criteria or percentages in place that will be able to accommodate that.

That, Mr. Speaker, is what our government is looking at. That's what we're looking at to make sure we're putting together and putting in a safety policy and a policy that we can work within that will provide for people who are utilizing it the best opportunity. So that's a situation we have.

Mr. Speaker, again, as I said before, government – and the hon. Member mentioned, are we going to be now paying for people to go out – if we're going to go out and check people's culverts and all that kind of stuff. Mr. Speaker, that's irrelevant today as far I'm concerned. That's not what we're talking about.

We're talking about, we are providing, we're going out and we're engaging our staff in doing work to provide a permit for individuals or companies to have access to our highways. It's not checking culverts. It's not checking to see if there are leaves in the culvert. People have an interest, a resident has an interest; they want access to the highway. A commercial development has an interest; they want access to the highway.

What we are saying, Mr. Speaker, is that we have to engage our staff to go out and make sure they meet all the criteria that we have, within the

policy that we have, to make sure we have done our due diligence to ensure that safety is number one, and that all these individuals – when we actually do give a permit, that we are giving a permit in the best interest of everybody who’s using the highway. Again, keeping in mind safety is number one.

So, Mr. Speaker, when we look at these fees, it’s a matter of a partial cost recovery. I think the hon. Member asked a percentage. I’m thinking it was somewhere around 80 per cent cost recovery. That was the initial numbers we had. If I’m mistaken in that, I’ll get you the exact numbers, but I think it’s around 80 per cent that we are trying to cost recover on the service we are providing. So we’re not even recovering 100 per cent.

I understand there may be some concerns. Again, from where we’re sitting, it’s a matter of us trying to recover some of the cost. With regard to, I think a question on the forestry access roads, that’s not applicable to what this legislation is saying. We’re looking at our highways. It is legislation. Today the legislation is enabling us to charge the fees.

Again, Mr. Speaker, we will continue to work to refine our policy, not to prohibit development but certainly to enhance it and to work with people to make sure that the measurements we have in place, the site lines we have in place will enable us to have development, will enable us to have people who want better access.

Mr. Speaker, it’s not an issue today of trying to prohibit people from having access but merely trying to recover some of our costs.

Thank you, Mr. Speaker, for this opportunity to speak on this bill.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 40 be now read a second time.

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: An Act To Amend The Works, Services and Transportation Act. (Bill 40)

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. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, a bill, “An Act To Amend The Works, Services and Transportation Act,” read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 40)

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, that the House resolve itself into a Committee of the Whole to consider Bill 40.

MR. SPEAKER: It has been moved and seconded that the House resolve itself into a Committee of the Whole to consider Bill 40.

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Dempster): Order, please!

We are now considering Bill 40, An Act To Amend The Works, Services And Transportation Act.

A bill, An Act To Amend The Works, Services And Transportation Act.” (Bill 40)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes the hon. Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Chair.

There a couple of questions I wanted to ask. With the policy, I guess we’re assuming that issuance of the permit will not be without the collection of the fee. So will the fee have to be paid before the permit is issued? Then we’re into the collection, as my colleague for Ferryland pointed out; it is fine to charge a fee. So is that the way it will be?

Also, we’re charging a fee for a new highway access policy, when would we be able to see the actual policy that will be in place? I guess it will be January 1 because, to date, it’s still a work in progress. Those are basically the two issues that I’d like to get some more clarification on.

Thank you, Madam Chair.

CHAIR: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Madam Chair.

Thank you to the hon. Member opposite. Yes, the fee must be paid upfront before the permit is issued from Service NL. Today, our discussion is on the fee structure and as I mentioned before there are new regulations. Transportation Association of Canada are certainly doing a road map for safety on our roads and looking at some new regulations with regard to access.

We’re looking at all of that, as well as the information that we have, before we actually

determine exactly the distance between either driveways or for a major development. So all of that will certainly be coming – hopefully, in the new year, we’ll have these policies refined to the point where they will be, what I consider – we want to make them to the point where people will not be prohibited from access but realizing that safety is going to be number one and it’s going to be important.

There may be some other parameters in which we want to work around. I’m not too sure how that legislation works because I do have a concern, as you said, when we looked at somebody who doesn’t fit into the 30 metres, yet they’re 25 metres. I know in a lot of legislations there are variances that you can use. I’m not too sure that we have that capability to have those variances, so that is something I want to look at because there may be some variances you can use and work within that development. That will be coming, hopefully, in the new year fairly quickly.

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

MR. K. PARSONS: Thank you, Madam Chair.

Minister, I’d just like to ask a question: Are you going to consult with the municipalities in different towns? It is a huge factor with municipalities in some cases where sometimes what you saw – I know in one municipality, the change of a speed limit made a difference on site distance. There was a request from a municipality to change that speed so the site distance was reduced. Is there anything like that you’re going to look at when you come out with the new regulations?

CHAIR: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Madam Chair.

This legislation piece that we have is not applicable within municipalities. The *Municipalities Act, 1999* covers all of jurisdictions within municipalities. This is access on our highways that’s maintained by Transportation and Works. Municipalities have the authority within their *Municipalities Act* to regulate the access that they want to have to

their streets. So that would not be applicable in this legislation.

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

MR. K. PARSONS: Thank you, Madam Chair.

I understand what you're saying there, Minister, but a lot of provincial roads actually run through municipalities. So the provincial roads are not outside the municipalities. I know in the district that I'm from all the roads running through the municipalities in my district are provincial roads. So the question is: Are you going to consult with the municipalities before you make this decision?

CHAIR: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Madam Chair.

Yes, you're right; we do have a number of municipalities where we do maintain some of the highways through there because that's some of our routes. This legislation or the policy that we will be making we would certainly have some discussions with the Minister of Municipal Affairs to see, in fact, how that would fit into that piece.

This legislation right now is for the fee structure. We've already had some requests; I've dealt with a municipality not very long ago that had some concerns with development. Development was held up for several months, maybe even the year. So we're trying to work through these. Some of them we've been able to solve fairly quickly, but when we look at the safety and the traffic flow, the traffic study needs to be done. So there are a lot of little more detailed issues that we have to deal with there. We're working with that, and that will certainly be part of our discussion that we'll have.

CHAIR: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Chair.

I have a couple of quick questions for the minister as well. My one first question is: Was there a cross-jurisdictional review done? I know

he mentions about – and this guideline, I know from time there, is taken from the TAC manual or whatever, the Transportation Association of Canada's manual as a guideline. That was something I argued on personally. I argued to pieces within the department.

With the new revised policy, my question is – because I want to reiterate again, be on record. This policy seems to be still a little bit of a moving target, which again, we're coming up January 1, 2017, there's a fee implementation and it seems to be still a bit of work to be done.

A couple of questions: Is there a cross-jurisdictional review done from other provinces throughout the country? Is this the way they do it – I mean, you have to compare apples to apples, too, obviously – in areas comparable to the Northeast Avalon to areas throughout the province? I know, like I said, it was taken from the TAC manual, so I'd like to be on record as saying, is that review being done to make sure this is in keeping with what's done in the remainder of the country?

Thank you.

CHAIR: The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Madam Chair.

Thank you to the hon. Member for the question. Yes, everything we do, it's important for us to do our due diligence. And part of the whole due diligence process that we have is we do jurisdictional scans. As I might add, Madam Chair, the two developments that I talked about when I closed off my debate, that was held up for several years that could never, ever get through the system, what I discovered by looking at a jurisdictional scan I found a model in Ontario. And the model that I found in Ontario, if it worked in Ontario, it certainly could work in Newfoundland and Labrador.

So part of the work in that, I brought that model in and my staff looked at the model and we thought it would be a great idea to put that to the test. As we did that, we went through the exercise of doing the traffic study for that model. When it came out, in fact, it did. It exactly showed us what we were thinking – because as I

said before, the numbers that were being used to stop that development were antiquated. They were back years and years and years and years in the system and certainly were not anywhere close to being relevant for today.

So we were able to take that example of a model that was in Ontario and adapt it to Newfoundland and Labrador. Of course, the rest is history, if you want to use that term, because we were able to be in a position, based on that information we had, based on that model, based on the traffic study that was done, we were able to make a decision at that particular point in time to allow those two developments to go ahead.

So, yes, to the Member opposite, a jurisdictional scan is something that my department and myself, as a minister, we fully understand. That's something we will continue to do and work with other provinces to see what best practices are used there so we can adapt these best practices to make what we're doing more efficient for our residents.

Thank you, Madam Chair.

CHAIR: Seeing no further speakers, shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

SOME HON. MEMBERS: Nay.

On motion, clause 1 carried.

CLERK: Clauses 2, 3 and 4.

CHAIR: Shall clauses 2, 3 and 4 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, clauses 2 through 4 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Works, Services and Transportation Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 40, An Act To Amend The Works, Services and Transportation Act, carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. A. PARSONS: I move, Madam Chair, that the Committee rise and report Bill 40.

CHAIR: The motion is that the Committee rise and report Bill 40 carried without amendment.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

MR. SPEAKER (Osborne): Order, please!

The hon. the Deputy Speaker.

MS. DEMPSTER: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 40 carried without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed her to report Bill 40 carried without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

When shall the said bill be read a third time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

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

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources, for leave to introduce a bill entitled, An Act To

Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services, Bill 43, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded by the hon. the Government House Leader that he have leave to introduce Bill 43 and that the bill be now read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

Motion, the hon. the Minister of Natural Resources to introduce a bill, "An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services," carried. (Bill 43)

CLERK: A bill, An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services. (Bill 43)

MR. SPEAKER: This bill has now been read a first time. When shall the said bill be read a second time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 43 read a first time, ordered read a second time on tomorrow.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Municipal Affairs, that the House do now adjourn.

MR. SPEAKER: It is moved and seconded that the House do now adjourn.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

This House stands adjourned until tomorrow,
being Private Members' Day, at 2 p.m.

On motion, the House at its rising adjourned
until tomorrow, Wednesday, at 2 p.m.